CHIEF'S PREFACE

The new Utica Police Department Policy Manual is the ongoing product of changing laws, practices and procedures that are integral to providing guidance and direction to every member of this Department. Updates are included to incorporate the most contemporary National, State and Local standards and laws that range from critical incidents to reporting requirements. While this Policy Manual is comprehensive, the foremost professional attribute must first include a standard of community service that embodies the tenets of the Law Enforcement Code of Ethics that embrace excellence in our personal and professional lives. Among the Codes are: honesty, integrity, self-restraint and being constantly mindful of the welfare of others.

The Manual provides every employee contemporary technical guidance on critical, but infrequent tasks, as well as offering less experienced employees the opportunity to study policies related to tasks or events not yet encountered. Even veteran employees need to review this Manual to ensure that they are familiar with the most current procedures in an ever changing profession. While this Manual is an extension in scope, it cannot address all aspects of law enforcement nor all situations encountered by department personnel.

Every employee is expected to review this Manual and, if further clarification is necessary, to discuss it with their Supervisor. Employees detecting any corrections or amendments should notify their immediate supervisor. The failure of an employee to know the contents of the Manual will not be a defense in the case of any member considered for disciplinary action for violations of any of the provisions contained therein. The police profession is a noble and honorable calling that requires integrity, honesty, dedication and a commitment to serve our community.

These policies coupled with professional training, provide you with the tools to carry out your law enforcement responsibilities and mission.

Mark Williams
Chief of Police

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LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION STATEMENT, VALUES AND VISION STATEMENT

Mission Statement

The Utica Police Department, in partnership with the community, endeavors to provide impartial, ethical, and professional law enforcement service and protection. We strive to maintain the trust and confidence of our citizens while working to improve the quality of life within the City.

The Organizational Values of the Utica Police Department

- Commitment to Service. We believe that our primary duty is to safeguard lives and property, while respecting the constitutional rights of all.
- Commitment to Community Involvement. We believe community partnerships are critical elements of our organization. Collaboration, cooperation and communication with our citizens and businesses are the framework for successful community oriented policing.
- Commitment to Our Employees. We believe that our employees are the greatest and most valuable assets of our organization; and that through regular training, education, career development, exemplary leadership and organization support, our employees will reach the highest standards of performance and professional satisfaction, while serving the needs of the community. Seek the input of employees into matters that affect their job satisfaction and effectiveness.
- Commitment to Responsibility and Accountability. We believe that the prudent and effective management of our resources is critical to the future of our organization.
- Commitment to Our Law Enforcement Partners. We believe in cooperative relationships all facets of the law enforcement community and the sharing of resources to more effectively serve of community.
- Commitment to Professionalism. We strive to maintain the highest levels of integrity and professionalism in all our members and activities. Provide courteous police service with respect for the rights and dignity of the people we serve.

Vision Statement

We envision a future of continuing to be a progressive police department; constantly make reforms and improvements, adapting to the needs of our police officers and the community we serve. Following policing trends across our country and anticipating potential problems before they occur here, and making the necessary changes to improve service.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority for Police Officers

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Utica Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Utica Police Department to limit its members to only exercise the authority granted to them by law.

While this agency recognizes the power of police officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This agency does not tolerate abuse of law enforcement authority.

100.3 POLICE OFFICER POWERS

Sworn members of this agency are authorized to exercise police officer powers pursuant to applicable state law.

DISCRETION

100.3.1 ARREST AUTHORITY WITHIN THE GEOGRAPHICAL AREA OF EMPLOYMENT OF THE UTICA POLICE DEPARTMENT

Members serving as police officers have arrest authority within the geographical area of employment of the Utica Police Department when:

(a) In compliance with an arrest warrant pursuant to CPL § 120.60.

(b) Without a warrant, when there is reasonable cause to believe an offense has been committed in the presence of the member (CPL § 140.10). For a petty offense, the offense must have been committed within the member's geographical area of employment or within 100 yards of the police officer's geographical area of employment.

(c) Without a warrant, when there is reasonable cause to believe that the person committed a crime, whether or not in the member's presence (CPL § 140.10).

100.3.2 ARREST AUTHORITY OUTSIDE THE GEOGRAPHICAL AREA OF EMPLOYMENT OF THE UTICA POLICE DEPARTMENT

A member serving as a police officer may arrest a person outside the geographical area of employment of the Utica Police Department:

(a) Pursuant to a warrant; however, a warrant of arrest issued by a city court, a town court, or a village court may only be executed outside the county of issuance or any adjoining county if the warrant has the written endorsement of a local criminal court of the county in which the arrest is to be made (CPL § 120.70).

(b) Without a warrant when there is reasonable cause to believe a crime has been committed anywhere in the state (CPL § 140.10).

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(c) Without a warrant when there is reasonable cause to believe that an offense has been committed in the presence of the officer.

1. Arrests for petty offenses may be made when the petty offense occurred within the member's geographical area of employment or within 100 yards of the geographical area and (CPL § 140.10):

(a) The arrest is made in the county where the officer reasonably believes the offense was committed or in an adjoining county; or

(b) The arrest is made in the county where the individual is apprehended after continuous close pursuit as long as the pursuit began in the county where the officer reasonably believes the offense was committed or in an adjoining county.

FUGITIVES FROM JUSTICE

100.3.3 JURISDICTION OF THE UTICA POLICE DEPARTMENT

a. Town of Deerfield to the north
b. Towns of Schuyler and Frankfort to the east
c. Town of New Hartford and Village of New Hartford to the south
d. Towns of Marcy, Whitestown and New Hartford and Village of Yorkville to the west

100.4 INTERSTATE POLICE OFFICER POWERS

Police officer powers for officers of the Utica Police Department may be extended into other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer is in continuous close pursuit into Connecticut, Massachusetts, New Jersey or Pennsylvania to arrest a person for a felony committed within the state of New York (Connecticut, C.G.S. § 54-156; Massachusetts, G.L. c. 276, § 10A; New Jersey, N.J.S.A. 2A:155-4; Pennsylvania, 42 Pa.C.S. § 8922; Vermont, 13 V.S.A. § 5042).

(c) When an officer is in continuous close pursuit into Vermont to arrest a person for a felony or the offense of operating a motor vehicle while under the influence of intoxicating liquor committed within the state of New York (Vermont, 13 V.S.A. § 5042).

When an arrest is made in another state, the officer shall take the person arrested before a judge, justice or magistrate of the judicial district or county in which the arrest was made without unnecessary delay.

A law enforcement officer of another state who enters New York in close and continuous pursuit of a person for committing an act that would be a crime if committed in New York has the authority to make the arrest under CPL § 140.55.

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100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and New York Constitutions.

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of New York are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Utica Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.2 POLICY

It is the policy of the Utica Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE REQUIREMENTS

Appointment to Chief of Police shall be through a state or local civil service process to determine merit and fitness. The Chief of Police shall meet all minimum qualifications, including that he/she (Civil Service Law § 58; N.Y. Const. art. V, § 6):

- Is a citizen of the United States.
- Is not less than 20 years of age.
- Is a high school graduate or holder of a high school equivalency diploma.
- Has satisfied any height, weight, physical and psychological fitness standards established by the Municipal Police Training Council.
- Is of good moral character.
- Has served as a police officer, appointed from an eligible list established according to merit and fitness, or served as a member of the New York State Police.
- Passes the New York Civil Service Police Chief test.

The Public Safety Commission may establish requirements to be eligible for the position of Chief of Police. Those include advanced education or successful completion of the FBI National Academy, experience in a certain position and specific training and certifications.

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Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to agency members.

102.2 POLICY

It is the policy of the Utica Police Department that, when appropriate, agency members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Agency and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All agency members, when appropriate, shall take and subscribe to the following oath or affirmation in addition to any other form of oath or affirmation required (N.Y. Const. art. XIII, § 1; Public Officers Law § 10):

"I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of (police officer) of the City of Utica, according to the best of my ability."

102.4 MAINTENANCE OF RECORDS

The oath of office for officers shall be filed within 30 days of appointment with the City Clerk's Office (Public Officers Law § 10; Public Officers Law § 30).

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Utica Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this agency. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this agency under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Utica Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or agency members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training or discipline. The Utica Police Department reserves the right to revise any policy content, in whole or in part.

103.2.2 POLICY MANUAL FORMAT AND INDEXING

The Utica Police Department policies will follow the format in the Lexipol Knowledge Management System (KMS) and have a purpose and scope section (**PURPOSE AND SCOPE**) and policy statement section (**POLICY**). Additional details will follow.

All policies shall be indexed numerically, with the first number signifying a policy manual chapter:

1. Law Enforcement Role and Authority
2. Organization and Administration
3. General Operations
4. Patrol Operations
5. Traffic Operations
6. Investigation Operations
7. Equipment

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8. Support Services
9. Custody
10. Personnel

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Written Directives, which shall modify those provisions of the manual to which they pertain. Written Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

City - The City of Utica.

Civilian - Employees and volunteers who are not sworn police officers or peace officers.

Command Staff - Any member who is of rank Lieutenant or higher.

Agency/UPD - The Utica Police Department.

DCJS - New York State Division of Criminal Justice Services.

DHSES - New York State Division of Homeland Security and Emergency Services.

DJJOY - New York State Division of Juvenile Justice and Opportunities for Youth, Office of Children and Family Services.

DMV - New York State Department of Motor Vehicles.

Employee/personnel - Any person employed by the Agency.

Manual - The Utica Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Agency. This includes:

- Full- and part-time (if applicable) employees
- Sworn officers
- Auxiliary officers
- Civilian employees
- Volunteers

NYSP - New York State Police.

OCFS - New York State Office of Children and Family Services.

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OPDV - New York State Office for the Prevention of Domestic Violence.

Officer - Those employees, regardless of rank, who are sworn employees of the Utica Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other agency members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the agency network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee. The policies in the manual will be consistent in their format and design, indexed by topic, and will have corresponding numbering (e.g., Organization and Administration – 200s; General Operations – 300s).

Each member has been provided access to and has had the opportunity to review the Policy Manual and Written Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary but at a minimum once every five-year period of accreditation.

103.7 REVISIONS TO POLICIES

Proposed changes in policy, procedures, or rules and regulations will be subject to staff review, and their ultimate approval or disapproval shall be the responsibility of the Chief of Police. Any changes will be forwarded to the Program Manager for indexing and distribution. This policy shall not affect informational bulletins within or between Divisions. All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will

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be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed. The Program Manager shall retain records of revised and replaced policies along with notes that track the development of such policies and their effective dates.

Members are responsible for keeping abreast of all Policy Manual revisions. Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All agency members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Agency and defines general responsibilities of agency members.

200.2 POLICY

The Utica Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Agency. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

The Office of the Chief of Police is responsible for administering and managing the Utica Police Department. There are three divisions in the agency:

- Support Division
- Uniform Patrol Division
- Criminal Investigations Division

DUTIES AND RESPONSIBILITIES OF SWORN POSITIONS

DUTIES AND RESPONSIBILITIES OF NON SWORN POSITIONS

200.3.1 SUPPORT DIVISION

The Support Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Support Division. The Support Division consists of technical and administrative services. The Support Division includes the following units: records, training, firearms, logistics and resources, accreditation, budget and grants, and property. In addition, it has fleet maintenance which are non-sworn civilian employees.

200.3.2 UNIFORM PATROL DIVISION

The Uniform Patrol Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Uniform Patrol Division. The Uniform Patrol Division consists of uniformed patrol and other units, which includes uniform patrol, the traffic unit, domestic violence unit, court security, and community outreach team. In addition, they encompass civilian employees in the animal control unit and the matrons.

200.3.3 CRIMINAL INVESTIGATIONS DIVISION

The Criminal Investigations Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Criminal Investigations Division. The Criminal Investigations Division consists of the Burglary Unit, the General Criminal Investigations Unit, the Major Crimes Unit, the Crime Scene Unit, the Mohawk Valley Crime Analysis Unit, the Juvenile Aid Unit, Warrants Unit, Special Investigations Unit (SIU), Gun Involved Violent Elimination Unit (GIVE) and the Child Advocacy Center. Additionally other

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investigators are placed in specialty assignments in conjunction with outside local, State and Federal agencies.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Utica Police Department. During planned absences, the Chief of Police will designate the Deputy Chief to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Deputy Chief of Police

(b) Senior Captain

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Agency. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, Bicycle Patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

During incidents where members of different divisions are present, the ranking officer shall be in command of all members, unless otherwise directed. When officers of equal rank are present from different divisions, the ranking officer from the division primarily responsible for the type of incident shall be in command of all members, unless otherwise directed.

200.4.3 DUTY COMMANDER NOTIFICATION

DUTY COMMANDER NOTIFICATION

200.4.4 ORGANIZATIONAL CHART

The Chief of Police or the authorized designee is responsible for developing and maintaining an organizational chart. The organizational chart shall be accessible to all members and should be updated as needed.

200.5 AUTHORITY AND RESPONSIBILITIES

Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority. Supervisors will be held accountable for members under their immediate control.

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Comprehensive Emergency Management Plan / Continuity of Operations Plan (COOP) / Incidents Involving Weapons of Mass Destruction

201.1 PURPOSE AND SCOPE

This policy clarifies the role of the Utica Police Department and responsibilities of its members pertaining to large-scale emergencies and the New York Division of Homeland Security and Emergency Services (Executive Law § 20 et seq.).

This policy also recognizes the need to ensure the Utica Police Department can continue to provide its essential functions and perform its primary mission during an emergency.

201.2 POLICY

The Utica Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The City Comprehensive Emergency Management Plan complies with Executive Law, Article 2-B. This plan provides guidance for City emergency operations within and outside its borders as may be required.

201.3 AGENCY RESPONSIBILITIES

In the event police assistance is needed during an emergency by another police agency, members of the Utica Police Department may be assigned to provide services as stated in the Department's Mutual Aid Plan or in the Outside Agency Assistance Policy.

In the event the Utica Police Department requires police assistance during an emergency, assistance may be requested as stated in the Mutual Aid Plan or in the Outside Agency Assistance Policy.

201.4 ACTIVATING THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

The Comprehensive Emergency Management Plan can be activated in a number of ways. For the Utica Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the Comprehensive Emergency Management Plan in response to a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should contact the City Mayor and the City emergency management director to assist with mutual aid response from local, state and federal law enforcement agencies (Executive Law § 29-b).

EMERGENCY MANAGEMENT PLAN

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN ACTIVATION

GENERAL DUTIES AT CRITICAL INCIDENT/DISASTER SCENES

TRAFFIC CONTROL

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EVACUATIONS

MUTUAL AID

201.4.1 RECALL OF PERSONNEL

In the event that the Comprehensive Emergency Management Plan is activated, all employees of the Utica Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

201.5 INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION

The Utica Police Department will safeguard department members and the public to the highest degree possible from any violent action initiated during a terrorist attack without sacrificing essential services to the community or individual citizens.

Weapons of mass destruction (WMD) are defined as any device, substance or weapon designed to cause widespread destruction, death or injury, including nuclear, chemical, biological, radiological and explosive weapons (CBRNE).

Attempts to control the events during an attack involving WMD should involve a coordinated effort between the police department as well as the fire department and other emergency services.

In an instance of a WMD incident, our agency's counter measure (resources) are; but not limited to:

1. Explosive Detection Canine Teams
2. Explosive Ordinance Disposal Teams aka Bomb Squads
    (a) Bomb technicians
3. HAZMAT Teams
4. Civil Support Teams

Weapon type and origin of release/detonation must be ascertained as quickly as possible with minimal exposure. Knowledge critical to the operation includes weather, humidity, wind direction, number of casualties/exposed, symptoms, time, and topography of the area. Observing from a distance upon arrival is the most prudent action. Until the threat is thoroughly evaluated and the type of protective equipment needed is determined, entering the scene might only endanger the responding elements.

The estimated course and harm as a result of the incident are to be ascertained using the information gathered from observation. Predictions must be made as to further potential damage that may be caused by WMD or individual initiating the event. Such predictions may include hazard identification, vulnerability, and further risk involved. A damage assessment must also be completed to ascertain the extent of destruction caused by the involved weapon.

Strategic goals must be determined in pursuance of preventing further loss. Standing strategic goals of the Utica Police department during a WMD terrorist incident are ensuring life safety of

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personnel and civilians, protection of critical systems (i.e. public utilities, hospitals, transportation systems), and incident stabilization.

An assessment of tactical options and resources must be completed at the time of the incident. Tactical objectives to be used in the case of WMD terrorism would be to isolate the area in which the weapon was used by means of physical barriers and creating a refuge for those who are contaminated/affected if possible, reducing the chance of secondary contamination or injury. Establishing a command post and staying uphill and up wind of the initial site of release is paramount in conducting any organized aid in such a situation. In most cases, local and state resources will not be enough to properly handle such an incident. Withdrawal from the incident is an option where the situation is too large or too dangerous for intervention. In such a case, evacuation of the area and denial of entry may be the only courses of action, allowing the incident to run its course.

Strategic planning, before attacks occur, aids in the response to incidents. Identifying potential target areas, safe areas, and routes of evacuation from a possible event location will save critical time during such an attack.

Constant evaluation of progress throughout the response to the event must occur. If it is seen that measures being taken are inadequate, the plan of action or methods being used must be changed immediately in order to handle the problem efficiently.

Responding members must take great care when approaching the site of the event due to the possibility of secondary devices. Such devices may be planted on the scene with the express intent to injure responding members or hamper the response effort being conducted.

All responding personnel must remember that the site of this event is regarded as a crime scene and should be preserved as such to the best of their ability.

201.5.1 RESPONSIBILITIES

The Utica Police Department will adhere to the National Incident Management System and Incident Command System protocol. In doing so, each member of the department will be responsible for specific actions.

PERSONNEL RESPONSIBILITIES

201.5.2 FEDERAL ASSISTANCE

The Federal Bureau of Investigation should be the primary contact during a request for federal assistance. The FBI can be reached at their local field office in Albany (518) 465-7551. Contact should be established by the highest ranking officer present at the time of the incident. Notification of such action will be passed upward through the chain of command.

Under United States Public Law 93-288, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the federal government is authorized to respond to disasters and emergencies in order to protect public health, safety, and property. This act will be drawn upon in the event of a

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WMD terrorist attack in which the resources of the local and state governments are not sufficient in dealing with the threat or disaster at hand.

201.5.3 EXPOSURE OF MEMBERS TO BIOCHEMICAL AGENTS

Members exposed to biochemical agents must be separated from the general populous and other responders in the interest of preventing secondary contamination. Contaminated members shall be placed in the refuge area arranged for other civilian victims present at the scene.

Treatment will be provided for the member as soon as such attention is available and providing the scene is safe enough for such action to be executed.

DECONTAMINATION AND DISPOSAL PROCEDURES

201.5.4 INCIDENT CLASSIFICATIONS

Every terrorist incident will be classified according to the Oneida County's emergency procedure described in the County Comprehensive Emergency Management Plan (CEMP), page III-7.

Examples of incident classification are:

1. Response Level 0. A **general threat** of a terrorist incident is disseminated through law enforcement agencies, but does not specifically mention or apply to Oneida County.
2. Response Level 1. A **general threat** of a terrorist incident applies specifically to Oneida County (e.g., "It is believed that this group may initiate significant violence at Family Planning Center/abortion clinics in the northeast this weekend.")
3. Response Level 2. A **credible threat** of a potential terrorist incident is directed at Oneida County.
4. Response Level 3. A **terrorist incident** in Oneida County has been initiated or is imminent.

201.5.5 TRAINING

All training concerning terrorist use of WMD will be conducted through the academy by personnel holding an instructor's rating to teach Law Enforcement Response to Weapons of Mass Destruction. Refresher courses are to be conducted regularly at an interval set by the instructors.

201.6 LOCATION OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

Copies of the Comprehensive Emergency Management Plan are available in Support, the Squad Commander's office and Oneida County 9-1-1 Center. All supervisors should familiarize themselves with the Comprehensive Emergency Management Plan and the roles members will play when the plan is implemented. The Support Division Commander should ensure that agency members are familiar with the roles they will play when the plan is implemented.

201.7 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN REVIEW

The Chief of Police or the authorized designee shall review the Comprehensive Emergency Management Plan and the Continuity of Operations Plan at least once every five years and ensure that the plan conforms to any revisions made by the National Incident Management System

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(NIMS). The Chief of Police or the authorized designee should appropriately address any needed revisions.

201.8 CONTINUITY OF OPERATIONS PLAN (COOP)

CONTINUITY OF OPERATIONS PLAN (COOP)

201.9 TRAINING

The Agency should provide training on the Comprehensive Emergency Management Plan and the Continuity of Operations Plan for all supervisors and other appropriate personnel at least once every five years. All supervisors should familiarize themselves with the Comprehensive Emergency Management Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion that stimulate Critical Incidents and the department's mobilization and response to such incidents.

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Training

202.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

202.2 POLICY

The Agency shall administer a training program that will meet the standards of federal, state, local and the New York State Division of Criminal Justice Services (DCJS) training requirements. It is a priority of this agency to provide continuing education and training for the professional growth and development of its members.

202.3 TRAINING UNIT

TRAINING UNIT RESPONSIBILITIES

202.4 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of agency members.

(c) Provide for continued professional development of agency members.

(d) Ensure compliance with DCJS rules and regulations concerning law enforcement training.

(e) Reduce liability.

202.5 TRAINING PLAN

It is the responsibility of the Training Director to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service, remedial, roll call and agency-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording and logging of all training for all members.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Director shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and agency-required, minimum-mandated training of officers and other members.

202.5.1 MANDATED ANNUAL TRAINING

The annual training plan shall include a minimum of 21 hours of annual in-service training. At a minimum, the plan must include training in firearms, legal updates, infectious disease, implicit bias

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and the use of force and deadly force. Firearms training must include actual range training. The Training Director should consider recommendations from Command Staff to supplement these topics.

Only officers who are certified as general topic or specific topic instructors, as the type of training necessitates, shall be utilized for the mandatory 21 hours of training within the annual training plan (9 NYCRR § 6023.1 et seq.; 9 NYCRR § 6024.1 et seq.).

The annual training plan must include training for all supervisors that is designed to enhance supervisory skills.

All members when attending any in-service training will be dressed in either their uniform of the day or in business casual attire (i.e. collared shirt and pants). Jeans or shorts are not permitted. The only exceptions to this is when a specific in-service training dictates otherwise which will be noted by the Training Director in the monthly in-service email announcement.

202.5.2 SPECIALIZED TRAINING

The Training Director shall identify the positions that require specialized training beyond that provided in the Municipal Police Training Council (MPTC) Basic Course for Police Officers or the annual training plan. Specialized training may include technical and job-specific subjects needed to provide skills, knowledge, and ability to adequately perform the tasks required for the specific position.

Examples of specialized training may include but are not limited to:

- Firearms Instructor
- Canine
- Special Weapons and Tactics (SWAT)
- Scuba (Through Oneida County)
- Bicycle Patrol
- Crime Scene Technicians
- Field Training Officers
- School Resource Officer
- Breath Test Operator
- Crisis Negotiation
- Accident Reconstruction
- Sniper/Observer
- Car Seat Technician
- Investigative Skills
- Defensive Tactics Instructor

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- Field Training Officers

Members who have completed specialized training shall attend periodic in-service or roll-call training to update their skills.

202.5.3 ACCREDITATION TRAINING
All members assigned as an Accreditation Program Manager shall complete the New York State Division of Criminal Justice Services Law Enforcement Accreditation Training Program within one year of being assigned to the position.

202.6 GOVERNMENT-MANDATED TRAINING FOR POLICE OFFICERS

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

(a) Federally mandated training:

1. National Incident Management System (NIMS) training

(b) State-mandated training (General Municipal Law § 209-q):

1. Newly appointed officers must successfully complete an MPTC-approved Basic Course for Police Officers. This training must be completed within the first year from the date of original appointment. Officers may not carry or use any firearm in the performance of their duties, except for agency firearms training, until they have successfully completed the MPTC Basic Course for Police Officers, or a program that meets or exceeds the basic course requirements in use of firearms and instruction in deadly physical force.
2. Newly appointed first-line police supervisors of any rank must successfully complete the MPTC Course in Police Supervision within a year of their appointment (9 NYCRR § 6021.7).

202.7 COMMAND STAFF REVIEW

The Command Staff will meet once per year to review training needs of the agency. The Chief of Police will establish training objectives based upon the identified training needs and submit the objectives to the Training Director. Command Staff will review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Command Staff should review include, but are not limited to:

(a) Any incident involving the death or serious injury of a member.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by the Agency to determine possible training needs.

Command Staff should convene on a regular basis to review the identified critical incidents. Command shall determine by consensus whether a training need exists and then submit written

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recommendations of its findings to the Training Director. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Director will consider the recommendations of the Command Staff and determine what training should be addressed, taking into consideration the mission of the Agency and the available resources. Training recommendations as determined by the Training Director shall be submitted to the command staff for review.

202.8 TRAINING ATTENDANCE

(a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:

1. Court appearances.
2. Previously approved use of accrual time.
3. Illness or medical leave.
4. Emergency situations or agency necessity.

(b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

1. Make arrangements through his/her supervisor to attend the required training on an alternate date.

202.9 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Utica Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Director.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Director. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Agency.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

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202.10 TRAINING RECORDS

The Training Director is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with the established records retention schedule. The Training Director will ensure that all employee training records are up-to-date and properly documented for all sworn personnel. Such records will include the dates attended, the total amount of hours and the name of the course. The Training Director will ensure that accurate records are on file for all training courses sponsored by the Utica Police Department and/or attended by sworn personnel, including copies of lesson plans, curricula or course descriptions. Such records shall be retained indefinitely.

202.10.1 MPTC RECORDS

In-service training sanctioned by DCJS and conducted by the Agency shall be reported to DCJS within 10 days after the conclusion of the course (9 NYCRR § 6022.5; 9 NYCRR § 6022.5-a).

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Electronic Mail

203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Agency.

203.2 POLICY

Utica Police Department members shall use email in a professional manner in accordance with this policy and current law (e.g., New York State Freedom of Information Law (FOIL)).

203.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

203.4 MANAGEMENT OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Agency.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Agency are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately.

203.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under FOIL and must be managed in accordance with the established records retention schedule and in compliance with state law.

Management Information Systems (MIS) shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy (Public Officers Law § 87; 21 NYCRR § 1401.1 et seq.).

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Administrative Communications and Written Directives

204.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Agency communicates significant changes to its policy manual and its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Agency.

204.2 POLICY

The Utica Police Department will appropriately communicate significant events within the organization to its members through Written Directives and other Administrative Communications. Both electronic and non-electronic communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

204.3 WRITTEN DIRECTIVES

Written Directives are policies, procedures or memorandums used to guide or affect the performance or conduct of agency employees. New written directives shall not conflict with established policy and procedure, rules and regulations, bargaining agreements or statutory law imposed by a higher authority. Only the Chief of Police or the authorized designee may approve, issue, modify or purge Written Directives.

All members shall be provided access to all Written Directives and shall acknowledge that they have been provided access to and have had the opportunity to review agency Written Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

204.3.1 POLICY

A policy is a written broad statement of agency guiding principles and values directed towards attaining departmental goals and objectives. All policies will be incorporated into the Policy Manual, as required, upon approval pursuant to the Policy Manual Policy.

The Support Division Commander or the authorized designee should ensure that all approved policies are disseminated appropriately.

When the need arises to create or modify a policy, the program manager will be notified by the Division Commander whose division/unit that particular policy pertains. The Division Commander may delegate any other officer under their command to assist the program manager with the development or modification of such policy.

In the event a particular policy is to be rescinded or purged, an email notification will be sent to all sworn members from Lexipol of the change.. Never under any circumstances will a purged policy be destroyed or permanently deleted electronically.

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204.3.2 PROCEDURE
A procedure is a written directive that is a guideline for carrying out the department's activity. Procedures will be incorporated into certain policies and are found in the Utica Police Department Supplemental Manual.

204.3.3 MEMORANDUMS
Memorandums are used to disseminate information that will emphasize portions of previously issued orders which are of interest or concern to members. Memorandums will be included in the policy manual and are required to be reviewed and acknowledged by all members. Memorandums will be numbered consecutively and incorporate the year of issue.

204.4 ADMINISTRATIVE COMMUNICATIONS

204.4.1 PERSONNEL ORDERS
Personnel orders may be issued periodically by the Chief of Police or the authorized designee to announce and document all hiring and appointment of new members, promotions, transfers, and separations. Personnel orders should be numbered consecutively and incorporate the year of issue.

204.4.2 SPECIAL ORDERS
Special orders are issued only at the Departmental level by the Chief of Police or his designee with the approval of the Chief. A special order is a directive that is used to establish procedures or provide instructions with regard to specific circumstances that are of a self-cancelling nature. Special oders should be numbered consecutively and incorporate the year of issue.

204.4.3 TRAINING BULLETIN
Training Bulletins are directives that are periodically issued to guide and instruct members on matters of importance. These bulletins are issued by the commanding officer of the Police Academy, after approval of the Support Division Commander. The commanding officer of the Police Academy shall be responsible to distribute bulletins and maintain an archive of all training bulletins.

204.5 CORRESPONDENCE
To ensure that the letterhead and name of the Agency are not misused, all official external correspondence shall be on agency letterhead. All agency letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Agency letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate agency electronic or non-electronic memorandum forms.

Electronic correspondence shall contain the sender's agency-approved signature and electronic communications disclaimer language.

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204.6 SURVEYS

All surveys made in the name of the Agency shall be authorized by the Chief of Police or the authorized designee.

204.7 OTHER COMMUNICATIONS

Written Directives and other communications necessary to ensure the effective operation of the Agency shall be issued by the Chief of Police or the authorized designee (see the Written Directives Policy).

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Supervision Staffing Levels

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Agency and members throughout all Divisions.

205.2 POLICY

The Utica Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Agency. The needs of its members should be balanced with the needs of the Agency for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Agency.

205.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Division Commanders for each Division and work group. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreement and activity levels to meet the needs of members and the goals of the Agency.

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Retiree Concealed Firearms: Law Enforcement Officers Safety Act (LEOSA)

206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Utica Police Department identification cards to qualified former or retired law enforcement officers under the Law Enforcement Officers' Safety Act (LEOSA) and New York law (18 USC § 926C).

206.2 POLICY

It is the policy of the Utica Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

206.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified officer of this agency who (18 USC § 926C(c)):

(a) Separated from service in good standing from this agency as an officer.

(b) Before such separation, had regular employment as an officer for an aggregate of 10 years or more or, if employed as an officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this agency.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this agency where the officer acknowledges that he/she is not qualified to receive a firearms qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

206.3.1 LEOSA CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Utica Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Agency to meet the active duty standards for qualification to carry a firearm.

206.3.2 AUTHORIZATION

Any qualified former officer, including a former officer of this agency, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as an officer and one of the following:

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1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by New York law or by a private person or entity on his/her property if such prohibition is permitted by New York law.

206.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Squad Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

206.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

(a) Sign a waiver of liability of the Agency for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Agency.

(b) Remain subject to all applicable agency policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

Retiree Waiver Form

206.4 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Agency. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

206.5 FIREARM QUALIFICATIONS

The Lead Firearms Instructor may provide former officers from this agency an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain

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the date of the qualification. The Lead Firearms Instructor will maintain a record of the qualifications and weapons used.

Instruction given by the Lead Firearms Instructor will include giving each retired law enforcement officer, who is qualifying, a copy of the department's policy on LEOSA. The lead instructor will go over the policy with the retired member to address any questions and make sure it is understood.

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Goals and Objectives

207.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system for the formulation of annual goals and objectives. This policy will also outline the monitoring and reporting progress towards their achievement.

207.2 POLICY

It is the policy of the Utica Police Department that Division and Unit commanders are responsible for preparing and submitting goals and objectives for their respective commands to the Chief of Police.It is essential to the efficient operation of the department that all members of the agency be apprised of these goals and objectives and how they will be accomplished.

207.3 FORMULATION OF ANNUAL GOALS AND OBJECTIVES

Command staff will meet at least once a month to review policy and procedure and monitor the progress of agency goals and objectives. Periodic evaluations of goals and/or objectives shall be the responsibility of each Platoon or Unit Commander. The evaluation method will be at the discretion of the respective Platoon or Unit Commanders.

Command staff will review patrol division staffing and field deployment zone structure, on an annual basis and implement changes to the deployment structure, when necessary. In addition, platoon commanders and first line supervisors should monitor patrol activity and report emerging trends to the patrol division commander on an on-going basis

Certain goals and/or objectives may be modified or changed as needed. Though each Platoon or Unit will have individualized goals and objectives, it is important to ensure that goals and objectives align with the mission, values and vision of the agency.

November of each year: Platoon and Unit Commanders will submit goals and objectives for their respective units to their Division Commanders for the following year. To establish a set of goals and objectives the Division Commander must have the input of various members of their respective units and be a part of the process to work towards achieving the established goals. Division Commanders will then review those goals and objectives, modify them if necessary, and prepare them for presentation at the December Staff Meeting. Additionally, Platoon and Unit Commanders will submit a report to their Division Commanders to include detailed results of achievement, reasons why certain goals have not been achieved, and a listing of what goals need to be carried over into the next year. Wherever possible, cost factors will be included in the report.

December of each year: The Goals and Objectives for the following year will be reviewed at the monthly Staff Meeting. The Chief and each Deputy Chief will review the goals and objectives, modify them if necessary, and have them prepared for adoption at the January Staff meeting. The Chief and each Deputy Chief will review the prior year’s goals and objectives summary report and prepare for adoption at the January Staff Meeting those goals and/or objectives which need to be carried over and/or modified.

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January of each year: The Goals and Objectives for the upcoming year will be adopted by the agency at the monthly Staff Meeting. Once adopted, the agency Goals and Objectives will be posted throughout the building.At the February Staff Meeting The Chief of Police, or his designee, shall submit a written evaluation of the degree to which the department attained its goals and objectives of the previous year. This report shall be distributed to every member of the department through the policy manual.

207.4 ANNUAL GOALS, OBJECTIVES AND OUTCOMES

2021:

2021 UPD Goals & Objectives

2021 UPD Goals & Objectives Review

2022:

2022 UPD Goals & Objectives

2022 UPD Goals & Objectives Review

2023:

2023 UPD Goals & Objectives

2023 UPD Goals & Objectives Review

2024:

2024 UPD Goals & Objectives

2024 UPD Goals & Objectives Review

2025:

2025 UPD Goals & Objectives

2025 UPD Goals & Objectives Review

2026:

2026 UPD Goals & Objectives

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Memorandums

208.1 MEMORANDUMS

2022

Memo 22-01 Training Canvass/Requests

Memo 22-02 CAP Court Transport

Memo 22-03 Missing Arrest Data

2023

Memo 23-01 Interim Standard Operating Procedures for SRO'S

Memo 23-02 Vehicle Gate Operations, Access, Usage and Parking

Memo 23-03 Crisis Response Team Personnel

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this agency is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Executive Law § 840).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury. This includes force that, under the circumstances, is readily capable of causing death or serious physical injury (Executive Law § 840).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application, or attempted application, of physical techniques or tactics, chemical agents, or weapons to another person, including the aiming of a firearm. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

De-escalation - Communicating, verbally or non-verbally, or through physical contact or action in response to a potential threat in an attempt to stabilize the situation or reduce the immediacy of the threat so that more time, options and resources can be called up to resolve the situation.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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The Utica Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERVENE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances must report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this agency. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

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300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion). Officers are not expected to compromise personal safety in order to de-escalate a situation if it is likely to result in harm to the officer or others.

DE-ESCALATION TECHNIQUES

300.3.2 USE OF FORCE TO EFFECT AN ARREST

A police officer or a peace officer may use reasonable physical force to effect an arrest, prevent escape of a person from custody, or in defense of self or others from imminent physical force (Penal Law § 35.30).

Force shall not be used by an officer to (Executive Law § 840):

(a) Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.

(b) Coerce a confession from a subject in custody.

(c) Obtain blood, saliva, urine, or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required.

(d) Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

(e) For punishment or retaliation.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual’s mental state or capacity.

(f) The individual’s ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

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(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the officer.

(l) Potential for injury to officers, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed agency-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the individual can comply with the direction or orders of the officer.

(c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstructs blood circulation is prohibited unless deadly physical force is authorized (Exec. Law § 840) and is subject to the following guidelines and requirements:

(a) At all times during the application of any type of neck restraint, the response of the individual should be monitored. The restraint should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.

(b) Any individual who has had any type of neck restraint applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.

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(c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to a neck restraint and whether the individual lost consciousness as a result.

(d) Any officer attempting or applying any type of neck restraint shall promptly notify a supervisor of the use or attempted use of such hold.

(e) The use or attempted use of any type of neck restraint shall be thoroughly documented by the officer in any related reports.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Utica Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themself as an officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(a) An officer may use deadly force to protect themself or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer should not use deadly force against a person whose actions are a threat solely to themself or property.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

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300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this agency shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why the officer believed the use of force was reasonable under the circumstances. The report shall be submitted to the member's supervisor.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Agency may require the completion of additional report forms, as specified in agency policy, procedure, or law (Executive Law § 840).

See the Report Preparation Policy for additional circumstances that may require documentation.

RESPONSE TO RESISTANCE FORM

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following all applications of force.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe. To avoid positional asphyxia an effort should be made to place a person in the recovery position.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.6.1 ADDITIONAL STATE REQUIREMENTS

An officer should take steps to obtain medical attention for a person who reasonably appears to be mentally ill and is behaving in a manner that is likely to result in serious harm to the person or to others.

Officers should document requests for medical or mental health treatment as well as efforts to arrange for such treatment.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to (Executive Law § 840):

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports, including any officers present at the incident.

(f) Review and approve all related reports.

1. Supervisors should require that officers who engaged in the use of force submit the appropriate report.

2. Supervisors are required to review all Body Worn Camera footage related to the use of force.

(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

1. Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SQUAD COMMANDER RESPONSIBILITIES

The Squad Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.7.2 DIVISION COMMANDER RESPONSIBILITIES

Division Commanders should ensure that the Professional Standards Unit is provided with enough information to meet the use of force reporting requirements for the DCJS (Executive Law § 837-t; 9 NYCRR 6058.3). See the Records Unit Policy for additional guidelines.

300.8 TRAINING

Officers will receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive annual training on:

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

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(b) De-escalation tactics, including alternatives to force.

(c) Applications of use of force and conflict strategies as required by the state Use of Force Model Policy (Executive Law § 840).

(d) Legal updates

(e) The duty to intervene

(f) The duty to request and/or render medical aid

(g) Warning shots (see the Firearms Policy)

300.9 POLICY AVAILABILITY

This policy shall be readily available to the public upon request and shall be posted on the agency website (Executive Law § 840).

300.10 USE OF FORCE ANALYSIS

At least annually, the Professional Standards Unit should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Utica Police Department to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

301.2 POLICY

The Utica Police Department will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member’s actions or use of force in an official capacity, or while using agency equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another person.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding training, termination of sick or injured wildlife, or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Chief of Police or any command staff member with the Chief's approval will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved member to notify the Chief of Policeof any incidents requiring board review. The involved member's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Chief of Police or their designee should staff the Use of Force Review Board with five individuals from the following, as appropriate:

- Representatives of each division
- Command staff representative from the involved member's chain of command
- Training Director

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- Nonadministrative supervisor
- A member of Professional Standards
- A law enforcement officer from an outside law enforcement agency, if appropriate
- Agency instructor for the type of weapon, device or technique used

The senior ranking command staff representative who is not in the same division as the involved member will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved member to appear. The involved member will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, agency policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with Utica Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

(a) The member's actions were within agency policy and procedure.

(b) The member's actions were in violation of agency policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

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The Chief of Police shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the involved member's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Utica Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and agency training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Utica Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or offense leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, officers, or others.

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See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 12 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

The handcuffing of arrestees is mandatory and is not discretionary. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility or other secure area.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from transferring or transmitting fluids (saliva and mucous) to others.

Only a supervisor can authorize the application of a spit hood. Only officers who are trained in the application of a spit hood can apply it.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport. Spit hoods shall not be used as a means of discipline or punishment.

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Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should remove all eye wear prior to applying a spit hood. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees. Only one spit hood will be applied at a time. Applying multiple layers increases a risk of death by suffocation.

All applications of a spit hood are considered to be a use of force and will be documented as such in RMS. A Response to Resistance report will be completed when a spit hood is applied.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head and clothing, prior to application of a spit hood. Spit hoods should not be applied to or will be immediately removed from persons who appear to be lethargic or sleepy.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. If a person is left in a spit hood for a prolonged period of time a supervisor will check on the person and the officer monitoring them every 15 minutes. Same will be documented in RMS by the booking officer. Spit hoods will be removed at the earliest point where the safety of staff and the person to which the hood is applied is not compromised. Spit hoods shall be discarded in a bio-hazard container after each use.

Officers will only use department issued spit hoods and shall not modify them in anyway. Because of an increased risk of suffocation, the use of fabric materials such as towels, clothing or similar materials are not to be used in place of spit hoods.

Roll call training will be conducted annually using this policy to refresh those already trained in the application of the spit hood.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only agency-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.6.1 EMERGENCY RESTRAINT CHAIR

An Emergency Restraint Chair is located in the cellblock area. The express intent of this chair is to help control a physically combative, self destructive and/or violent prisoner. When used properly

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it can reduce the risk of physical injury to both the prisoner and staff members. The Emergency Restraint Chair is never to be used as a means of punishment.

Use of the chair must be approved by the ranking officer assigned to the Patrol Command Office. Once authorized, the restrained prisoner shall be placed under constant observation.

Prisoners should not be left in the chair for more than two consecutive hours. If the prisoner continues to show signs of self-destructive behavior and/or aggression towards others after being restrained in the chair for two hours, the Squad Commander will contact the Duty Commander for approval to continue to keep the prisoner in the restraint chair. If it is deemed safer to continue to hold the prisoner in the restraint chair, this will be notated in the incident by the booking officer. The prisoner will then be re-evaluated every 30 minutes thereafter following the aforementioned process.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation and may be used to move a prisoner while in Police Headquarters for virtual arraignment or when the prisoner is being transported to an alternate detention facility. Only restraint devices approved by the Agency shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person’s ability to breathe.

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(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

The Training Director should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Agency.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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(e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

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Control Devices

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Utica Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual agency members to use specific control devices.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this agency only if the device has been issued by the Agency or approved by the Chief of Police or the authorized designee.

Only those members who have successfully completed agency-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

303.4 RESPONSIBILITIES

303.4.1 LEAD FIREARMS INSTRUCTOR RESPONSIBILITIES

The Lead Firearms Instructor or the designated instructor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Lead Firearms Instructor or the designated instructor for a particular control device. The inspection shall be documented.

303.4.2 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Lead Firearms Instructor for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

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303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

Approved batons for carry are as follows:

1. Issued Monadnock Straight baton
2. Monadnock MX or SX series expandable straight baton.
3. Monadnock 26 inch auto-lock expandable straight baton with Hindi cap and power safety tip (3XT).

303.6 CS (2-CHLOROBENZALMALONONITRILE) GUIDELINES

CS may be used for crowd control, crowd dispersal or against barricaded suspects, based on the circumstances. Only the Incident Commander, Metro Special Weapons and Tactics Team Commander or the Mobile Field Force Commander may authorize the delivery and use of CS, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of CS to control any fires and to assist in providing medical aid or gas evacuation, if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of agency members or the public.

303.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt or outer carrier vest if the member is equipped with one. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

Supervisors vehicles shall be equipped with MK-9 canisters of OC spray. These are larger capacity canisters for use when there are large groups of people who are disorderly. The same level of force needs to be achieved for the large canister as is necessary for the small canister. Some

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considerations for the use of the MK-9 canister are they have farther reach and have more volume. The eyes should be avoided at close range due to the amount of pressure exerted from the can.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Members will avoid using the pepperball launcher against the following subjects unless employees can articulate other reasonable force options have been tried or were unlikely to succeed:

- Female subjects known to be pregnant or who are visibly pregnant
- Elderly subjects
- Young children
- Handcuffed arrestees
- Low body-mass (very-thin) persons

Members should also avoid using the pepperball launcher in small confined spaces with poor ventilation. The potential need to use in a small confined space should be assessed before a deployment.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where an individual has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward an individual, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training or a product demonstration, is exempt from the reporting requirement.

Storage for the pepper projectile systems and munitions will be in the Mobile Field Force Room.

PROCEDURES /DEPLOYMENT OF THE PEPPER PROJECTILE LESS LETHAL SYSTEM

303.7.3 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

DECONTAMINATION

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303.8 POST-APPLICATION NOTICE

Whenever CS or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This agency is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.9.1 SAFETY PRECAUTIONS

The less lethal shotgun(s) will be designated by having an orange stock and forend. It shall be marked "Less Lethal" on the stock.

(a) The less lethal shotgun(s) shall be stored, in the designated mount within the patrol supervisor vehicles.

(b) The single launch 40MM launcher(s) shall be stored UNLOADED, in the designated mount within the patrol supervisor vehicles.

When the Remington 870 less lethal shotgun and the 40MM launcher are not in service or need to be removed from the supervisor vehicles, they are to be stored UNLOADED in the Mobile Field Force Cabinet which is located in the Lieutenant's locker room.

303.9.2 USER RESPONSIBILITIES

Whenever possible the impact munitions should be deployed from a position of cover and the officer shall communicate all movements, tactics and directions to other officers present.

If the less lethal shotgun and/or 40MM is handed to another officer before deployment, the receiving officer shall perform a weapons safety check before re-deploying.

To avoid "sympathetic gun fire" the officer deploying the less lethal shotgun and/or the 40 MM launcher shall advise other officers on scene of the intention to deploy the less lethal impact munitions. This should be done in a clear and loud voice to alert all officers in the area that the impact munition is about to be deployed. If possible use the phrase "deploying less lethal" or " Lincoln- Lincoln".

303.9.3 USE OF LESS LETHAL SHOTGUN AND 40MM LAUNCHERS

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon/or dangerous instrument and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm themselves or others.

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(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other agency members and/or other people.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Officers may fire less lethal impact munition rounds as necessary. After each munition round is deployed, a scene assessment shall be made. In the event the impact munition rounds prove to be ineffective, personnel shall exercise other options.

Each deployment of an impact projectile constitutes a response to resistance, and may only be used when objectively reasonable under the circumstances to effect an arrest, or protect the officer or other person.

303.9.4 SPECIAL DEPLOYMENT CONSIDERATIONS

Members shall not subject themselves or others to undue risk while waiting for the arrival of personnel equipped with impact munitions. The situation must be continually assessed, and other appropriate action must be taken if the risk to self or others demands immediate attention.

303.9.5 TARGETING CONSIDERATIONS

Target areas for the impact munitions consists of the large muscle groups, this includes, the buttocks, thighs, and calves.

Shots to the head, neck, thorax, heart, or spine can result in fatal or serious injury and should not be intentionally targeted unless deadly physical force is justified.

303.9.6 ACTIONS FOLLOWING DEPLOYMENTS

After deployment of the less lethal shotgun or 40 MM launcher in all instances except for training, officers will do the following:

(a) Appropriate actions to control and restrain the individual to minimize the need for additional applications.

(b) If an individual was struck by any type of less lethal munitions, officers on scene will request medical treatment for the individual and they will be transported to the hospital for further evaluation.

(c) As soon as practicable, notify a supervisor any time the less lethal shotgun and/or 40 MM launcher has been used/discharged.

(d) The spent impact casings and if possible, the projectiles, should be photographed, collected and submitted into evidence.

(e) Note and document the date of manufacturing of any impact munitions on the evidence reporting.

(f) Persons who have been affected by the use of impact + munitions, should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

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Following training or deployment, the less lethal shotgun/ 40 MM launcher shall be cleaned and placed back in the patrol supervisor vehicle. The exception to this guideline will be if during a deployment, the weapon causes serious physical injury or death to the subject, in which case the weapon shall be preserved for evidentiary purposes.

303.9.7 DANGEROUS ANIMALS

Remington 870 Less Lethal Shotgun and/or 40 MM launcher, may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

303.9.8 DOCUMENTATION

Anytime a less than lethal shotgun or 40 MM launcher is used for any reason other than training, a Response to Resistance report will be completed. This will be done whether or not an individual was struck by a projectile from the launcher or less lethal shotgun.

The simple announcement by an officer of their intent to use Remington Less Lethal 870 and/or 40 MM launcher on the on a subject, or deploying the weapons without pointing it at a subject (low ready) does not constitute Use of Force, therefore, the notification and completion of a Response to Resistance form is not required under these circumstances. However, these actions must be documented by the officer in their officer narrative.

303.9.9 SUPERVISOR RESPONSIBILITIES

It shall be the officer's direct supervisor's responsibility to:

(a) Respond to the scene when the less lethal shotgun and/or 40 MM launcher is utilized.

(b) Ensure that the officer has completed the required reports and that they are accurate.

(c) Objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

    1. Improper deployment of the less lethal impact munitions shall be documented and reviewed. Results of such review may include, but not limited to, loss of use of the less lethal munitions and/or disciplinary action.

(d) Ensure that photographs are taken of the site any possible related injuries due to the use of the weapons.

(e) Ensure that all spent casings and impact projectiles are recovered if possible.

(f) Complete his/her own narrative report assessing whether the use of the weapons was justified and proper.

(g) Ensure all original required reports will be forwarded to the Records Division. Additional copies of the reports will be forwarded to the Office of Professional Standard

303.10 TRAINING FOR CONTROL DEVICES

The Training Director shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or

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re-certified annually. For less lethal impact weapons (kinetic energy projectile) the training will be annually conducted at Firearms training.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the member's training file.

(c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed agency-approved training may be issued and may carry the CED.

The Lead Taser Instructor should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the agency inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Agency. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Lead Taser Instructor for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

304.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

304.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themself, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the conducted energy device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) The subject is known to be, appears to be, or states that she is pregnant.

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(b) Anywhere near flammable liquids or fumes.

(c) At any subject who may receive a secondary injury resulting from a fall from an elevated position (I.e. subject on balcony, rooftop, ledge, top of stairs, in a tree etc.).

(d) Any subject in a running motion.

(e) The subject is elderly, a child, frail or infirm.

(f) The subject is in a body of water of sufficient depth that could cause drowning.

(g) At or from a moving motor vehicle.

(h) Against unarmed persons who are arguing with, talking back to, or discourteous to the police.

(i) Passive resistance situations.

(j) With more than one officer simultaneously "Tasering" the same subject.

(k) When a canine is in the process of apprehension, a CED will not be deployed.

Because the application of the conducted energy device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY DEVICE

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

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304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the conducted energy device. As soon as practicable, officers shall notify a supervisor any time the conducted energy device has been used/discharged. Both probes and wires should be collected and submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

POST DEPLOYMENT AFTERCARE

304.5.6 DANGEROUS ANIMALS

The conducted energy device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry agency conducted energy devices while off-duty.

If assigned to that officer, the CED should be kept in their locker, but if the need exists to bring the CED home, Officers shall ensure that conducted energy devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all conducted energy device uses/discharges in the related incident reports and the use of force report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the use of force report.

The simple announcement by an officer of their intent to use the taser on a subject, or unholstering of a taser without pointing it at a subject (low ready) does not constitute a deployment and is not considered a Use of Force, therefore, the notification and completion of a Response to Resistance form is not required under these circumstances. However, these actions must be documented by the officer in their officer narrative.

304.6.1 PROFESSIONAL STANDARDS UNIT

The Professional Standards Unit should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Director should also conduct audits of data downloads and reconcile conducted energy device report forms with recorded activations. conducted energy device information and statistics, with identifying information removed, should periodically be made available to the public.

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304.7 MEDICAL TREATMENT

After a CED is used to take a subject into custody, officers who are CED certified are to remove the probes as per his/her CED training. In the event that the probes accidentally come into contact with the sensitive parts of a person's body the probe removal will be completed by medical personnel. Used conducted energy device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by conducted energy device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking.

304.8 SUPERVISOR RESPONSIBILITIES

It shall be the TASER operator's direct supervisor's responsibility to:

(a) Respond to the scene when a TASER has been deployed.

(b) Ensure that the officer has completed the required reports and that they are accurate.

(c) Ensure that photographs are taken of the site of the probe impacts and any possible related injuries due to the use of the ECD.

(d) Complete his/her own narrative report assessing whether the use of the ECD was justified and proper.

(e) All original required reports will be forwarded to the Records Division.Additional copies of the reports will be forwarded to the Office of Professional Standards and to the TASER Program Director.

304.8.1 DOWNLOADING DATA FROM THE TASER

TASER devices include a data download function that can help protect an officer from claims of excessive use of force by providing complete and accurate documentation of the time, date and cartridge info for each firing. The data download also provides supervisors with a management tool to track usage patterns, misuse, firing logs, etc. After a deployment the officer must dock their issued Taser 7 battery into the charging dock insuring a data download is completed.

304.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial agency-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs shall occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Director. All training and proficiency for CEDs will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

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Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Director is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Director should include the following training:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the Utica Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Utica Police Department would control the investigation if the suspect's crime occurred in Utica.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

In incidents involving a death, the criminal investigation into the involved officer's conduct during the incident will be conducted by the New York State Office of the Attorney General Office

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of Special Investigation. If the Office of Special Investigation does not assert jurisdiction, or in cases not involving a death, the criminal investigation will be handled according to the Criminal Investigation section from this policy when an officer of this agency is involved.

305.4.3 COORDINATION WITH THE OFFICE OF SPECIAL INVESTIGATION

Since there is the potential for overlap between investigations into alleged criminal conduct of involved officers and alleged criminal conduct involving suspects, and in situations where a suspect is seriously injured and death remains a possibility, the Division Commander is responsible for coordinating with the Office of Special Investigation before proceeding with the criminal investigation.

305.4.4 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved UPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Agency or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved UPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any UPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

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(a) The involved officer(s) will be ordered to give a Public Safety Statement which will consist of the following questions asked by the on-scene supervisor. This statement is limited to just the facts necessary to focus the initial police response. It is to be read by the on-scene supervisor conducting the Public Safety Statement as follows:

(a) "Officer, due to the immediate need to determine existing threats to public safety and identify transitory (fleeting, short-lived) evidence that must be preserved, I am ordering you to give me a Public Safety Statement."

1. Were you involved in an officer-involved shooting?
2. Approximately how many rounds did you fire and in what direction did you fire them?
3. Do you know if any other officers fired any rounds?
4. Is it possible the suspect fired rounds at you?
5. Is anyone injured? If so, where are they located?
6. Are you aware of any witnesses? If so, what is their location?
7. Approximately where were you when you fired the rounds?
8. Are there any outstanding suspects? If so, what are the description, direction and mode of travel?
9. How long have they been gone? What crime(s) are they wanted for? What weapons are they armed with?
10. Are there any weapons or evidence that need to be secured/ protected? Where are they located?

(b) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

(c) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Squad Commander and Oneida County 9-1-1 Center. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional UPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

(a) Each involved UPD officer should be given an administrative order not to discuss the incident with other involved officers or UPD members pending further direction from a supervisor.

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(b) Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not tamper with the involved firearms.

(c) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

(d) The involved officer's and witness officer's BWC shall be secured as evidence and downloaded as soon as practicable.

(e) The involved officer's duty belt, uniform and any other equipment of evidentiary value shall be secured as evidence as soon as practicable.

305.5.3 SQUAD COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Squad Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Squad Commander.

305.5.4 DUTY COMMANDER RESPONSIBILITIES

Whenever deadly physical force is employed and results in the death or physical injury of a person, the following responsibilities of command officers shall apply:

(a) Respond to the scene immediately to assume overall command of the investigation. Coordinate all activities at the scene, delegating appropriate assignments to Unit Commanders until the investigation is turned over to CID.

(b) Determine that all the proper notifications have been made. This includes briefing and coordinating of all activities with the Chief of Police and/or Deputy Chief and the Professional Standards Unit.

(c) Ensure that the involved officer makes no statements regarding the incident to unauthorized personnel. Remove the involved officer from the scene. If necessary, designate a supervisor and/or a companion officer to accompany the officer at all times to ensure that the needs of the officer and department are met.

(d) Make arrangements for the involved officer to contact family members.

(e) Ensure that the CID Commander has established and maintains a liaison with the Oneida County District Attorney's Office and NYS Attorney General's Office of Special Investigation.

(f) Coordinate with the Logistics and Resources Unit to ensure that the services of the department chaplain and City of Utica's EAP Program through Mohawk Valley Associates are made available to the involved officer and his family to aid them with the after-effects of the incident. The purpose is to provide the officer and/or his family with a source of professional consultation to aid them in dealing with the potential moral and ethical after effects of a traumatic incident. The Chaplain's services shall not be related to any department investigation and nothing discussed will be divulged to the department as these consultation services will be protected privileged communication.

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(g) Ensure that involved officer(s) are treated in a dignified manner.

305.5.5 CHIEF OF POLICE RESPONSIBILITIES

Notify the Public Safety Commissioner and/or Mayor of the deadly physical force incident.

The Chief of Police or his designee and/or the Public Information Officer will be responsible for media coverage of the incident.

The Chief of Police may at his discretion place the involved officer on administrative leave pending further investigation of the incident.

The Chief of Police will keep the involved officer's commander and supervisor apprised of the status of the investigation.

The Chief of Police shall review all investigative and administrative reports regarding the use of deadly physical force to ensure that the force used was justified, necessary and reasonable and in accordance with department policy.

At the conclusion of each departmental and/or criminal investigation involving the use of deadly physical force, the Chief of Police shall make the final determination of action to be taken.

305.5.6 LOGISTICS AND RESOURCES UNIT RESPONSIBILITIES

Avail the services of the department chaplain and City of Utica's EAP Program to the involved officer and his family to aid them with the after-effects of the incident. The purpose is to provide the officer and/or his family with a source of professional consultation to aid them in dealing with the potential moral and ethical after effects of a traumatic incident. The Chaplain's services shall not be related to any department investigation and nothing discussed will be divulged to the department as these consultation services will be protected privileged communication.

Coordinate all necessary medical referrals on the officer's behalf.

Ensure that the officer has undergone a Fitness for Duty Evaluation by a licensed and certified Public Safety Psychologist prior to being allowed to return to duty.

305.5.7 TRAINING DIVISION RESPONSIBILITIES

The Training Division is responsible for the design and implementation of training programs relative to the use of deadly physical force. The Training Division will ensure that each employee receives in-service training annually on the department's "use of force" policies and procedures, and demonstrates proficiency with the weapon(s) each employee is assigned and authorized to use.

Arrange and ensure that the involved officer re-qualifies with his own, or a newly issued Department firearm prior to returning to duty.

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305.5.8 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigations Division Commander
- Outside agency investigators (if appropriate)
- Professional Standards Unit supervisor
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer
- The Office of Special Investigation at 855-674-6924

305.5.9 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

1. Involved UPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-UPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist shall be provided by the Agency to each involved UPD officer. A licensed psychotherapist may also be provided to any other affected UPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Communications between the involved officer and a peer support member is addressed in the Wellness Program Policy.

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Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved UPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Squad Commander to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

The NYS Attorney General's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death. The Criminal Investigation Division will work with and/or assist as needed or requested the NYS Attorney General's Office of Special Investigation per NY Executive Law Section 70-b.

If available and necessary, investigative personnel from this agency may be assigned to partner with investigators from outside agencies or the prosecuting office with jurisdiction over the incident to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) UPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of UPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, he/she shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED UPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this agency shall retain the authority to require involved UPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved UPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/

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witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved UPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Agency.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Agency investigators may be assigned to separately handle the investigation of any related crimes not being investigated.

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All related agency reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this agency will conduct an internal administrative investigation of involved UPD officers to determine conformance with agency policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to agency policies and applicable laws.

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer’s statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and

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ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Agency to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this agency may be assigned to work exclusively under the direction of the legal counsel for the Agency to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without authorization from the Chief of Police.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Utica Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing

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should not be conducted until all involved members have provided recorded or formal statements to the criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and the agency representative responsible for each phase of the investigation. Releases will be available to the Squad Commander, Criminal Investigations Division Commander and Public Information Officer in the event of inquiries from the media.

No involved UPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

Agency members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of a firearm that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The Utica Police Department will equip its members with firearms to address the risks posed to the public and agency members by violent and sometimes well-armed persons. The Agency will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Agency and have been thoroughly inspected by the Lead Firearms Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized agency range. All sworn members must carry a firearm while working in any field assignment while in the performance of their official duties.

All other weapons not provided by the Agency, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by agency policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized agency-issued handgun is the Smith & Wesson M&P 2.0 .45. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
GLOCK	45	9MM Luger

306.3.2 SHOTGUNS

The authorized agency-issued shotgun is the Remington 870 12 gauge.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the tubular magazine loaded, the action closed on an empty chamber, and the safety in the safe position.

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306.3.3 PATROL RIFLES

The authorized agency-issued patrol rifle is the Smith & Wesson M&P 15X .223. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
Ax Tactical	AR-15	.223

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle, if the vehicle is so equipped, with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safe position.

306.3.4 AUTHORIZED OFF-DUTY FIREARMS

Members who choose to carry a firearm while off-duty, based on their training, authority and scope as an officer, may carry their issued weapon or any personally owned firearm that is on a valid New York State permit and will be required to meet the following guidelines:

(a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(c) When armed, officers shall carry their pistol permit and Utica Police Department identification cards under circumstances requiring possession of such identification and to assist in readily identifying yourself as a Police Officer.

306.3.5 AMMUNITION

Members shall carry only agency-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all agency-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Agency shall be dispensed by the Lead Firearms Instructor when needed, in accordance with established policy.

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306.3.6 AMMUNITION CAPACITY FOR ON-DUTY CARRY
AMMUNITION CAPACITY FOR ON-DUTY CARRY

306.4 THEFT OR LOSS OF ANY FIREARM

In the event of loss or theft of any firearm, personal or department issued, the officer shall:

(a) Immediately report such to the police agency with jurisdiction.

(b) Notify his/her Commanding Officer. In the event that the Command Officer cannot be contacted the notification must be made via the chain of command.

In such instances the Command Officer will immediately:

(a) Notify the Chief of Police

(b) Initiate an investigation to ascertain if there was any negligence in the care and safeguarding of such weapon.

(c) Arrange to send a FILE 25 E-Justice Portal Message specifying the following information:

1. Make, model, caliber, and serial number of the firearm;
2. Date of loss or theft (or date of discovery);
3. Circumstances of the loss or theft;
4. Name of the police agency receiving the report, and
5. The date on which you filed the report.

(d) In the case of a Felony, such as the theft of a firearm, the Terminal/Portal message must be sent within five hours.

(e) Furnish the Chief of Police with a summary report indicating whether he recommends disciplinary action.

(f) Notify the Firearms Section of the loss or theft.

(g) Forward a copy of all documents to the Firearms Section, Support Division Commander and Professional Standards.

306.5 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.5.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Lead Firearms Instructor.

Firearms that are the property of the Agency shall be repaired or modified only by a person who is agency-approved and certified as an armorer or gunsmith. Such modification or repair must be authorized in advance by the Lead Firearms Instructor.

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306.5.2 HOLSTERS

Only agency-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.5.3 TACTICAL LIGHTS

The only approved weapon light to be used on a member's issued handgun is the Streamlight TLR-7 HL-X.. Once the tactical lights have been properly installed on any firearm, the member shall train and qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

The Streamlight TLR-7 HL-X has a rechargeable CR123 battery. All members must recharge the battery at a minimum every 3 months and ensure proper functionality prior to their shift. If a member discovers an issue with their weapon mounted light they must notify the Lead Firearms Instructor.

306.5.4 OPTICS OR LASER SIGHTS

The GLOCK 45 comes with the AIMPOINT COA red dot sight mounted from the manufacturer. This is the only approved red dot sight for the GLOCK 45. Members shall esnure the care and proper functionality of their red dot sight and notify the lead firearms instructor of any mechanical issues.

Rifle optics may only be installed after they have been examined and approved by the Lead Firearms Instructor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on a rifle, the member shall train and qualify with that rifleto ensure proper functionality and sighting prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

The use of laser sights are prohibited for use with department issued and personally owned weapons used on duty.

306.6 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Lead Firearms Instructor. Members shall not dry fire or practice quick draws except under Lead Firearms Instructor supervision.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Agency, unless due care is exercised.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using due care.

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(e) Members shall not place or store any firearm or other weapon on agency premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Any firearm authorized by the Agency to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Agency or a Lead Firearms Instructor approved by the Agency for inspection and repair. Any firearm deemed in need of repair or service by the Lead Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.6.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction using due care.

Personally owned firearms may be safely stored in lockers at the end of the shift. Agency-owned firearms shall be stored in the member's lockers. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.6.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit agency-issued firearms to be handled by anyone not authorized by the Agency to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

Ammunition shall be removed from firearms stored in a vehicle and the firearms shall be stored out of sight from outside of the vehicle (Penal Law § 265.45).

306.6.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.7 POLICE OFFICER FIREARMS TRAINING AND QUALIFICATIONS

Police officers who carry a firearm while on-duty are required to successfully complete training annually with their duty firearms. Training and qualifications must be on an approved range course.

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At least annually, all police officers carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.8 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for:

1. Unauthorized range make-up.
2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.9 TEST FIRING

The agency will utilize the Bullet Recovery Tank located in the ID bay at the garage for all weapon test firing. This is to provide a rapid, simple, safe and reliable means for the recovery of fired bullets free of surface damage for use in evidence processing. Only trained firearms instructors are authorized to fire any weapon while using the Bullet Recovery Tank.

Any outside agency requests to utilize the Bullet Recovery Tank will first be authorized by the Chief of Police or their designee. Once approved a trained firearms instructor from this agency will perform the test fire with a member of the outside agency present.

TEST FIRING

306.10 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, under circumstances where a person could be struck by a bullet from the weapon shall make a verbal report to the member's supervisor immediately (Executive Law § 837-v).

If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm

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was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, the member shall file a response to resistance report with the member's Division Commander as soon as reasonably possible (Executive Law § 837-v).

306.10.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical or if the animal reasonably appears to pose an imminent threat to human safety.

306.10.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Agriculture and Markets Law § 374). The preferred weapon is the Remington 870 shotgun, however with permission from a Supervisor, any platform may be utilized. A Response to Resistance report is not required for the humane dispatching of non-domesticated injured animals, a supervisor will be notified, and the authorization and dispatching will be documented in a narrative. Professional Standards does not need to be notified unless there are unusual circumstances.

306.10.3 WARNING SHOTS

Warning shots are prohibited.

306.11 LEAD FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Lead Firearms Instructor. All members attending will follow the directions of the Lead Firearms Instructor. The Lead Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Training Director after each range date. Failure of any member to sign in and out with the Lead Firearms Instructor may result in non-participation or non-qualification.

The range shall remain operational and accessible to agency members during hours established by the Agency.

The Lead Firearms Instructor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this agency to verify proper operation. The Lead Firearms Instructor has the authority to deem any agency-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Lead Firearms Instructor.

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The Lead Firearms Instructor has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Lead Firearms Instructor shall complete and submit to the Training Director documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Agency, a list of each member who completes the training. The Lead Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Director.

FIREARM INSTRUCTORS AUDIOMETRIC TESTING

306.11.1 INVENTORY

The Lead Firearms Instructor shall conduct and maintain an inventory of agency weapons and ammunition maintained in the agency armory or secured setting. An inventory should be conducted on an annual basis.

306.12 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Agency based on the law and published TSA rules.

(b) Officers must carry their Utica Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Agency and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Utica Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Utica Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the agency-appointed instructor.

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(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.13 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this agency are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Utica Police Department identification card whenever carrying such firearm.

(b) The officer may not be the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other agency policies (including qualifying and training).

(e) A department issued firearm shall not be carried out of state except while on official department business.

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active police officers from other states are subject to all requirements set forth in 18 USC § 926B.

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Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Caravanning - The practice of having a number of pursuit vehicles following a violator's vehicle in a line or caravan.

Paralleling - A tactic which employs pursuit vehicles moving on streets parallel to that on which the violator is being pursued.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.2 POLICY

It is the policy of this agency to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

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307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits should only be conducted using authorized marked police agency emergency vehicles that are equipped with emergency lighting and sirens.

Officers shall drive with reasonable care for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (Vehicle and Traffic Law § 1104):

(a) Stop, stand or park in violation of the rules of the road.

(b) Proceed past a steady red signal, a flashing red signal or a stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed the maximum speed limits so long as life and property are not endangered.

(d) Disregard regulations governing direction of movement or turning in specified directions

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle and an officer reasonably believes that the person being pursued has committed a felony, causing or threatening death or serious bodily harm or an officer reasonably believes that others are threatened by death or serious bodily harm and the officer believes that the bodily harm cannot otherwise be prevented.

A vehicle pursuit is authorized for the following offenses or the attempt to commit these offenses:

(a) Arson

(b) Burglary in progress or immediate flight there from

(c) Class “A” Felony Drug Offense

(d) Felony Assault

(e) Felony Criminal Possession or Use of a Weapon, or

(f) Menacing with a Firearm

(g) Forcible Rape/Criminal Sexual Act

(h) Kidnapping/Unlawful Imprisonment

(i) Leaving the scene of a personal injury motor vehicle accident

(j) Murder/Manslaughter

(k) Robbery

Pursuits are authorized when attempting to execute a search warrant on a person or a vehicle or if the person operating or occupying the vehicle has a felony warrant.

A pursuit may may be initiated when exigent circumstances exist with the approval of a supervisor. An exigent circumstance involves an incident where the apprehension of a fleeing suspect,

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while not listed above, is of a serious nature and creates such a risk to public safety that the apprehension of the suspect outweighs the risks associated with the pursuit. A supervisor must clearly articulate and document the exigent circumstances that led to the motor vehicle pursuit under the appropriate incident number in the Records Management System.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and telecommunicator/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(h) Vehicle speeds.

(i) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(j) The availability of other resources, such as air support assistance.

(k) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle.

307.3.2 WHEN AN OFFICER MAY NOT ENGAGE IN A PURSUIT

A vehicle pursuit will not be initiated if the reason for the attempted stop is solely for vehicle and traffic law violations, penal law violations, misdemeanors, or other non-violent felonies. This specifically prohibits pursuits for the following:

(a) Unauthorized use of a motor vehicle

(b) Possession of stolen property (motor vehicle)

(c) Grand Larceny of a motor vehicle

Officers are also prohibited from engaging in a vehicle pursuit when:

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(a) The risks raised by the pursuit are greater than the risks that the apprehension seeks to avoid.

(b) An officer is operating an unmarked vehicle. Such officer shall request a marked vehicle when a pursuit may be necessary.

(c) Transporting civilian passengers or prisoners.

(d) The pursuit initiated by outside agencies unless approved by a command officer.

Non-sworn members may not engage in a vehicle pursuit for any reason.

307.3.3 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle's location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards posed to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

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307.4 PURSUIT VEHICLES

Only marked police vehicles, equipped with emergency lights and sirens that are pursuit rated may be deployed in vehicle pursuits. If an unavoidable instance arises where an unmarked police vehicle is involved in a pursuit, that vehicle should be replaced by a marked unit when practicable.

Vehicle pursuits should be limited to three police agency emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 MOTORCYCLES

When involved in a pursuit, police agency motorcycles should be replaced by marked emergency vehicles as soon as practicable.

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police agency vehicles or any air support.

307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the telecommunicator, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

(a) The location, direction of travel and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including the license plate number, if known.

(c) The reason for the pursuit.

(d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.

(e) The number of occupants and identity or description.

(f) The weather, road and traffic conditions.

(g) The need for any additional resources or equipment.

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(h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

(a) Immediately notifying the telecommunicator of his/her entry into the pursuit.

(b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting information that the primary pursuing officer is unable to provide.

(d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

(e) Identifying the need for additional resources or equipment as appropriate.

(f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) Officers are forbidden to pursue a vehicle driving the wrong direction on an interstate, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.

2. Request other officers to observe exits available to the suspect.

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(d) Notify the New York State Police or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police agency vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this agency.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

(a) Immediately notifying involved officers and the telecommunicator of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established agency guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

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(f) Ensuring that assistance from canines or additional resources is requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring that the Squad Commander is notified of the pursuit, as soon as practicable.

(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(j) Controlling and managing Utica Police Department officers when a pursuit enters another jurisdiction.

(k) Preparing a narrative of their involvement after reviewing the officer's report.

(l) Ensuring a notification is sent to Professional Standards regarding the particulars of the incident.

Note - The supervisor's narrative should be completed for any reporting of a vehicle pursuit. The same shall apply for the notification to Professional Standards.

307.6.1 SQUAD COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Squad Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Squad Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

307.7 ONEIDA COUNTY 9-1-1 CENTER

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or telecommunicator. If the pursuit leaves the jurisdiction of this agency or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

307.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the telecommunicator is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Squad Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

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307.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Utica Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this agency shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency’s assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this agency, the other agency should relinquish control.

307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this agency should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this agency may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this agency to assist or take over a pursuit that has entered the jurisdiction of the Utica Police Department, the supervisor should consider:

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(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing officers.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Squad Commander should review a request for assistance from another agency. The Squad Commander or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this agency will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this agency may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.10 PURSUIT INTERVENTION

.Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, ramming or roadblock procedures.

307.10.1 WHEN USE IS AUTHORIZED

An officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

307.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

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307.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
4. The suspect vehicle is stopped or traveling at a low speed.
5. Only law enforcement vehicles should be used in this tactic.

(b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

(c) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(d) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be

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deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

ROADBLOCKS

307.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

(a) The primary pursuing officer shall complete appropriate crime/arrest reports.

(b) The Professional Standards Unit will complete a post pursuit review.

307.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

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Foot Pursuits

308.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

308.2 POLICY

It is the policy of this agency that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to agency members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

308.3 DECISION TO PURSUE

The safety of agency members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and agency members.

Officers may be justified in initiating a foot pursuit when the officer has reasonable suspicion to believe an individual is about to engage in, is engaging in, or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in a foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place agency members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

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(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

308.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the telecommunicator or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to agency members or the public if the suspect is not immediately apprehended.

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(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

308.5 RESPONSIBILITIES IN FOOT PURSUITS

308.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the telecommunicator of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

308.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

308.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established agency guidelines.

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The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

308.5.4 ONEIDA COUNTY 9-1-1 CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the telecommunicator is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Assigning an incident number and logging all pursuit activities.

308.6 REPORTING REQUIREMENTS

The initiating officer shall complete all appropriate reports to include a Use of Force report if applicable.

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Officer Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

309.2 POLICY

It is the policy of this agency to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

309.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate and should continuously operate the emergency vehicle lighting and siren as required by law (Vehicle and Traffic Law § 114-b; Vehicle and Traffic Law § 1104).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

(a) Priority 1 calls as outlined in OC911 UPD Dispatch Policy;

(b) When immediate assistance is requested by an officer or other law enforcement agency.

Officers not responding to a call as an emergency (Priority 2 calls as outlined by the OC911 UPD Dispatch Policy) response shall obey all traffic laws and proceed without the use of emergency lights and siren.

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309.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved agency member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency

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- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the telecommunicator.

309.5 SAFETY CONSIDERATIONS

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. (Vehicle and Traffic Law § 1104)

When two or more emergency vehicles approach an intersection simultaneously, the emergency vehicle that otherwise would have had the right of way shall proceed first.

309.5.1 NUMBER OF OFFICERS ASSIGNED

The number of officers assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

309.5.2 MOTORCYCLES

An officer operating a police motorcycle should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

309.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Squad Commander, field supervisor or the telecommunicator of the equipment failure so that another officer may be assigned to the emergency response.

309.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the telecommunicator. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

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The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the telecommunicator of his/her determination. Any subsequent change in the appropriate response level should be communicated to the telecommunicator by the officer in charge of the scene unless a supervisor assumes this responsibility.

309.8 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Squad Commander or the field supervisor shall verify that:

(a) The proper response has been initiated.

(b) No more than those officers reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

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Canines

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

310.2 POLICY

It is the policy of the Utica Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Uniform Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Squad Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Squad Commander.

310.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Uniform Patrol Division Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

(i) Investigate all incidents where a person is bitten or injured by a police canine, and forward a report to the Division Commander.

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(j) Investigate all incidents where a claim has been made that a police canine damaged the property of another and forward a report to the Division Commander.

310.5 REQUESTS FOR CANINE TEAMS

Uniform Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from agency units outside of the Uniform Patrol Division shall be reviewed by the Squad Commander.

310.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Duty Commander and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

310.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

310.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the supervisor. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, such as the use of a muzzle.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

CANINE USE OF OPERATIONS - BURGLARIES

CANINE USE OF OPERATIONS - TRACKING SITUATIONS

RESPONSIBILITIES OF NON-CANINE OFFICERS AT TRACKING SCENES

CANINE USE OF OPERATIONS - AREA SEARCHES

310.6.1 DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

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A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

Canine teams shall not be used in crowd situations, any civil disturbance involving a mob, riot, or unlawful assembly, or for a deterrent effect at public demonstrations except as follows:

- When directed otherwise by the Chief of Police or his designee.
- When there is actual or imminent serious physical injury or possible death to police officers or innocent persons.
- If utilized in crowd situations, the canine shall remain on leash, and under the direct control of the handler; and, the team is deployed only as a backup unit, behind a line of officers. The canine shall be deployed with a secure muzzle, and said muzzle shall not be removed from the canine unless it is necessary for the canine team to initiate actions to prevent an imminent threat of loss of life, or serious physical injury.

310.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

310.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual’s injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence

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in accordance with current agency evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

The Agency should apply for a waiver from the local Department of Health regarding confinement and observation when a canine bites a person while engaged in official duties (Public Health Law § 2140).

310.6.4 POLICE CANINE BITE REPORT

The following procedures should be followed whenever a police canine injures any person through physical contact.It is the handler's and his supervisor's responsibility to see that all steps are taken to insure medical attention to the injured person, and that all related reports are secured.

If a police canine should accidentally injure an innocent civilian, the canine officer shall immediately render first aid to the victim, and see to it that further medical attention is made available to the victim where necessary. The canine officer shall notify his supervisor immediately in order to facilitate a timely investigation, and the filing of required reports. The canine officer will complete forms UPD#K-1, and UPD-K-2, in addition to related departmental reports.Document any refusal for medical attention by the victim, and secure photographs of the injury.

If a police canine injures a suspect, for example, during a crime in progress, at a crime scene, or during an apprehension or escape, the canine handler should do the following:

(a) Administer first aid to the suspect, and if needed, take steps to see that the suspect receives further medical attention.

(b) Document any refusal of medical attention by an injured person.

(c) Notify the supervisor immediately.

(d) Photograph the site of any injury, as soon as medical attention has been administered.

(e) Interview any witnesses to the incident, and forward reports to the supervisor.

(f) Complete forms UPD-K#1, and UPD-K-2.

(g) Complete departmental forms relative to an injured suspect.

If a police canine should injure a police officer, the injury should be treated as any other line of duty injury.The canine officer shall render first aid, notify his supervisor, complete form UPD-K#1, and UPD-K-2, and other related departmental reports regarding an officer injury.

Any person bitten by a police canine should be advised to get a tetanus shot.

If a person is injured as a result of a dog bite, from a police canine, and the canine team is off duty, the canine officer will file appropriate departmental reports to document the incident, including a UPD-K-1 report.The police canine is the property of the City of Utica and any bite incident will require a follow-up investigation by the department.If such injury occurs outside the city, notify the law enforcement agency that has jurisdiction in that area. In addition, the canine officer shall notify one of the following:

(a) His/her immediate supervisor, if available.

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(b) The patrol commander on duty.

(c) The duty Captain, if available.

As soon as possible, the canine officer will file UPD-K-1, and UPD-K-2 reports.

310.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

CANINE USE OF OPERATIONS - EVIDENCE SEARCHES

CANINE USE OF OPERATIONS - NARCOTICS DETECTION AND NARCOTIC CANINE TEAMS

CANINE USE OF OPERATIONS - EXPLOSIVES DETECTION AND EXPLOSIVE CANINE TEAMS

310.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

310.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where a suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

310.8 HANDLER SELECTION

The preferred qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Utica City limits.

(e) Agreeing to be assigned to the position for a minimum of three years.

310.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all agency equipment under his/her control in a clean and serviceable condition.

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(c) When not in service, the handler should maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Utica Police Department.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Squad Commander.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Squad Commander.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

(l) Only a police canine handler shall give commands to a police canine. The only exception will be that any member may act to terminate a use of force by a police canine when the handler has been incapacitated and is unable to terminate the use of force himself.

DUTIES AND RESPONSIBILITIES OF POLICE CANINE HANDLERS

GENERAL GUIDELINES

310.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

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310.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

310.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Squad Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained by the handler.

310.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current standards as established by the Municipal Police Training Council (MPTC) or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all agency members in order to familiarize them with how to conduct themselves in the presence of agency canines. Because canines may be exposed to dangerous substances such as opioids, an opioid exposure kit should be made available, and the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Squad Commander.

310.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training from the canine training provider as established by the MPTC or other recognized and approved certification standards.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Agency.

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310.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

310.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

310.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Utica Police Department may work with outside trainers with the applicable licenses or permits.

310.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(g); Public Health Law § 3305).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Utica Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this agency for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

When feasable the canine handler should use commercially available synthetic substances that are not controlled narcotics.

310.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this agency.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property Unit or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

310.12.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; Labor Law § 458).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Utica Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

When a domestic violence incident may also include an indication of child abuse, members should refer to the Child Abuse Policy.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence or domestic incident - Includes but is not limited to physical, psychological, sexual, or emotional abuse by one member of a family or household against another member of the family or household. The term includes criminal offenses and family offenses but it may also include a dispute or incident between family or household members that does not rise to the level of a criminal offense. For the purposes of this policy, domestic violence includes all designated family offenses identified in Family Court Act § 812 and CPL § 530.11(1).

Family offense - Those offenses specified in Family Court Act § 812 and CPL § 530.11 (see domestic violence definition).

Member of the same family or household - Includes (Family Court Act § 812; CPL § 530.11):

(a) Persons related by blood or marriage.

(b) Persons legally married to one another.

(c) Persons formerly married to one another, regardless of whether they still reside in the same household.

(d) Persons who have a child in common, regardless of whether such persons have been married or have lived together at any time.

(e) Persons who are or who have been in an intimate relationship, regardless of whether they have lived together at any time. Factors to consider in determining whether a relationship is an "intimate" relationship include but are not limited to:

1. The nature or type of relationship, regardless of whether the relationship is sexual in nature.
2. The frequency of interaction between the persons.
3. The duration of the relationship.

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4. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an intimate relationship.

(f) Persons who are related by blood or marriage to persons who are or who have been in an intimate relationship (i.e., Melanie's Law - allows courts to extend coverage of protection orders to family members impacted by domestic violence).

311.2 POLICY

The Utica Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this agency to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

311.3.1 ARRIVAL ON SCENE

Arrival on scene is part of the investigation, therefore, officers should be alert to the sights and sounds coming from the location, and that anything or anyone present may serve as evidence. Officers should wait for backup to arrive, when appropriate, and should always put officer safety and scene safety as the top two initial priorities to be most helpful to the victim and most able to hold any offenders accountable by taking control of the scene.

The responding on-scene officer shall:

(a) Take control of the situation by first separating the involved parties.

(b) For the safety of the parties and all first responders, take control of all weapons used or threatened to be used in the incident.

(c) Assess the immediate safety and welfare of all occupants of the location, including children, to verify their safety and well-being.

(d) Assess for physical injuries, including inquiring about strangulation or possible internal, nonvisible injuries, and sexual violence; administer first aid and request medical services as necessary. If sexual violence is suspected or alleged, advise the victim about the availability of receiving a sexual assault forensic exam and the ability of law enforcement to assist victim in obtaining exam.

(e) If the victim, children, or other witnesses do not speak English or require accommodations such as a sign language interpreter, seek other methods (i.e., Language Line) or follow protocols for providing language access. Do not use family members or other witnesses for interpretation services.

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(f) Determine the relationship of the victim to the suspect.

(g) Assess the well-being and health of any domestic pets or companion animals and document the signs of potential animal abuse.

311.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

1. If two officers have not been dispatched, responding officers should request an additional unit to respond to the location.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigating officer and/or the Domestic Violence officer in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

1. Officers shall seize any firearms or weapons specified in CPL § 140.10 that are in the possession of any person arrested for or suspected of the commission of a family offense (as defined by Family Court Act § 812 and CPL § 530.11).

2. Officers shall seize any firearms or weapons specified in CPL § 140.10 that are in plain sight or discovered during a consensual or other lawful search if any of the following circumstances are present (CPL § 140.10):

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(a) The victim answers yes to the suspect threats questions in the victim interview section located in the prior history section of the New York State Standardized Domestic Incident Report (DIR) form.

(b) The victim responds yes to any of the lethality assessment questions in the prior history section of the DIR form.

(c) Responding officers have a reasonable belief that it is necessary to remove firearms or weapons to protect the victim or other persons present, or to prevent risk of further violence or threat.

3. Officers may seize all such weapons in plain sight or discovered in a lawful search (CPL § 140.10).

4. Officers shall take custody of any license to carry, possess, repair, or dispose of any weapons seized (CPL § 140.10).

5. Officers shall provide a receipt for any weapon or license seized as provided in CPL § 140.10.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report. If the Order of Protection is not available the investigating officer should advise the DV Officer.

(j) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred (CPL § 140.10). Factors that should not be used as sole justification for declining to take enforcement action include:

(a) Whether the suspect lives on the premises with the victim.

(b) Claims by the suspect that the victim provoked or perpetuated the violence.

(c) The potential financial or child custody consequences of arrest.

(d) The physical or emotional state of either party.

(e) Use of drugs or alcohol by either party.

(f) Denial that the violence occurred where evidence indicates otherwise.

(g) A request by the victim not to arrest the suspect.

(h) Location of the incident (public/private).

(i) Speculation that the complainant may not follow through with the prosecution.

(j) Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.

(k) The social status, community status, or professional position of the victim or suspect.

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(k) Officers shall not ask the victim if they want the suspect arrested and shall not threaten the arrest of any person for the purpose of discouraging requests for police intervention (CPL § 140.10).

311.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).

(b) Document the resolution in a report.

311.4.3 WEAPON SEIZURE OR SAFEKEEPING PROCEDURE
Members seizing firearms or weapons at a domestic violence incident should:

(a) Process any firearms and weapons collected as required by the Property Unit Policy.

(b) Notify any agency issuing firearm permits of the arrestee's name and firearms confiscation. If all the weapons on a pistol permit are seized then the permit needs to be seized as well.

(c) Ensure that the court is notified of any licensed firearm.

(d) Ensure that the court is notified that the arrestee was licensed and whether an arrest was made for a willful failure to obey an order of protection involving any behavior constituting menacing, reckless endangerment, stalking or any other violent behavior, or threatened violent behavior, against a person (Family Court Act § 842-a; Family Court Act § 846-a; CPL § 530.14).

311.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

(a) Victims shall be provided with the agency domestic violence information handout, even if the incident may not rise to the level of a crime (Family Court Act § 812; CPL § 530.11).

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(b) Victims shall also be alerted to any available victim advocates, shelters and community resources (Family Court Act § 812; CPL § 530.11).

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.

(d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.

(e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate, officers should seek or assist the victim in obtaining an emergency order.

311.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, shall be handled as high priority and dispatched as soon as practicable.

Telecommunicators are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that telecommunicators check whether any of the involved persons are subject to the terms of a court order.

311.6.1 RECLASSIFICATION OR CANCELLATION

A domestic incident should not be reclassified or recoded without a supervisor's review. Responses to domestic incidents shall not be canceled regardless of whether such a request is made by someone at the scene during the initial call or a follow-up call. However, officers should be informed of any request to cancel a response, and the dispatcher should explain to the caller that the call must be responded to.

311.6.2 COVERT CALLS

Telecommunicators should be alert for covert calls to domestic violence in which the call may appear to be irregular (e.g., asking for food delivery, requesting a taxicab) and dispatch officers where practicable.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice

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and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

    1. This includes checking the statewide order of protection registry.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

If it is an out of state order it must have the same content as a NYS order to be valid. This includes issue date, expiration date, names of parties, name of issuing court, terms and conditions against offender, signature of or on behalf of the judicial officer, and how the suspect was notified of the order.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following (CPL § 140.10):

(a) Officers shall arrest a person when there is probable cause to believe that the person has committed one of the following against a family or household member:

    1. Any felony offense (other than certain grand larceny offenses)

    2. Any misdemeanor family offense unless the victim requests otherwise

(b) Officers should make an arrest, unless a decision not to arrest has been made by a supervisor, when:

    1. A misdemeanor domestic violence incident occurs where the victim has requested that no arrest be made.

    2. In all other domestic violence incidents for offenses as permitted by CPL § 140.10. A decision not to make an arrest in these circumstances should be made by a supervisor but only when there is a clear and compelling reason not to make an arrest.

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(c) Officers shall make an arrest for certain violations of a duly served order of protection, an order of protection which the defendant has actual knowledge of because he/she was present in court when such order was issued, or other court orders related to domestic violence found in the following provisions:

1. Domestic Relations Law § 240 (custody and child support)
2. Domestic Relations Law § 252 (actions for divorce)
3. Family Court Act Articles 4, 5, 6, or 8 (support, paternity, termination/adoption, or family offenses proceedings)
4. CPL § 530.12 (protection for victims of family offenses)
5. CPL § 330.20 (procedure following verdict or plea of not responsible by reason of mental disease or defect)
6. These arrests require that:
    - The protected party in whose favor the order of protection or temporary order of protection is issued may not be held to violate an order issued in his/her favor nor may such protected party be arrested for violating such order.
    - The arrest shall be made if the person violates a stay-away provision included in one of the above orders or if the person commits a family offense in violation of the court order.

(d) In cases involving a misdemeanor family offense, if there is probable cause to believe that more than one family or household member committed such offense, an officer is not required to arrest both parties. The officer shall attempt to identify and arrest the primary aggressor using factors including but not limited to (CPL §140.10):

1. The comparative extent of any injuries inflicted by and between the parties.
2. Whether any party is threatening or has threatened future harm against another party or another family or household member.
3. Whether any party has a prior history of domestic violence that the officer can reasonably ascertain.
4. Whether any party acted defensively to protect him/herself from injury.
5. The decision to arrest or not to arrest shall not be based on the willingness of a person to testify or otherwise participate in a judicial proceeding.

(e) Officers should take a report from a victim of a family offense even if the offense did not occur in the jurisdiction of the Utica Police Department (Executive Law § 646).

(f) Peace officers who respond to a domestic violence call, who do not have arrest authority for such calls as part of their assigned duties, shall summon a police officer who has arrest authority under such circumstances.

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311.10 REPORTS AND RECORDS

If the investigation involves any dispute, act of violence, or report of an alleged offense between members of the same family or household, an officer shall complete the Domestic Incident Report Form, regardless of whether an offense was committed or an arrest was made (CPL § 140.10).

(a) If it is determined that the suspect or arrestee is on probation or parole, the Records Unit shall ensure that a copy of the written report is sent to the supervising probation or parole officer.

(b) If an offense is committed against a person who is 65 years of age or older, the Records Unit shall ensure that a copy of the report is sent to the Committee for the Coordination of Police Services to Elderly Persons.

(c) If the complaint stems from a victim of a family offense that occurred outside of the jurisdiction of the Utica Police Department, the Records Unit shall ensure that a copy of the written report is provided to the complainant and also promptly sent to the appropriate law enforcement agency (Executive Law § 646).

311.11 SERVICE OF COURT ORDERS

Officers who receive a copy of a temporary order of protection or an order of protection issued upon default shall make a reasonable effort to serve the named person with the order along with the summons, petition or any other associated papers (Domestic Relations Law § 240; Family Court Act § 153-b).

Upon service, the officer shall notify the issuing court that service was achieved and notify the statewide computer registry regarding the date and time of service (Domestic Relations Law § 240; Family Court Act § 153-b).

Officers may also assist in the service of a court order upon request of the protected person.

311.11.1 ORDER OF PROTECTION REGISTRY

When an officer receives a copy of an order of protection, special order of conditions, or warrant that pertains to an order of protection or special order of conditions, the required information shall be immediately entered into the order of protection registry (Executive Law § 221-a).

311.12 ROLE OF THE SUPERVISOR

Supervisors shall:

(a) Respond to the location when requested by an officer or victim, or if there is a reasonable belief that the incident involves a violent crime, a prominent community member, a public official, or a law enforcement officer as a victim, suspect, or witness.

(b) Ensure that appropriate action is taken.

(c) Review reports.

(d) Assess for related crimes to include stalking, sexual violence, strangulation, firearms prohibitions, protection order violations, intimidation and threats, and abuse of children, elders, and animals.

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311.13 OFFICER INVOLVED DOMESTIC INCIDENTS

Purpose: To acknowledge the special nature of officer-involved domestic incidents and to establish departmental policy and procedure in handling such calls.

Definition: Any domestic incident in which the identified victim, witness or suspect is a police officer.

Police Officer Responsibility: Officers, regardless of jurisdiction, who learn they are the subject of a domestic violence investigation, or are involved in any domestic dispute that involves a police response, are required to immediately or as soon as practical, notify their direct supervisor and provide notice of court dates, times, appearances and proceedings.

The department, in response to observed warning signs or at the request of an officer, intimate partner or the family member, shall provide non-punitive avenues of assistance before an act of domestic violence occurs.

The department shall inform officers of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services to include, but not limited to the Employee Assistance Program (EAP), YWCA or the Departments' own Domestic Violence Unit.

The Department reserves the right to order an officer, prior to allowing them to return to, or remain on-duty, to pass a Fitness for Duty Evaluation by a licensed and qualified public safety psychiatrist.

Note - The services of the DV unit are also available to victims of officer involved domestic incidents regardless of whether or not the victim is the involved officer.

RESPONDING OFFICER RESPONSIBILITIES

SUPERVISOR RESPONSE AND RESPONSIBILITIES

NOTIFICATIONS

REPORTING PROCEDURES

CRIMINAL INVESTIGATIONS

ADMINISTRATIVE INVESTIGATION

ORDERS OF PROTECTION AND DUTY WEAPONS

311.14 DANGER ASSESSMENT

The Danger Assessment for Law Enforcement (DA-LE) is a research-based risk assessment instrument that measures risk of lethal or near-lethal assault between intimate partners.

The DA-LE shall be administered only when the call for services involves intimate partners.

The DA-LE shall not be administered when the call for service is between individuals who are not intimate partners such as child and parent/guardian, roommates, etc.

The DA-LE shall be administered regardless of the accompanying criminal changes, including instances where no accompanying criminal changes are brought. Officers shall administer the DA-LE when the call for service involves violence, threats of violence, violations of a restraining

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order, and/or actions or statements between intimate partners where one party causes the other party to fear for their safety.

Higher scores on the DA-LE correspond with greater risk. A case is considered high-risk when 7 or more questions on the DA-LE are answered affirmatively.

The outcome of he DA-LE is not a replacement for professional judgment. Officers must use their professional judgment and consider the totality of the circumstances, including but not limited to the severity of the assault, previous DV calls between the parties, and/or level of fear of harm expressed by the victim.

When officers believe a victim is at elevated risk of a lethal or near-lethal assault, even when the DA-LE indicates a low score or the victim has declined to complete the DA-LE officers can override the outcome of the DA-LE by checking the further review box and documenting the justification on the DA-LE form.

Officers shall complete the following High-Risk Intervention Protocol when a victim scores high-risk on the DA-LE or the officer overrides the score:

(a) The officer informs the victim that their situation is extremely dangerous.

(b) The officer will advise the victim that assistance through the YWCA and the Domestic Violence Advocate/DV officer assigned to the Utica Police Department is available. The officer informs the victim that law enforcement, prosecutors and domestic violence services work together in a coordinated fashion to protect them.

(c) The officer facilitates the connection of the victim to the YWCA, Domestic Violence Advocate or DV Officer.

(d) The officer provides the victim with materials for the YWCA 24 hour hotline (315-797-7740) ensuring a contact number is easily accessible to the victim. The officer shall also provide available materials informing the victim of services available through the police department i.e. the Domestic Violence Advocate or DV officer. Consider if materials are available in other languages and any statutory requirements to provide written information to victim.

(e) The officer obtains a working phone number from the victim.

All DA-LE's, including DA-LE's that are complete, incomplete, or declined, are supplements to the Domestic Incident Report. The Domestic Violence Advocate or the DV officer shall review all DA-LE's.

311.15 TRAINING

Officers and telecommunicators should receive periodic training on this policy. When practicable, victim advocates should be incorporated in the training. Training should include:

(a) Understanding domestic violence, response, and assistance to victims in a manner that is mindful of trauma, centered around the survivor, and sensitive to cultural variations.

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(b) Applicable domestic violence statutes and legal updates pertaining to domestic violence as noted in the Municipal Police Training Council Law Enforcement Domestic Incident Model Policy.

(c) Roles, responsibilities, and boundaries of law enforcement responding to and intervening in domestic violence matters.

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Search and Seizure

312.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Utica Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Utica Police Department to respect the fundamental privacy rights of individuals. Members of this agency will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this agency will comply with relevant federal and state law governing the seizure of persons and property.

The Agency will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to:

- Valid consent.
- Incident to a lawful arrest.
- Legitimate community caretaking interests (e.g., vehicle and personal property inventory).
- Vehicle searches under certain circumstances.
- Exigent circumstances.
- Plain View

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this agency is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law. Members should also be aware that New York court rulings are frequently more restrictive when interpreting the New York Constitution than the federal courts' interpretation of the United States Constitution.

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Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

312.4 SEARCH PROTOCOL

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this agency will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

(f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports are sufficient including, at minimum, documentation in a radio log narrative:

- Reason for the search.
- The results of the search if there was no property seized.
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

If any of the following occurs a detailed narrative should be prepared:

- Property is seized.
- Any injuries or damage occurred.
- All steps taken to secure property.

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Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and agency policy have been met.

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Child Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Utica Police Department members are required to notify the New York State Office of Children and Family Services (OCFS), Child Protective Services (CPS) division of suspected child abuse.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

313.2 POLICY

The Utica Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the local CPS division and the New York State Child Abuse and Maltreatment Register are notified as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Utica Police Department shall notify CPS when there is reasonable cause to suspect that a child has been abused or maltreated (Social Services Law § 413).

If there is reasonable cause to suspect that a child has died as a result of abuse or maltreatment, the appropriate Medical Examiner shall also be notified (Social Services Law § 418).

For purposes of notification, abuse includes, but is not limited to, the infliction of physical injury by a parent or other person legally responsible for a child, by other than accidental means, which causes or creates a substantial risk of death, serious or protracted disfigurement, or impairment, as well as sexual conduct or abuse, and sex trafficking or other severe forms of trafficking. Maltreatment includes neglect of a child or inflicting serious physical injury on a child by other than accidental means (Social Services Law § 412; Family Court Act § 1012).

313.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Social Services Law § 415):

(a) Immediately contact the appropriate CPS division.

(b) Notification shall include the following information, if known:

  (a) Names and addresses of the child and his/her parents or other person responsible for the child's care, and the family composition, where appropriate.

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(b) If the child is receiving care from an authorized agency or OCFS, the name and address of the program in which the child is receiving care.

(c) The child's age, sex, race and the nature and extent of the child's injures, abuse or maltreatment, including any evidence of prior injuries, abuse or maltreatment to the child or any sibling.

(d) The name of the person alleged to be responsible for the injury, abuse or maltreatment.

(e) The source of the report or the person making the report, and where that source or person may be contacted.

(f) The actions taken by the reporting source, including photographs taken, X-rays or notification to the Medical Examiner.

(g) Any other information that may be helpful in the investigation of the incident or that may be required by OCFS.

(h) The name, title and contact information for the Investigating Officer.(Social Services Law § 413).

313.4 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

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(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

313.5 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this agency should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian:

(a) With a court order.

(b) With the written consent of the parent, guardian or other legally responsible person if the officer reasonably suspects that the child is being abused or neglected (Family Court Act § 1021).

1. The removing officer shall provide a written notice to the parent, guardian or other legally responsible person of his/her right to apply to Family Court for the return of the child, of the right to be represented by counsel and the procedures for those who are indigent to obtain counsel.
2. The notice shall also include the officer's name, title, agency, address and telephone number; the name, address and telephone number of the authorized agency to which the child will be taken, if available; and the telephone number of the person to be contacted to coordinate visits with the child.

(c) Without the consent of the parent or other legally responsible person for the child if the officer has reasonable cause to believe that the circumstances or condition of the child are such that continuing in his/her place of residence or in the care and custody of the parent or other person responsible for the child's care presents an imminent danger to the child's life or health, and there is not enough time to apply for a court order (Social Services Law § 417; Family Court Act § 1024).

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313.5.1 ABANDONED INFANT PROTECTION ACT
A person may relinquish an infant if the child is 30 days old or less, and is safe from physical injury and cared for in an appropriate manner if the person leaves the child with an appropriate person, or if the person leaves the child in a suitable location and promptly notifies the appropriate person of the child's location (Penal Law § 260.00).

313.6 INTERVIEWS

313.6.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

313.6.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:
    1. A reasonable belief that medical issues of the child need to be addressed immediately.
    2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
    3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
(b) A court order or warrant has been issued.

313.6.3 PRIVATE SETTING FOR THE INTERVIEW REQUIRED
All victims of sex offenses and/or incest should be interviewed in a private setting that provides for sight and sound separation from outside of the room. Only those persons relevant to the investigation should be allowed in the room, as provided by law (Executive Law § 642(2-a)).

313.7 MEDICAL EXAMINATIONS
If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child’s transportation to the appropriate medical facility (Social Services Law § 416).

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent

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circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

313.8 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

313.9 STATE MANDATES AND OTHER RELEVANT LAWS

New York requires or permits the following:

313.9.1 PROCESSING REPORTS AND RECORDS

A written report, on a form prescribed by the OCFS Commissioner, shall be processed and forwarded to the local CPS division within 48 hours after the initial report (Social Services Law § 415).

313.9.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Social Services Law § 422).

The Agency shall release applicable information to a parent, guardian or custodian who was not present when the child was taken into custody by CPS (Social Services Law § 417).

313.9.3 CHILD FATALITY REVIEW TEAMS

Upon request, a local or regional fatality review team shall have access to all records, except those protected by statutory privilege, within 21 days (Social Services Law § 422-b).

313.9.4 CHILD PROTECTIVE SERVICES ASSISTANCE

The CPS investigator assigned to check on a child's welfare may request assistance when the parents or custodians refuse to allow access to the home or child. The responding officer shall stand by at the scene to prevent the child from being removed while the CPS investigator secures an immediate court order for access (Social Services Law § 424(6-a)).

313.10 TRAINING

The Agency should provide training on best practices in child abuse investigations. The training should include:

(a) For all officers:

1. Recognizing the signs of child abuse and maltreatment (e.g., signs of unlawful methamphetamine laboratories and abuse or maltreatment of a child with a developmental or intellectual disability) and other topics as required by Social Services Law § 413.

(b) For members tasked with investigating these cases:

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1. Participating in multidisciplinary investigations, as appropriate.
2. Conducting forensic interviews.
3. Availability of therapy services for children and families.
4. Availability of specialized forensic medical exams.
5. Cultural competence (including interpretive services) related to child abuse investigations.
6. Availability of victim advocate or guardian ad litem support.
7. Recognizing abuse that requires mandatory notification to another agency.

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Adult Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Utica Police Department members as required by law.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

314.2 POLICY

The Utica Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

314.3 MANDATORY NOTIFICATION

A police officer of the Utica Police Department shall, and any other member should, notify the Vulnerable Persons Central Registry (VPCR) when the member has reasonable cause to believe that a vulnerable person is being abused. For purposes of notification, a vulnerable person means someone who, due to physical or cognitive disabilities, or the need for services or placement, is receiving services from a facility or provider agency, which may include a group or family care home (Social Services Law § 488; Social Services Law § 491; 18 NYCRR § 433.3).

Members of the Utica Police Department should notify Adult Protective Services (APS) when the member suspects that a person with a physical or mental impairment is the subject of adult abuse, which may include any physical abuse, neglect, sexual abuse, stalking, financial exploitation or emotional abuse.

314.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows:

(a) By calling the adult abuse hotline or contacting the local APS division.

(b) In cases of abuse of a vulnerable person, by immediately calling the VPCR hotline. The report shall include (Social Services Law § 491; Social Services Law § 492):

1. The name and contact information of the abused vulnerable person.
2. The name and contact information of the person suspected of inflicting the abuse.
3. The name, title and contact information of the member making the report.
4. The name of the personal representative for the vulnerable person, if known.
5. The name and address of the facility or provider agency.

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6. The date, time, specific location and description of the incident.
7. The name, title and contact information of individuals who the reporting member reasonably believes have the same information about the abuse as the member.
8. Any other information or documentation that may be helpful to the investigation of the incident.

314.4 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence or others who may have access to the victim.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

314.5 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

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Generally, members of this agency should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

314.6 INTERVIEWS

314.6.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

314.6.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

314.7 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide

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for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

314.8 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

314.8.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Criminal Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

314.8.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Criminal Investigations Division supervisor so an interagency response can begin.

314.9 STATE MANDATES AND OTHER RELEVANT LAWS

New York requires or permits the following:

314.9.1 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for:

(a) Providing a copy of the adult abuse report to APS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

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314.9.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

314.10 TRAINING

The Agency should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent agency members from being subjected to discriminatory harassment, including sexual harassment and retaliation (Labor Law § 201-g). Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Utica Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Agency will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Agency will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Agency may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Agency prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and other classification or status protected by law (Executive Law § 296).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or agency equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to agency policy and to a work environment that is free of discrimination.

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315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, requested a reasonable accommodation under New York Human Rights Law (Article 15), or opposed a discriminatory practice. Retaliation will not be tolerated (Executive Law § 296; Labor Law § 201-g).

315.3.3 DISCRIMINATORY HARASSMENT

The Agency prohibits all forms of discrimination and discriminatory harassment, including sexual harassment (Executive Law § 296; Labor Law § 201-g). It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment also includes any other act or conduct deemed sexual harassment under the state sexual harassment policy (Labor Law § 201-g).

315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the New York State Department of Labor, Division of Equal Opportunity Development guidelines.

(b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or agency rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.3.5 UNLAWFUL DISCRIMINATORY PRACTICES AGAINST NON-EMPLOYEES

Unlawful discriminatory practices against non-employees in the workplace or while on-duty (including contractors and persons conducting business with the agency) are prohibited (Executive Law § 296-d).

315.4 RESPONSIBILITIES

This policy applies to all agency members, who shall follow the intent of these guidelines in a manner that reflects agency policy, professional standards and the best interest of the Agency and its mission.

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Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct, or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Director, or the City Mayor.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

315.4.1 COMPLAINTS OF SEXUAL HARASSMENT

Members making a complaint of sexual harassment should be encouraged to use the state's standard complaint form. If a member making a complaint chooses not to use the form, supervisors or managers should document the complaint on the state's standard complaint form with the information provided by the complainant.

Sexual Harassment Complaint Form

315.4.2 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, the Chief of Police, the City of Utica Human Resources Department or the Office of the City Mayor for further information, direction or clarification.

315.4.3 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor shall include but are not limited to (Labor Law § 201-g):

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the City of Utica Human Resources Department in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

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315.4.4 SUPERVISOR'S ROLE

Supervisors shall be aware of the following:

(a) Behavior of supervisors should represent the values of the Agency and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Agency that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

315.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, or harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Civil Service Secretary, or the City Mayor.

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315.5.3 INVESTIGATING COMPLAINTS OF SEXUAL HARASSMENT

All complaints of or information indicating sexual harassment, including those by or against non-employees, should be thoroughly investigated pursuant to the requirements of the State Sexual Harassment Policy for All Employers in New York State (Labor Law § 201-g).

315.5.4 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Agency. Members who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

Complaints at the state level may be filed with the New York State Division of Human Rights (DHR) or the New York State Supreme Court pursuant to the requirements of Executive Law § 290 et seq. Complaints at the federal level may be filed with the Equal Employment Opportunity Commission (EEOC) pursuant to the requirements of Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq. More information regarding filing complaints under state and federal law can be found at the websites for DHR and the EEOC.

NYS Division of Human Rights Complaint

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

(a) Approved by the Chief of Police, the City Mayor or the City of Utica Human Resources Department, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 POSTING OF POLICY

This policy and the standard complaint form should be available in all work locations (Labor Law § 201-g).

315.8 TRAINING

All members will receive initial sexual harassment and workplace violence training at the recruit level at the police academy. Training for all other members will be conducted annually during in-service training.

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Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Persons identified by the New York model policy and data collection guide for missing persons as high-risk or endangered, including persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances (Executive Law § 837-f-2):

1. Out of the zone of safety for their chronological age and developmental stage
2. Mentally or behaviorally disabled
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
4. Absent from home for more than 24 hours before being reported to law enforcement as missing
5. In a life-threatening situation
6. In the company of others who could endanger their welfare
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk
9. Physically disabled
10. Missing for any length of time after a catastrophe

(c) Qualify for a state AMBER Alert™ (under 18 years of age, abducted, and at risk for harm).

(d) Are college students of any age, when there is reason to believe their well-being may be in jeopardy.

(e) Are determined to be vulnerable adults (Executive Law § 837-f-1).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes missing children (under the age of 18), whether due to a stranger, familial or acquaintance abduction, as well as runaways and children who are lost or missing under unknown circumstances; college students of any age when there is suspicion that their well-being is in jeopardy; and vulnerable adults or any adult when there is suspicion that their well-being is in jeopardy.

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Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the New York State Division of Criminal Justice Services (DCJS), New York eJusticeNY Integrated Justice Portal, and the New York State Missing Person Clearinghouse (MPC).

Missing vulnerable adult - A person 18 years or older who is missing and has a cognitive impairment, mental disability, or brain disorder, and is believed to be at a credible risk of harm (Executive Law § 837-f-1).

316.2 POLICY

The Utica Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing (Executive Law § 838).

316.3 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

Non-Resident Missing Person Reporting:

(a) The responding or reporting officer will assist the complainant in attempting to locate the person in question.

(b) If the officer is unable to locate the person, they will advise the complainant to contact the police department where the missing individual resides, if they have not already done so, and file a “missing persons” report with that agency.

(c) Department members will attempt to assist outside agencies with missing persons to the best of their abilities and when deemed appropriate to do so.

316.4 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call immediately.

(b) Immediately initiate an investigation and gather the following information:

1. All pertinent information regarding the person (i.e. name, address, date of birth, etc.).

2. A detailed physical and clothing description.

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3. The location where the person was last seen and location(s) that they may have possibly been headed to.
4. Name(s) and pertinent information of the person(s) who last saw the missing individual and name and pertinent information of the people the missing person may be with (if any).

(c) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(d) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(e) Broadcast an alert if the person is under 21 years of age and deemed to be endangered or there is evidence that the missing person is at risk (see the Public Alerts Policy). The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age and endangered or may otherwise be at risk (Executive Law § 221).

(f) Ensure that entries are made into the appropriate missing person networks:

1. Immediately, when the missing person is at risk.
2. Without delay, when it involves a missing child (9 NYCRR § 6055.3).
3. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(g) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts. The search shall include the residence of a missing person and the surrounding area which must be thoroughly checked by the investigating officer(s). This includes attics, basements, closets, under beds, storage sheds, swimming pools, motor vehicles, etc.

(h) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(i) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

(j) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

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316.5 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.5.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Unit.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing person networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.5.2 RECORDS UNIT RESPONSIBILITIES

The responsibilities of the Records Unit receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Coordinating with the NCIC Terminal Contractor for New York to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.6 JUVENILE AID UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

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2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school (Education Law § 3222).

(b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update DCJS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Medical Examiner.

(h) Shall obtain and forward medical records, dental records, photos, X-rays, and biological samples, as applicable (Executive Law § 838).

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to any other agency that is a stakeholder or requires them, including DCJS, and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Shall consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

(l) Shall prepare a written report, in the form prescribed by VICAP, where circumstances indicate a strong possibility of foul play, within 30 days of beginning the missing person investigation (Executive Law § 221-b).

316.7 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

When a person who has been reported missing is located, a follow up report must be completed and the investigating officer will:

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(a) Verify the return of the person and their mental/physical well-being.

(b) Inquire as to why the person was missing.

(c) Inquire where he/she was located.

(d) Determine who located the individual.

When this information has been obtained, the officer will:

(a) Include the information in the new incident # in RMS (Missing Person Returned) and relate that incident number to the original incident number for the initial Missing Person Investigation.

(b) If the original incident report for the initial Missing Person Investigation is not completed and closed by the time the missing person has been located, than the Missing Person Returned portion of the investigation may be added as a supplement under the original incident number and a new incident number does not have to be generated.

(c) Notify communications that the missing person has been located, provide the necessary information and request that the BOLO, if one was originally requested to be given out over the air, be cancelled.

(d) Complete a follow-up generic message FL25 BOLO cancellation in eJustice and/ or FL6/Missing Persons Cancelation.Be sure to copy/paste either or both as supplemental narratives into the original and related RMS numbers.

If this department receives notification that another agency has located a missing person from this city, the officer receiving this notification will be responsible perform the functions of the agency of jurisdiction (ORI) as set forth below.

Located missing persons missing from outside agencies:

When a police officer receives information that a juvenile has been reported missing from another jurisdiction, the officer will make contact the originating agency (ORI), and inform them that the missing juvenile has been located in the City of Utica.

The officer making contact with the originating agency should request that the originating agency contact a parent or guardian, or other responsible person for the missing juvenile, inform them that the juvenile has been located and advise them to make arrangements for his/her return transport.

If the originating agency replies and advises that the parent/guardian is unable to provide transportation, then the investigating officer will attempt to make any reasonable accommodations with the originating agency to return the juvenile back to the originating case agency and or legal parent/guardian/responsible person.

If reasonable return accommodations cannot be made with the originating case agency without long delay, the officer will inform his/her platoon commander. It will be the platoon commander's responsibility to ensure that the call is assigned to the next shift or that the on-call Juvenile Aid investigator is notifed. If temporary accommodations or overnight lodging is required for the juvenile, the Juvenile Aid Unit’s on-call investigator will be contacted.

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It will be the responsibility of the originating case agency to complete the missing persons cancelation for the missing juvenile upon the juveniles return from this agency.

All officers will complete a narrative in RMS documenting all aspects of their involvement in the investigation.

The Records Clerk should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the agency or the agencies that are stakeholders in missing person cases, including DCJS.

(b) The missing child’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported to DCJS as soon as possible.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

(f) Appropriate missing person files are purged and destroyed as required (Executive Law § 837-e; Executive Law § 838).

316.7.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

(c) Use available resources, such as those related to missing persons, to identify the person.

316.8 CASE CLOSURE

The Criminal Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Utica or this agency is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this agency is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

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(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.9 TRAINING

Subject to available resources, the Training Director should ensure that members of this agency whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:
    1. Assessments and interviews
    2. Use of current resources, such as Mobile Audio/Video (MAV)
    3. Confirming missing status and custody status of minors
    4. Evaluating the need for a heightened response
    5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of agency members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., internet use, cell phone use).

(n) Media relations.

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Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the New York State All-Hazards Alert and Notification System (NY-Alert), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Utica Police Department should notify their supervisors, Squad Commander or Criminal Investigations Division supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person, providing sheltering information or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for:

(a) Updating alerts.

(b) Canceling alerts.

(c) Ensuring all appropriate reports are completed.

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

317.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children.

317.4.1 CRITERIA

The following criteria are utilized to determine if an AMBER Alert should be issued:

(a) The person is under 18 years of age.

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(b) The person is reported as abducted.

(c) The person is in danger of serious bodily harm or death as a result of another person, or due to a health condition.

317.4.2 PROCEDURE
The following is the procedure for initiating an AMBER Alert:

(a) Enter the victim and abductor into the New York State Division of Criminal Justice Services/National Crime Information Center (DCJS/NCIC) or eJusticeNY Integrated Justice Portal.

317.5 MISSING CHILD

Missing Child Alerts are used for missing children under the age of 21 who do not meet the AMBER Alert criteria.

317.5.1 CRITERIA
The following criteria are utilized to determine if a Missing Child Alert should be issued:

(a) The missing child is under the age of 21 (42 USC § 5779).

(b) The missing child is deemed to be endangered.

(c) The missing child does not meet AMBER Alert criteria.

317.5.2 PROCEDURE
The following is the procedure for initiating a Missing Child Alert:

(a) Obtain descriptive information for a Missing Child Alert.

(b) Contact the DCJS Missing Persons Clearinghouse (MPC) and request to activate an alert.

(c) Obtain a photograph of the missing child and email a copy to the MPC.

(d) Enter the missing child into DCJS/NCIC via eJusticeNY.

317.6 MISSING VULNERABLE ADULTS

Missing Vulnerable Adult Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing adult who suffers from mental impairment, disability or disorder and is believed to be at risk of harm (Executive Law § 837-f-1).

317.6.1 CRITERIA
The following criteria are utilized to determine if a Missing Vulnerable Adult Alert should be issued:

(a) The missing person is 18 years of age or older.

(b) The missing person suffers from a cognitive impairment, mental disability or a brain disorder.

(c) The person’s disappearance is believed to pose a credible threat of harm to the individual.

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317.6.2 PROCEDURE
The following is the procedure for initiating a Missing Vulnerable Adult Alert:

(a) Obtain descriptive information for a Missing Vulnerable Adult Alert.

(b) Contact the MPC and request to activate an alert.

(c) Obtain a photograph of the missing adult and email a copy to the MPC.

(d) Enter the missing adult into DCJS/NCIC via eJusticeNY.

317.7 MISSING COLLEGE STUDENT

Missing College Student Alerts are used for missing college students of any age who do not meet the AMBER Alert criteria.

317.7.1 CRITERIA
The following criteria are utilized to determine if a Missing College Student Alert should be issued:

(a) The missing person is a college student of any age.

(b) The missing student is deemed to be endangered.

(c) The missing student does not meet AMBER Alert criteria.

317.7.2 PROCEDURE
The following is the procedure for initiating a Missing College Student Alert:

(a) Obtain descriptive information for a Missing College Student Alert.

(b) Contact the MPC and request to activate an alert.

(c) Obtain a photograph of the missing student and email a copy to the MPC.

(d) Enter the missing student into DCJS/NCIC via eJusticeNY.

317.8 NEW YORK ALERT SYSTEM

NY-Alert is used to provide a statewide system for the rapid dissemination of information to the public of any of the above alerts as well as severe weather warnings, transportation hazards, consumer hazards, public health issues, earthquake hazards, sex offender notifications, terrorism advisories, and other public safety concerns. The system allows recipients to receive the alerts by way of email, text, phone (landline and cell), and fax. Details, use protocols, and procedures are available online.

317.9 BLUE ALERTS

Blue Alerts are used to provide a regional or statewide system for the rapid dissemination of information to aid in the identification, location, and apprehension of individuals suspected of killing or seriously wounding an officer, or who pose an imminent threat to an officer (Executive Law § 837-w).

317.9.1 CRITERIA
The following criteria are utilized to determine if a Blue Alert should be issued:

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(a) An officer has been seriously injured or died in the line of duty and the suspect has fled the scene

(b) An officer is missing in connection with the officer's official duties.

(c) There is an imminent and credible threat that an individual intends to cause serious injury or death of an officer.

317.9.2 PROCEDURE
LINK TO BLUE ALERT SYSTEM

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Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

The Utica Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Utica Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy. Individuals requiring further assistance or information from the Utica Police Department regarding benefits from crime victim resources shall be referred to the District Attorney's Office victim/witness coordinator.

318.3 SUPPORT DIVISION

The Support Division will be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 SUPPORT DIVISION DUTIES

The LRU shall maintain an appropriate supply of the crime victim publications offered by the New York State Office of Victim Services and the Department of Health. The LRU shall also ensure that the crime victim information posters required by Executive Law § 625-a are prominently displayed at public access locations within the Agency.

MIS shall also be responsible for ensuring that agency investigation report forms are current and include a space to designate whether a person received information on victim's rights (Executive Law § 625-b).

318.4 SHARED DUTIES

The District Attorney's Office or the case's primary investigator shall be responsible for receiving and coordinating a response to inquiries from victims concerning the status of testing sexual offense evidence kits (Executive Law § 838-a; Executive Law § 838-b).

While a case is being investigated, the officer or investigator assigned to the case should ensure that the family of victims and their dependents are notified of the existence of awards, services, or any other relevant programs that may be available to them (Executive Law § 625-b). Once the case is forwarded to the District Attorney's Office for adjudication, the District Attorney's Office victim/witness coordinators shall assume those duties.

318.5 CRIME VICTIMS

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never

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guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written agency material or available victim resources.

318.5.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Officers are required to provide crime victim rights and assistance information when receiving any report of a crime (Executive Law § 625-a; Public Health Law § 2805-i; Executive Law § 838-a).

A victim of assault has a right to make their statement at a hospital, nursing home, emergency medical facility, residential health care facility, or facility providing services to the mentally disabled if they are employed there and it was the scene of the assault. An officer shall notify the victim of their right to make a statement at such workplace if they suspect the person is a victim of a second-degree assault (Penal Law § 120.05; Executive Law § 642).

When encountering a person who appears to be or identifies as a human trafficking victim, officers shall (Social Services Law § 483-cc; 9 NYCRR § 6174.3):

(a) Notify the Office of Temporary and Disability Assistance and the Division of Criminal Justice Services, on a form and in a manner prescribed by the Division as soon as practicable.

(b) Promptly provide the victim with information about available social and legal service providers from the list provided by the local department of social services.

(c) Make reasonable efforts to communicate with the victim by providing written material in a language understood by the person or by using an interpreter.

(d) Offer to contact a social or legal service provider and facilitate a connection unless the victim declines the offer for a representative.

318.6 VICTIM INFORMATION

The Support Division Commander shall ensure that victim information handouts are available and current.

318.7 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

318.8 WITNESS INFORMATION

The Support Division Commander shall ensure that witness information handouts are available and current. These should include as appropriate:

(a) Information regarding the rights the witness has under the Fair Treatment Standards for Crime Victims provisions (Executive Law § 641 et seq.; 9 NYCRR § 6170.4).

(b) Information regarding the crime witness protection program (9 NYCRR § 6171.2).

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318.9 TRAINING

All officers shall receive training in victim/witness rights and the resources available for victim/witness assistance during the Basic Course for Police Officers and the Field Training Program.

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Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this agency with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Definitions related to this policy include (Penal Law § 485.05):

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, religious practice, age, national origin, ethnicity, gender, sexual orientation, gender identity or expression, ancestry, or disability of the victim.

319.2 POLICY

The Utica Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this agency is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.

(b) Providing victim assistance and community follow-up or identifying available resources to do so.

(c) Educating community and civic groups about hate crime laws.

319.4 INVESTIGATIONS

Whenever any member of this agency receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

(e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

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(f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked “Hate Crime.”

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid.

NYS OVS Know Your Rights A Guide for Victims of Crime

Instructions for Preparing DCJS Hate Crime Incident Report

DCJS Hate Crime Incident Report

319.4.1 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITIES

All hate crimes will be assigned to the Criminal Investigations Division. The assigned investigator will be responsible for:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law (Executive Law § 837).

319.4.2 SPECIFIC NOTATIONS

When a person is convicted of a hate crime and the specified offense is a misdemeanor or class C, D or E felony, the hate crime will be deemed to be one category higher than the offense actually committed (Penal Law § 485.10). Notice that the crime charged is a hate crime must be indicated on the accusatory instrument. The factual part of the instrument should contain facts supporting the determination the crime is a hate crime. The accusatory part of the instrument should give notice to the court by using an “H” designation at the end of the statute citation. For example, an accusatory instrument for criminal mischief in the fourth degree determined to be a hate crime would appear as Penal Law § 145.00(1 H) and cited as “Criminal mischief in the fourth degree as a Hate Crime.”

319.4.3 ESTABLISHING MOTIVE

During an investigation, members should look for possible signs that the incident may be a hate crime:

(a) The motivation of the perpetrator or lack of motive.

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(b) Statements made by the perpetrator.

(c) The presence of multiple perpetrators.

(d) The display of offensive symbols, words, or acts.

(e) Was any hate literature found in the possession of the suspect?

(f) Social media activity that shows evidence of bias motivation.

(g) Tattoos, clothing, paraphernalia, or jewelry suggesting identification by the perpetrators with an organized hate group.

(h) Was the victim the only person of a particular group at a park or facility?

(i) Was the victim from a different racial, ethnic, or religious group from the perpetrator?

(j) The absence of any motive. The brutal nature of a particular incident could denote a hate crime, particularly when the perpetrator and victim don't know each other.

(k) The perpetrator's perception of the victim, whether accurate or not.

(l) The date, time, or circumstances of the occurrence, such as on a religious holiday or at a gathering of a group of people affiliated by ethnicity, religion, or sexual orientation.

(m) Multiple incidents occurring in a short time period with all the victims from the same identifiable group.

(n) Were the real intentions of the perpetrator racial, color, religious, or ethnic oriented, or were there other reasons such as pranks, unrelated vandalism, or a dispute arising out of a non-bias-related disagreement?

(o) The incident occurred in proximity to an establishment that could be associated with one of the protected classes.

(p) The perpetrator targeted a particular portion of the victim's body (e.g., Sikh victims forcibly having their hair cut, a victim targeted for their sexual orientation being attacked near or around their genitalia).

(q) The victim's perception that they were selected because they are a member of an identifiable group.

319.5 TRAINING

All members of this agency should receive training on hate crime recognition and investigation. Training should include:

(a) Guidance for the investigation of hate crimes available through the New York State Division of Criminal Justice Services.

(b) The components of Penal Law § 485.05 and Penal Law § 485.10 and related case law, including:

1. Notice that the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability, or sexual orientation of the suspect, the victim, or both the suspect and the victim does not, by itself, constitute legally sufficient evidence of a hate crime.

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2. Notice that the mere mention of a bias remark does not make an incident bias-motivated, just as the absence of a remark does not make an incident without bias.
3. An explanation of how enhanced sentences relate to the specified offenses on which they are based.
4. Related definitions, including age, disability, and gender identity or expression.

(c) Supervisor notification.

(d) Processing an arrest for a hate crime.

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Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Utica Police Department and are expected of all agency members, sworn and civilian. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this agency or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of this agency shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any agency supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or agency policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, agency policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.

(d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

(e) Failure to provide a good example in both conduct and appearance.

(f) Failure to take action regarding incompetence or misconduct on the part of their subordinates shall be guilty of neglect of duty.

320.3.3 COMMAND OFFICERS

The Chief of Police, Deputy Chief, Captain or a designee has the authority to relieve an employee of duty when the circumstances warrant such action. When this action is taken the supervisor shall secure the employee's identification card, security entry card and, if the employee is sworn, their shield and issued sidearm. In addition, they may require the employee to surrender any personally owned firearms, rifles and/or shotguns if that employee becomes mentally or emotionally incapacitated to an extent that continued possession might:

(a) Constitute a danger to self or others; and/or

(b) Seriously jeopardize the public interest; and/or

(c) Bring public discredit to the department.

The authority to suspend an employee rests solely with the Chief of Police or, in his absence, his designee. In all instances where a supervisor relieves an employee of duty pending disciplinary action the supervisor will notify the Chief of Police, as soon as possible, through the chain of command.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and New York constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

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Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient agency service.

320.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in agency or City manuals.

(b) Disobedience of any legal directive or order issued by any agency member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Utica Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-agency business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance or solicitation of fees, gifts or money contrary to the rules of this agency and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

(h) While on duty, no employee shall solicit funds, distribute or sell tickets, accept funds for any purpose without the approval of the Chief of Police. While off duty, no employee shall solicit funds, distribute or sell tickets, or accept donations for any purpose if, in doing so, they utilize the color of their title or position as an employee of the department, without prior approval of the Chief of Police.

(i) All Police Officers are prohibited from engaging in the practice of recording conversations with other Police Officers, Superior Officers, and other Public Officials, without notifying those parties prior to the taping that such an act is taking place. Recording devices include, but are not limited to, tape recorders, digital recorders,

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or cell phones. This order also applies when any Police Officer counsels a civilian, a relative, or any other party to engage in this type of activity with the Police Officer's knowledge or on the Police Officer's behalf. The only exception to this order will be if a sworn Police Officer is specifically involved in an authorized Police investigation.This policy shall not preclude the use of Body Worn Cameras as detailed in the portable audio/video recorder policy.

(j) Persons who have served as officers or employees of the department shall not, after termination of such service or employment, appear before any board or agency of the city, nor render services on behalf of any person, firm, corporation, or association, in relation to any case, proceeding or application with respect to which the officer or employee was directly concerned or in which they personally participated during the period of their service or employment or which was under their consideration, until the case, proceeding or application has been finally disposed of, or for a period of two (2) years from the date of separation from City service or employment, whichever is earlier; nor shall the officer or employee receive any compensation with respect to such matter.

(k) Employees shall not accept any reward offered as a result of any services rendered in the line of duty without first obtaining the permission of the Chief of Police.

(l) Employees shall not utilize their on-duty time in the pursuit of any private business, private enterprise or personal association.

(m) Employees, while on duty, shall not engage in any personal activities (i.e. shopping, etc.) in accordance with current directives, unless authorized in writing by the Chief of Police or Deputy Chief.

(n) Employees shall not solicit, suggest, recommend, advise, or counsel the engagement or retention of any specific attorney, legal firm, bail bondsman, company, or another person or firm for any person as a result of police business. This prohibition shall not apply to employees making such recommendations to their relatives.

(o) Members shall not endorse applications for pistol permits as character references, except that they may act as character references for immediate family or other officers of this department, if they so choose.

(p) Employees, while on duty, shall not recommend or suggest in any manner the employment or procurement of any particular product, service or person.

(q) No Officer may talk on a mobile phone without utilizing hands-free equipment while operating a departmental vehicle that is in motion. No officer shall text or utilize a mobile phone in any manner while operating a departmental vehicle that is in motion. The hands-free equipment shall only be worn while operating a vehicle. The use of mobile phones, while on duty, is restricted to police business and personal calls of an emergency nature.

(r) Employees shall not feign illness or injury, falsely report themselves ill or injured, on or off duty, or otherwise deceive or attempt to deceive any representative of any organization, or member of the department, as to the condition of their health.

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320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this agency.

(e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this agency.

(f) Employees shall not knowingly enter or remain in any premise wherein the laws of the United States, State of New York, or the local jurisdiction are violated, except in the line of duty and with the knowledge and consent of the Chief of Police.

(g) Employees shall not offer or give surety for any person in custody except with the permission of the Chief of Police. This provision shall not apply to employees giving surety for their relatives.

320.5.5 ATTENDANCE

(a) Leaving the job/zone/post to which the member is assigned during duty hours without reasonable excuse and proper permission and approval. This includes leaving the City.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

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320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this agency.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this agency for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any agency property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using agency resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

(f) Employees shall not discuss any evidence arising out of a criminal or confidential investigation or civil proceeding with the media, or any other person outside the Utica Police Department without permission of established authority or unless otherwise mandated by law. Members may discuss evidence with an allied law enforcement agency or organization such as the District Attorney, Corporation Counsel, or other prosecuting authority.

320.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, cowardice or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Agency within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Civil Service Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

(g) Failure of employees to coordinate their efforts with other employees of the department, other City employees, and other public agency representatives so that teamwork may ensure maximum achievement and continuity of purpose in attaining the objectives of the Department. All employees are charged with the responsibility of fostering and maintaining a high degree of cooperation.

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320.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any agency record, public record, book, paper or document.

(c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this agency or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this agency or subverts the good order, efficiency and discipline of this agency or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on agency premises.
2. At any work site, while onduty or while in uniform, or while using any agency equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while onduty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while onduty or on agency property.

(h) Engaging in political activities during assigned working hours.

(i) Any act on- or off-duty that brings discredit to this agency.

320.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on the member's part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

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(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful police officer or peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this agency or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency.

(i) Unauthorized possession of, loss of, or damage to agency property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of agency property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of agency property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this agency, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this agency or its members.

(n) Officers shall respectfully furnish their name and badge number to any person requesting that information when they are on duty or presenting themselves as police officers. Exceptions may be made for persons on special duties and assignments.

(o) Non-sworn employees of the department shall respectfully furnish their names to any person requesting that information when they are on duty or presenting themselves as City of Utica employees.

(p) Any employee of the department assigned to investigate an incident in which an off duty employee is involved or concerned, shall immediately notify a supervisor. The supervisor, depending upon the seriousness of the incident, will either immediately respond to the scene or arrange to meet with the investigating officer to obtain all details. If necessary, the supervisor will notify a superior officer of the incident, and ensure that the incident is thoroughly investigated and documented, in accordance with current directives.

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320.5.10 INTERACTION WITH SUPERIOR OFFICERS AND COMMAND STAFF

(a) Employees shall address first line supervisors and superior officers by title as a matter of courtesy and respect for the rank that the supervisor holds.

(b) All sworn members of the Utica Police Department, while on duty, upon their first encounter shall render the hand salute to any member of command staff.The following exception shall apply:

1. Any undercover officer(s) (i.e.:narcotics, special assignments etc.), are exempt from rendering the hand salute to command staff depending on the circumstances for safety and case integrity reasons.
2. Members of the department lining parades or at occasions when a large number of police personnel are assembled for a specific purpose shall not salute members of command staff unless they address or are addressed by same.

(c) All sworn members of the department, upon entering the office of the Mayor, Commissioner of Public Safety, Chief of Police, or a command staff member shall remove his/her hat, stand at attention, render the hand salute, and await acknowledgement.

(d) When a member of command staff enters a room in which there are subordinate members of the department, the first subordinate to observe the member of command staff shall stand and give the command for attention. The subordinates will then await acknowledgement from the member of command staff.

(e) Unless performing police duties requiring immediate attention, members of the department shall salute the national colors as they pass, on all public occasions, ceremonies or parades or when carried into any building, room or other place where they may be as follow:

1. In uniform, with hat, with hand salute.
2. In civilian clothes, stand at attention with right hand over heart.
3. Members of the department carrying the national colors shall not dip to any person nor on any occasion.

320.5.11 PUBLIC STATEMENTS AND APPEARANCES

(a) Employees shall not publicly criticize or ridicule the Department, its policies, or other employees by speech, writing or other expression, where such is defamatory, obscene, unlawful, undermines or interferes with the effectiveness of the department or undermines the maintenance of discipline, or is made with reckless disregard of the truth.

(b) Employees shall not address public gatherings, appear on radio, television, or the internet, publish any article or periodical, act as a correspondent of any newspaper, release or divulge investigative information or any other matters of the department while holding themselves out as representing the department. Holding oneself out as representing the department includes making such appearances or statements in, or out of, uniform. The Chief of Police must grant permission prior to any of the aforementioned endeavors.

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(c) All employees shall treat as confidential the official business of the department.

(d) No employee shall release, either directly or indirectly, information concerning crimes, accidents, or violations of ordinances or statues to persons outside the department.

(e) No employee shall reveal any unauthorized information to any person not a member of the department or authorized to receive such information.

(f) Any employee becoming aware of or having knowledge of any violation of the provisions of the aforementioned shall notify his or her supervisor immediately.

(g) Approval Process: an employee seeking approval to use references to the Utica Police Department on any of the aforementioned public forums, shall submit a request for approval to the Chief of Police, in narrative form, via the chain of command. The request shall include but may not be limited to the following:

1. Description of the proposed reference and purpose.
2. A list of reference(s) and any media to be used shall be provided.
3. A printed layout of the entire web page, posting, article, site, etc. shall be provided.
4. NOTE: Any changes to a previously approved posting must be submitted for reconsideration.

(h) Employees should consider the possible adverse consequences of internet postings, such as future employment, cross-examination in criminal cases, and public as well as private embarrassment.

(i) Employees are reminded to exercise good judgment and demonstrate personal accountability when choosing to participate on social networking sites. Employees should consider that the posting of personal data may compromise the safety of police officers.

320.5.12 SAFETY

(a) Failure to observe or violating agency safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

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(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but prior to the end of their tour.

320.5.13 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or in any vehicle and/or the purchasing of alcohol while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance. If off duty no employee shall bring or permit alcoholic beverages to be brought in/on a police department facility or vehicle, except in the performance of police duty.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

(d) Any sworn employee, whether on duty or reporting for duty, who is believed to be intoxicated shall be subject to the provisions established in the drug policy and testing plan within the current collective bargaining agreement between the City of Utica and the John E. Creedon PBA.

(e) A sworn employee who is off duty and who takes any action under their authority as a police officer and who is believed to be intoxicated shall be subject to the provisions established in the drug policy and testing plan within the current collective bargaining agreement between the City of Utica and the John E. Creedon PBA.

320.5.14 LEGISLATIVE RESTRICTIONS

Officers are prohibited from the following activities by New York statute:

(a) Having an interest in the manufacture or sale of alcoholic beverages (Alcoholic Beverage Control Law § 128).

(b) Using one's position or authority to aid or oppose any political party (Election Law § 17-110).

(c) Holding an office in, being employed by, owning or conducting business at a pari-mutuel race track (Racing, Pari-Mutuel Wagering and Breeding Law § 107).

(d) Violating any applicable provisions of Article 4 of the Public Officers Law and Article 18 of the General Municipal Law including:

1. Accepting gifts of $75 or more in value (General Municipal Law § 805-a)
2. Disclosing confidential information obtained in the course of official duties (Public Officers Law § 96)
3. Receiving payment for official acts except as authorized by law (Public Officers Law § 67)
4. Failing to disclose an interest in any contract or business with the employing governmental entity (General Municipal Law § 801)

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5. Failing to disclose an interest in property for which a variance is requested (General Municipal Law § 809)

320.5.15 POLITICAL ACTIVITY

Members shall not:

(a) Use or threaten or attempt to use their power or authority in any manner, directly or indirectly, in aid of or against any political party, organization, association or society or to control, affect, influence, reward or punish the political adherence, affiliation, action, expression or opinion of any citizen; or

(b) Appoint, promote, transfer, retire or punish an officer or member of a police force, or ask for or aid in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society; or

(c) Solicit, collect, or receive any money for any political fund club, association, society or committee.

(d) Members shall not actively engage in any political campaign for personal benefit or for the benefit of a particular candidate or candidates for political office that would be considered as engaging in politics rather than exercising the right to vote. This shall not be construed to affect the right to vote in any way.

(e) No member shall place any advertisement supporting any candidate for political office on department vehicles or on any city owned property.

(f) No member shall campaign for or hold any political office. This does not preclude a member serving in a non-paid elected position, i.e., a school board member.

320.5.16 REPORTS

Altering, Delaying, Obtaining/Duplicating or Falsifying Reports:

(a) Employees shall not steal, alter, delay, falsify, tamper with, withdraw or request that any other person do the same to any report, letter, document or other communication that is being forwarded through the chain of command or other communication medium, system or process. The removal of any record, card, report, letter, document, or other official file from the department or the permitting of inspection of same, except by process of law or current directives, or as directed by the Chief of Police, is prohibited. This shall not apply to the correction of errors.

(b) The obtaining, duplicating or attempted obtaining or duplicating of any information from Department files, sources or reports other than that to which a member is properly entitled in accordance with one’s duties or assignment is prohibited. This shall not apply to the correction of errors.

(c) Employees shall not dissuade any other employee from originating and submitting any lawful or proper report, whether on criminal or disciplinary matters.

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(d) Employees shall not falsely make or submit any type of official report or knowingly enter or cause to be entered any inaccurate, false or improper information in the records of the department.

Submitting Reports:

(a) Employees shall submit all reports to their respective supervisor before the end of their tour of duty in accordance with current directives, unless otherwise directed by a supervisor. Reports submitted by employees shall be thorough, concise and complete.

Testimony for Defense:

(a) Employees who are requested or subpoenaed to testify for, or give evidence, or who intend to testify or give evidence on behalf of the defense in any criminal action shall immediately notify their supervisor and the prosecuting attorney of such request, subpoenas or intention to testify prior to testifying.

(b) Employees who are requested to testify against or subpoenaed to testify against, or give evidence against the Department or the City of Utica in any Civil action shall immediately notify their supervisor and the Office of Professional Standards of such request or subpoena. The Office of Professional Standards, in turn, will notify the Corporation Counsel’s Office.

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Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of agency information technology resources, including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Utica Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Agency or agency funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

321.2 POLICY

It is the policy of the Utica Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Agency in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any agency computer system.

The Agency reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Agency, including the agency email system, computer network and/or any information placed into storage on any agency system or device. This includes records of all key strokes or Web-browsing history made at any agency computer or over any agency network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through agency computers, electronic devices or networks.

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321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Squad Commanders (Penal Law § 156.05).

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any agency computer. Members shall not install personal copies of any software on any agency computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the MIS staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Agency while on agency premises, computer systems or electronic devices. Such unauthorized use of software exposes the Agency and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of agency- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from MIS staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Agency shall be strictly limited to agency-related activities. Data stored on or available through agency computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or agency-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 INTERNET USE

Internet access provided by or through the Agency shall be strictly limited to agency-related activities. Internet sites containing information that is not appropriate or applicable to agency use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

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Downloaded information from the Internet shall be limited to messages, mail and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Agency while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities. This also applies to personally owned computers that are used to access agency resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure agency computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by MIS staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

321.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Agency involving one of its members or a member's duties, an alleged or suspected violation of any agency policy, a request for disclosure of data, or a need to perform or provide a service.

MIS staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the agency computer system when requested by a supervisor or during the course of regular duties that require such information.

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Agency Use of Social Media

322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Agency is consistent with the agency mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by agency members (see the Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this agency (see the Investigation and Prosecution Policy).

322.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the agency website or social networking services.

322.2 POLICY

The Utica Police Department will use social media as a method of effectively informing the public about agency services, issues, investigations, recruitment and other relevant events.

Agency members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

322.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Agency. Authorized members shall use only agency-approved equipment during the normal course of duties to post and monitor agency-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over agency social media by members who are not authorized to post should be made through the member's chain of command.

322.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the agency mission and conforms to all agency policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the agency mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Media releases.

(h) Recruitment of personnel.

322.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

322.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Utica Police Department or its members.

(e) Any information that could compromise the safety and security of agency operations, members of the Agency, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

(h) Any content using a fictitious name or identity without prior approval of the Division Commander.

Any member who becomes aware of content on this Agency's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure that any unauthorized or inappropriate content is removed from public view and investigate the cause of the entry.

322.5.1 PUBLIC POSTING PROHIBITED

Agency social media sites shall be designed and maintained to prevent posting of original content by the public, however they may comment on any post initiated by agency personnel.

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The Agency may provide a method for members of the public to contact agency members directly.

322.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of agency social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

322.7 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on agency sites.

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Report Preparation

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Agency who complete investigations and reports as a part of their duties.

323.2 POLICY

It is the policy of the Utica Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

323.3 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

323.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

323.4.1 HANDWRITTEN OR TYPED REPORTS

County, state and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for agency consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed.

Members who generate reports on computers are subject to all requirements of this policy.

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323.4.2 ELECTRONIC SIGNATURES

The Utica Police Department has established an electronic signature procedure for use by all members of the Utica Police Department. The Uniform Patrol Division Commander shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, confidential password for his/her electronic signature and that the use of electronic signatures otherwise complies with the law (State Technology Law § 304).

(a) Members may only use their electronic signatures for official reports or other official communications.

(b) Each member shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

323.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate agency-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

323.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests.

(b) All felony crimes.

(c) All offenses involving threats or stalking behavior.

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes.

323.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

(a) Any found property or found evidence.

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(b) All protective custody and welfare detentions.

(c) Any time a person is reported missing (see the Missing Persons Policy).

(d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(e) Suspicious incidents that may place the public or others at risk.

(f) Any use of force by members of this agency against any person (see the Use of Force Policy).

(g) Any firearm discharge (see the Firearms Policy).

(h) Any time a member points a firearm at any person.

(i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).

(j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

(k) Any contact with a person or persons claiming diplomatic privilege or immunity.

1. A copy of the report should be forwarded to the U.S. Department of State.

323.5.3 MISCELLANEOUS INJURIES

Any injury that is reported to this agency shall require a report when:

(a) The injury is a result of drug overdose.

(b) There is an attempted suicide.

(c) The injury is major or serious, and potentially fatal.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

(e) The wound or injury is from a dog bite.

(f) A member of the Utica Police Department is injured on-duty.

(g) The wound results from a gunshot, powder burn or puncture (such as from a knife, icepick or other sharp object) and may result in death (Penal Law § 265.25).

(h) The wound or injury is from a burn (Penal Law § 265.26).

323.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

(a) Unattended deaths (no physician or qualified hospice care during the period preceding death)

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(b) Sudden, accidental or suspicious deaths

(c) Suicides

(d) Homicides or suspected homicides

(e) Found dead bodies or body parts

323.5.5 CITY PERSONNEL OR PROPERTY

Incidents involving City personnel or property shall require a report when:

(a) An injury occurs as the result of an act of a City employee or on City property.

(b) There is damage to City property or equipment.

323.6 ALTERNATIVE REPORTING FOR VICTIMS

Reports that may be submitted by the public via the report line include:

(a) Lost property.

(b) Misdemeanor vandalism with no suspect information and no hate crime implications.

(c) Annoying telephone calls with no suspect information.

(d) Identity theft without an identifiable suspect.

(e) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(f) Supplemental property lists for existing cases.

Members at the scene of one of the above incidents should not refer the reporting party to any alternative means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., the Federal Communications Commission (FCC) website for identity theft; the Internet Crime Complaint Center (IC3) website for computer crimes).

323.7 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notify the member of the error and have it corrected.

It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

323.7.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been reviewed or closed may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official agency information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

324.2 POLICY

It is the policy of the Utica Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

324.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Squad Commanders and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

324.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of agency members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police. This includes deliberate exposure of a person in custody to members of the media for purposes of photography or video.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

324.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, the authorized designee. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this agency make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this agency.

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(c) Under no circumstance should any member of this agency make any comment to the media regarding any law enforcement incident not involving this agency without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

324.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

(a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.

1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

(c) Media interviews with individuals who are in custody should not be permitted.

(d) No member of this agency who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

324.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Agency members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

324.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Squad Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

324.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

Restricted information includes, but is not limited to:

(a) Information that identifies or relates to the arrest and disposition of a juvenile delinquent (Family Court Act § 301.2; Family Court Act § 381.3).

(b) Information concerning the arrest and disposition of a youthful offender, or a youth apparently eligible for youthful offender status, shall not be released without written consent of the Family Court (CPL § 720.15).

(c) Information concerning incidents involving persons whose identities are classified as private or confidential under state law (i.e., sex crime victims).

(d) Identifying information concerning deceased individuals.

    1. Information may be released upon verification of the decedent's identity when notification has been made to the decedent's family, and the release is approved by a supervisor.

(e) Information contained in the personnel record of any member, unless otherwise specifically allowed by law.

(f) Criminal history information.

(g) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(h) Information pertaining to pending litigation involving this agency unless authorized by the Chief of Police.

(i) Information obtained in confidence.

(j) Any information that is otherwise privileged or restricted under state or federal law.

324.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon a prior notifciation to the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information, including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

All such requests must be processed in accordance with the Records Maintenance and Release Policy. Requests should be reviewed and fulfilled by the Records Access Officer, or if unavailable, the Squad Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy, public records laws, and the New York State Freedom of Information Law (Public Officers Law § 87).

324.8 RELEASE OF INFORMATION

The Agency may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or

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identifying suspects. This information may also be released through the agency website or other electronic data sources.

324.8.1 INFORMATION GUIDELINES

Any information released pertaining to an ongoing criminal investigation should conform to the New York State Fair Trial/Free Press Guidelines, which are available at https://www.ncjrs.gov/pdffiles1/Digitization/112880NCJRS.pdf and specify the type of information that may and may not be released.

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Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for agency members who must appear in court. It will allow the Utica Police Department to cover any related work absences and keep the Agency informed about relevant legal matters.

325.2 POLICY

Utica Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances (CPLR § 2305).

325.3 SUBPOENAS

Only agency members authorized to receive a subpoena on behalf of this agency or any of its members may do so.

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the Corporation Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Utica Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Utica Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

The Agency will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

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The Agency should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

325.5 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the agency uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

325.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

325.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

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Auxiliary Personnel

326.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Utica Police Department auxiliary personnel to supplement and assist agency personnel in their duties.

326.1.1 DEFINITIONS

Definitions related to this policy include (Unconsolidated Laws § 9123(22)):

Auxiliary personnel - A person who has been recruited and appointed to serve in an auxiliary position by the city. The primary duty of auxiliary personnel shall be maintaining order and controlling traffic during events.

326.2 POLICY

The Utica Police Department shall ensure that auxiliary personnel are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

326.3 RECRUITMENT AND SELECTION

The Utica Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this agency.

All applicants shall be required to meet and pass the pre-employment procedures as determined by the Chief of Police and human resources before appointment.

Qualifications:

(a) Must be a minimum of eighteen years old and a maximum of seventy years old.

(b) Must possess a valid NYS Driver’s License.

(c) Must have access to a motor vehicle (transportation).

(d) Must be able to attend all orientations and trainings associated with their assigned tasks.

(e) Must be in good health and physically able to perform assigned tasks.

(f) Preference will be given to graduates of the Utica Police Department’s Civilian Police Academy.

326.3.1 APPOINTMENT

Applicants who are selected for appointment as auxiliary personnel shall, on the recommendation of the Chief of Police, be assigned as required. The successful completion of a background is also required prior to appointment.

Auxiliary personnel are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Auxiliary personnel shall have no property interest in continued appointment. However, if auxiliary personnel are removed for alleged misconduct, the

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auxiliary personnel will be afforded an opportunity solely to clear their name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

326.4 IDENTIFICATION AND UNIFORMS

Auxiliary personnel will be issued Utica Police Department uniforms and identification cards. Identification symbols worn by uniformed auxiliary personnel shall be different and distinct from those worn by regular agency personnel through the inclusion of "Auxiliary" on the shoulders of the uniforms. The identification cards will be the standard Utica Police Department identification cards with the exception that “Auxiliary” will be indicated on the cards.

326.5 COMPENSATION

Compensation for auxiliary personnel is provided as follows:

(a) Auxiliary personnel shall work in an unpaid or volunteer status as needed for civil emergencies and other events requiring assistance with crowd and traffic control or as otherwise determined by the Chief of Police.

(b) Auxiliary personnel are issued two sets of uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to auxiliary personnel shall be returned to this agency upon termination or resignation.

326.6 PERSONNEL WORKING AS AUXILIARY PERSONNEL

This agency shall not utilize the services of auxiliary personnel in such a way that it would violate employment laws or labor agreements (e.g., a detention officer participating as auxiliary personnel for reduced or no pay).

326.7 COMPLIANCE

Auxiliary personnel shall be required to adhere to all agency policies and procedures. A copy of the policies and procedures will be made available to auxiliary personnel upon appointment. Auxiliary personnel shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to regular agency personnel, it shall also apply to auxiliary personnel, unless by its nature it is inapplicable.

Auxiliary personnel are required by this agency to meet agency-approved training requirements as applicable to their assignment.

326.8 CARRYING OF WEAPONS

Auxiliary personnel are prohibited from carrying weapons.

326.9 AUXILIARY COORDINATOR

The Chief of Police shall delegate certain responsibilities to an auxiliary coordinator. The coordinator shall be appointed by and directly responsible to the Uniform Patrol Division Commander or the authorized designee.

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The auxiliary coordinator may appoint senior auxiliary personnel or other designee to assist in the coordination of auxiliary personnel and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Assigning auxiliary personnel.

(b) Conducting auxiliary personnel meetings.

(c) Establishing and maintaining an auxiliary personnel callout roster.

(d) Monitoring individual auxiliary employee performance.

(e) Monitoring the overall auxiliary employee activities.

(f) Maintaining a liaison with other agency auxiliary coordinators.

326.9.1 AUXILIARY PERSONNEL MEETINGS

All auxiliary personnel are required to attend scheduled meetings. Any absences must be satisfactorily explained to the auxiliary coordinator.

326.10 TRAINING

All auxiliary personnel shall complete the required training as directed by the Chief of Police or the authorized designee.

326.10.1 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for auxiliary personnel to properly and safely perform their assigned duties. Auxiliary personnel training should correspond to the assignment as determined by the auxiliary coordinator.

Auxiliary personnel shall receive a pre-assignment course of training in the policies of the Agency, change to traffic control and other law enforcement procedures applicable to their assignments. Auxiliary personnel who operate any vehicle while acting in the capacity of auxiliary personnel shall follow all traffic regulations. The specific training and course of study shall be determined by the auxiliary coordinator.

326.10.2 AUXILIARY TRAINING MATERIALS

New auxiliary personnel will be issued auxiliary training materials at the beginning of training. The materials outline the subject matter and skills necessary to properly function as auxiliary personnel with the Utica Police Department. Auxiliary personnel shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

326.10.3 COMPLETION OF THE TRAINING PROCESS

When auxiliary personnel have satisfactorily completed training, they will no longer be required to work with a trainer. Auxiliary personnel may now work with any agency member and may be considered for release to work alone.

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326.11 SUPERVISION

All auxiliary personnel shall be under the direct or indirect supervision of a supervisor or agency member in charge. Auxiliary personnel shall never supervise regular agency personnel.

326.11.1 INVESTIGATIONS AND COMPLAINTS

If auxiliary personnel have a personnel complaint made against them or become involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

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Outside Agency Assistance

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

327.2 POLICY

It is the policy of the Utica Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this agency.

327.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Squad Commander's office for approval. In some instances, a collective bargaining agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this agency, the Squad Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this agency.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to supervisor approval, will this agency provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

327.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Utica Police Department shall be aware of the statutory limitations of his/her authority and shall notify his/her supervisor or the Squad Commander and Oneida County 9-1-1 Center as soon as practicable (CPL § 140.10; CPL § 140.25). This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

327.4 REQUESTING OUTSIDE ASSISTANCE

The chief executive officer of a local government may request the assistance of another local government chief executive officer when needed. The ability to request or grant such assistance may be delegated to the Chief of Police by local law (General Municipal Law § 209-m).

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If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The supervisor should then notify the appropriate official to request assistance from another agency. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

327.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Squad Commander.

327.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support Division Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the equipment and supplies.
2. The members trained in the use of the equipment and supplies.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Oneida County 9-1-1 Center and the Squad Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Director should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Utica Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Agency will disseminate information and respond to public inquiries for information about registered sex offenders.

328.2 POLICY

It is the policy of the Utica Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

328.3 REGISTRATION

The Criminal Investigations Division supervisor shall establish a process to reasonably accommodate registration of offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is promptly provided to the New York State Division of Criminal Justice Services (DCJS) in accordance with the Sex Offender Registration Act (SORA) (Correction Law § 168 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register and the investigator should secure a warrant when appropriate (Correction Law § 168-t).

328.3.1 CONTENTS OF REGISTRATION

The Agency shall obtain updated photographs for level one and level two offenders every three years and, for level three offenders or those designated as sexual predators, sexually violent offenders or predicate sex offenders, every year. If the appearance of a level three offender or sexual predator has changed, a photograph may be taken when he/she is required to verify his/her address every 90 days. The photographs shall be promptly forwarded to DCJS (Correction Law § 168-f).

328.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigations Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

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(b) Review of information on the DCJS SORA website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to DCJS.

The Criminal Investigations Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Utica Police Department members, including timely updates regarding new or relocated registrants.

If any member should come in contact with a person on the register they shall notify the registered offender investigator via email and provide updated pedigree information, including address, if possible.

328.5 DISSEMINATION OF PUBLIC INFORMATION

It will be the responsibility and duty of the designated Investigator of the Sex Offender Unit to make community notification, via email, to locations identified as vulnerable entities.

Members of the public requesting information on registrants should be directed to the DCJS SORA or the Utica Police Department's website.

The Records Clerk may release local registered offender information to residents in accordance with Correction Law § 168-l and in compliance with a New York State Freedom of Information Law request.

328.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

328.5.2 DISSEMINATION

The Investigator of the Sex Offender Unit shall compile, maintain and update a listing of vulnerable organizational entities within this jurisdiction. Such listing shall be utilized for proper notification and dissemination of appropriate information (Correction Law § 168-l).

The information released shall be as follows:

(a) A photograph and description of the offender

(b) Name and aliases used

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(c) Home address of the offender

(d) Crimes of which the offender has been convicted

(e) Method of operation of the offender

(f) Types of victims preferred

(g) Any schools of higher education where the offender is enrolled, attends or is employed

(h) Any special conditions imposed on the offender

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Duty Commander Notification

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Utica Police Department in determining when, how and to whom notification of major incidents should be made.

329.2 POLICY

The Utica Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this agency to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

329.3 CRITERIA FOR NOTIFICATION

The Duty Commander is notified if, as a result of the use of force by a department member, both on and off duty:

(a) Serious physical injury or death is sustained or inflicted by a member of the department.

(b) A firearm is discharged or deadly physical force is employed by a member of the department against another person.

(c) There is an allegation of misconduct against a member of the department.

Critical Incident

Upon the occurrence of a critical incident where it is apparent that an emergency mobilization of off-duty personnel will be necessary, the duty commander will immediately be notified.

Motor Vehicle Accidents

The Duty Commander shall be notified of all accidents which:

(a) Result in a fatality.

(b) Cause serious physical injury.

(c) A department member is injured.

Incidents Involving Persons with Diplomatic Immunity

Whenever anyone with immunity is involved in an incident, investigation, crime or traffic violation.

Notifications

The Duty Commander, or his designee, and another member of the department shall make serious injury or illness notifications regarding members of the department.

Prisoner Issues

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Duty Commander Notification

The Duty Commander shall be notified in instances involving prisoners when:

(a) A prisoner escapes or attempts to escape.

(b) An incarcerated person dies.

(c) An incarcerated person sustains an injury or becomes ill to the extent that hospitalization is required.

(d) An incarcerated person attempts suicide.

(e) An incarcerated person assaults an officer.

In all of the above cases it shall be the responsibility of the on duty platoon commander to notify the Duty Commander. The NYS Commission of Corrections Reportable Incidents office by phone will be contacted at (518) 485-2466. All forms received by fax will be completed and returned within twenty-four (24) hours of the occurrence.

Miscellaneous Issues

The Duty Commander shall be notified immediately if a member of the department is:

(a) Arrested or charged with a criminal offense.

(b) Suffers a serious physical injury.

(c) Accused or questioned regarding conduct that would constitute a crime.

(d) Temporarily relieved of duty.

(e) Accused of using excessive force or violating a person's civil rights.

(f) Accused of sexual harassment.

(g) Off duty incidents involving an officer in which he/she is the subject of a police investigation.

The Duty Commander will also be notified immediately of any:

(a) Unusual incidents (i.e. explosions, natural disasters) occur.

(b) Any assault involving a firearm.

(c) Death with suspicious circumstances.

(d) Fires in which a death is confirmed or suspected.

(e) Assaults with a weapon where injuries could be life threatening.

(f) Where a natural emergency, i.e. fire, flooding etc. occurs.

(g) Where a civil emergency, riot, etc. occurs.

(h) Suspected drug or alcohol use by on duty employee.

Anything else where your experience tells you that a Duty Captain should be notified.

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The Duty Commander will notify the Deputy Chief of any incident they deem to be appropriate as established through experience and superior staff meetings. In the absence of the Deputy Chief, the Duty Commander will notify the Chief of Police. Any instance where someone is the victim of a gunshot, no matter how slight, notify the deputy and follow the established protocol.

The following shall require an e–mail notification only to the Duty Commander:

(a) Incidents involving City of Utica Employees (other than police officers).

(b) Whenever an employee of the city is the subject of a criminal investigation and/ or involved in a domestic dispute, the duty commander will be notified, without unnecessary delay.

(c) When city property is damaged or stolen.

(d) When a police vehicle is involved in an accident and it is property damage only.

(e) Police related incidents involving a member of an outside Law Enforcement Agency or a member of County or State Corrections.

329.4 SQUAD COMMANDER RESPONSIBILITIES

The Squad Commander is responsible for making the appropriate notifications. The Squad Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in the department call back directory.

329.4.1 INVESTIGATOR NOTIFICATION

If the incident requires that an on-call investigator needs to respond, the Squad Commander will notify the investigator, who will contact their supervisor should they deem it necessary.

329.4.2 PUBLIC INFORMATION OFFICER

After members of the command staff have been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

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Death Investigation

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

330.2 POLICY

It is the policy of the Utica Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, conducted and properly documented.

330.3 INVESTIGATION CONSIDERATIONS

Natural Deaths - Some deaths coming to the attention of the Department may appear to be the result of natural causes. In the cases where no criminal activity is involved, action by members of the Criminal Investigations Division is not required. In these instances, the Criminal Investigations Division will be notified of the occurrence, but a CID response is not mandatory. The responsibility for the final and complete investigation will rest with the Patrol Division.

(a) When investigating a death where circumstances indicate the probability that the death resulted from natural causes, the Department member shall make inquiry to the patient's medical history and the identity of a personal physician caring for the deceased. The member shall attempt to contact the decedent's attending physician to request the physician to sign the death certificate. In all-natural deaths, it is preferred that the attending physician sign the death certificate. If the attending physician cannot be reached, or is unwilling to sign the death certificate, or is not willing to respond to the scene, a notification to the Medical Examiner's Office shall be made via the Communications Section requesting a representative to respond.

(b) The member shall request a supervisor, and a supervisor shall respond in all cases.

(c) In such cases when authorized EMS personnel have initiated cardiac life support and subsequently discontinued cardiac life support, and therefore pronouncing death, the reporting officer shall note the time cardiac life support ceased. A representative from the Medical Examiner's Office shall be requested, and upon arrival he/she shall be furnished with the time of death.

(d) In such cases when a Department member responds to a natural death of a person in hospice care, the Medical Examiner shall not be called. The attending physician or his designee from hospice is then expected to carry out the involved official duties.

(e) It shall be required of the investigating officer to complete the death scene checklist which can be found on the Utica Intranet. Once completed the document will be filed

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with the Records Division, who will add it to the incident in the Records Management System.

Fatal Motor Vehicle Crashes – Patrol Members handling crashes involving motor vehicles that result in a fatality or serious physical injury likely to result in death shall secure and preserve the scene and:

(a) Request a supervisor to respond, and a supervisor shall respond in all cases.

(b) The responding supervisor shall notify the on-call duty commander. The on-call duty commander will consult the Collision Reconstruction Unit Supervisor regarding the fatality and the deployment of the Accident Reconstruction Unit.

(c) Perform any additional requests from the Medical Examiner's Office, Crime Scene Unit, Criminal Investigative Division, etc.

(d) Notify the Criminal Investigative Division to respond for fatal and SPI motor vehicle accidents to investigate potential felony charges.

Homicides, Suicides, Accidental and Unattended Deaths - Members handling deaths as a result of homicide, suicide, accident, or unattended deaths (other than apparent natural deaths) shall secure and preserve the scene and:

(a) Request a supervisor to respond, and a supervisor shall respond in all cases.

(b) Request the Criminal Investigative Division to respond.

(c) Perform other related duties or any additional requests for personnel at the direction of CID (e.g., Medical Examiner's Office, etc.).

(d) It shall be required of the investigating officer to complete the death scene checklist which can be found on the Utica Intranet. Once completed the document will be filed with the Records Division, who will add it to the incident in the computer system.

330.3.1 REPORTING

All incidents involving a death shall be documented in the Records Management System with a completed narrative detailing the pertinent facts of the incident.

330.3.2 MEDICAL EXAMINER REQUEST

Officers are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners, or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner be notified in any of the following cases (County Law § 671; County Law § 673):

(a) Violent death, whether by criminal violence, suicide, or casualty

(b) Death caused by unlawful act or criminal neglect

(c) Death occurring in a suspicious, unusual, or unexplained manner

(d) Death while unattended by a physician or where no physician is able to certify the cause of death

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(e) Death, whether natural or unnatural, of a person confined to a correctional facility or other public institution other than a hospital, infirmary, or nursing home

330.3.3 SEARCHING DEAD BODIES

(a) The Medical Examiner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.

(b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or his/her assistant shall be promptly notified.

(c) The Medical Examiner, with the permission of the Agency, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death. An officer at the scene shall witness the search and, at the request of the Medical Examiner, sign the property forms listing the items found on the body. The Medical Examiner will retain the property and forms. The Medical Examiner does not take or retain evidence.

(d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or his/her assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or his/her assistant when practicable.

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

330.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Criminal Investigations Division shall be notified and a member of that division will respond to the scene.

If the on-scene supervisor, through consultation with the Squad Commander or Criminal Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

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The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

330.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is promptly notified of all pertinent information.

330.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report. The investigating officer shall enter a description of the unidentified body into the eJusticeNY Integrated Justice Portal.

330.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by utilizing CID personnel. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. All attempts should be made to notify the next of kin in person however, when special circumstances arise, members may have to make the notification over the phone. If this is necessary, a supervisor will be notified and permission must be given prior to the notification being made over the phone.

If a deceased person has been identified as a missing person, this agency shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

IN-PERSON DEATH NOTIFICATIONS

SPECIAL CONSIDERATIONS

330.5.1 STATE REQUIREMENTS

Death notifications should be made within 24 hours following the identification of the deceased person. Any delay past 24 hours should be documented and a supervisor will be notified. Reasonable steps should be taken to make the death notification as soon as practicable thereafter (Executive Law § 840).

The next of kin should be provided with information about programs and support services available to them (Executive Law § 840)

330.5.2 TRAINING

All members will be trained on in-person death notifications during the Basic Course for Police Officers. Periodic retraining will be given at least once every three years during in-service training. This will consist of review of the procedures set forth in procedural manual.

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Private Person's Arrest

331.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

331.2 POLICY

It is the policy of the Utica Police Department to accept a private person's arrest only when legal and appropriate.

331.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

(a) For a felony and for any other offense committed in the person's presence (CPL § 140.30).

1. The arrest for a felony may be made anywhere in the state, and an arrest for an offense may be made only in the county where the offense was committed.
2. The private person's arrest may occur at any hour of the day or night (CPL § 140.35).

(b) A juvenile under the age of 18 may be arrested for an act that would be a crime if committed by an adult if the arrest would be valid for an adult (Family Court Act § 305.1).

(c) When the accused is charged in another state with a crime punishable by death or imprisonment for a term exceeding one year (CPL § 570.34).

331.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

(a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.

(b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.

(c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer shall take the individual into custody and bring the person before a local criminal court or issue and serve an appearance ticket as provided in CPL § 140.40 or CPL § 570.34.

If an officer takes an arrested juvenile into custody, the officer shall immediately notify the parent or other person legally responsible for the juvenile's care or the person with whom the juvenile is domiciled that the juvenile has been arrested and the location where he/she is being detained.

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The officer shall then proceed as required by the Temporary Custody of Juveniles Policy (CPL § 140.40).

331.5 PRIVATE PERSON'S ARREST FORM

The arresting person should be asked to sign the accusatory instrument or a supporting deposition. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

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Limited English Proficiency Services

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

332.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Agency to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still exhibit LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Utica Police Department, designated by the Agency, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

332.2 POLICY

It is the policy of the Utica Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Agency will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

332.3 TYPES OF LEP ASSISTANCE AVAILABLE

Utica Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Agency will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

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The Agency will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept agency-provided LEP services at no cost or they may choose to provide their own.

Agency-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

332.4 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. These translated documents will be made available to members and other appropriate individuals, as necessary.

332.5 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established agency procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

332.6 AUTHORIZED INTERPRETERS

Any person designated by the Agency to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the agency case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this agency and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

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332.6.1 SOURCES OF AUTHORIZED INTERPRETERS

The Agency may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this agency.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this agency, and with whom the Agency has a resource-sharing or other arrangement that they will interpret according to agency guidelines.

Interpreter Services

332.6.2 COMMUNITY MEMBERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community members who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Agency to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community members who have demonstrated competence may be called upon when appropriate. However, agency members must carefully consider the nature of the contact and the relationship between the LEP individual and the community member to ensure that the community member can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations. Family members should not be used in cases of a domestic incident.

332.7 CONTACT AND REPORTING

Whenever any member of this agency is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Agency or some other identified source.

332.8 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Utica Police Department will take reasonable steps to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

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332.8.1 EMERGENCY CALLS TO 9-1-1

Agency members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Oneida County 9-1-1 Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

Although 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

332.9 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest if there are no safety concerns presented to the officer.

332.10 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

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If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized agency member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

332.11 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

332.12 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

332.13 COMPLAINTS

The Agency shall ensure that LEP individuals who wish to file a complaint regarding members of this agency are able to do so. The Agency may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this agency.

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Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

332.14 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this agency are important to the ultimate success of more traditional law enforcement duties. This agency will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

332.15 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Agency will provide periodic training on this policy and related procedures, including how to access agency-authorized telephonic and in-person interpreters and other available resources.

The Training Director shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Director shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

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Biological Samples

334.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples for deoxyribonucleic acid (DNA) from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation, nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

334.2 POLICY

The Utica Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

334.3 OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following offenders must submit a biological sample (Executive Law § 995; Executive Law § 995-c):

(a) When the Utica Police Department is notified by the New York State Division of Criminal Justice Services that a sample is required from an offender.

(b) When an offender has been ordered by a court to submit to a sample.

334.4 PROCEDURE

When an offender is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy.

334.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the offender is required to provide a sample pursuant to Executive Law § 995-c.

(b) Verify that a biological sample has not been previously collected from the offender by querying the New York State DNA Databank. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use an appropriate collection kit to perform the collection and take steps to avoid cross contamination.

(d) Forward the collection kit to a forensic DNA laboratory authorized by the New York State Commission on Forensic Sciences to perform forensic DNA testing and analysis.

334.5 USE OF FORCE TO OBTAIN SAMPLES

If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force.

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Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

(a) The individual's parole or probation officer, when applicable.

(b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the individual's next court appearance.

(d) The individual's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

(h) Seek a warrant from a city court judge for the sample.

The supervisor shall review and approve any plan to use force and be present to document the process.

334.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

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Chaplains

335.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Utica Police Department chaplains to provide counseling or emotional support to members of the Agency, their families and members of the public.

335.2 POLICY

The Utica Police Department shall ensure that agency chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

335.3 ELIGIBILITY

Requirements for participation as a chaplain for the Agency may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, free from addiction to alcohol or other drugs, and free from excessive debt.

(b) Managing his/her household, family and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

335.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Utica Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this agency.

All applicants shall be required to meet and pass the same pre-employment procedures as agency personnel before appointment.

335.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with agency policy on equal opportunity and non-discriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Agency in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with agency members before and during the selection process.

335.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

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(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

335.5 IDENTIFICATION AND UNIFORMS

As representatives of the Agency, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform. Chaplain uniforms shall not reflect any religious affiliation.

Chaplains will be issued Utica Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Utica Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or agency property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this agency.

335.6 LOGISTICS AND RESOURCES UNIT RESPONSIBILITIES

The Logistics and Resources Unit shall serve as the liaison between the chaplains and the Chief of Police. The Logistics and Resources Unit should provide a central coordinating point for effective chaplain management within the Agency, and to direct and assist efforts to jointly provide more productive chaplain services. Chaplains shall report to the supervisor of the Logistics and Resources Unit.

335.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Agency, its members and the community as needed. Assignments of chaplains will usually be to augment the Uniform Patrol Division, but chaplains may be assigned to other areas within the Agency as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Agency.

All chaplains will be assigned to duties by the supervisor of the Logistics and Resources Unit or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Agency or the public into a religious affiliation while representing themselves as chaplains with this agency. If there is any

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question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Utica Police Department.

335.7.1 COMPLIANCE

Chaplains are volunteer members of this agency, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

335.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will attempt to be available when needed.

(b) Chaplains shall be permitted to ride with officers during any shift and observe Utica Police Department operations, provided the Squad Commander has been notified and has approved the activity.

(c) Chaplains shall not be evaluators of members of the Agency.

(d) In responding to incidents, a chaplain shall never function as an officer.

(e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(f) Chaplains shall serve only within the jurisdiction of the Utica Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(g) Each chaplain shall have access to current agency member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent unauthorized access to the data.

335.7.3 ASSISTING AGENCY MEMBERS

The responsibilities of a chaplain related to agency members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

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335.7.4 ASSISTING THE AGENCY

The responsibilities of a chaplain related to this agency include, but are not limited to:

(a) Assisting members in defusing a conflict or incident, when requested.

(b) Responding to any significant incident (e.g., natural and accidental deaths, suicides and attempted suicides, family disturbances) in which the Squad Commander or supervisor believes the chaplain could assist in accomplishing the mission of the Agency.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of agency members.

(e) Attending agency and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Training others to enhance the effectiveness of the Agency.

335.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Agency.

(c) Providing a liaison with various civic, business and religious organizations.

(d) Assisting the community when they request representatives or leaders of various denominations.

(e) Assisting the community in any other function, as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

335.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Agency may work or volunteer for the Utica Police Department in any capacity other than that of chaplain.

Agency chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-agency counseling resource.

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No chaplain shall provide counsel to or receive confidential communications from any Utica Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

335.9 TRAINING

The Agency may establish a minimum number of training hours and standards for agency chaplains. The training, as approved by the Training Director, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Officer injury or death
- Sensitivity and diversity

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Public Safety Video Surveillance Systems

336.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of agency public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Agency. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Agency.

336.2 POLICY

The Utica Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

336.3 OPERATIONAL GUIDELINES

Only agency-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

336.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify violent crimes and criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

(d) To assist in identifying, apprehending and prosecuting offenders.

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(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

(h) To monitor critical infrastructure.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Squad Commander's office, MVCAC, conference room, Oneida County District Attorney's Office and Oneida County 9-1-1 Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Squad Commander, trained Oneida County 9-1-1 Center personnel, and MVCAC crime analysts are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention of anything documented by public safety surveillance equipment is prohibited.

336.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Agency may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of agency strategy.

The Agency should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, video enhancement or other analytical technology, requires additional safeguards.

336.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members follow agency policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

336.4.1 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived

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characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

336.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

336.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

336.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Utica Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for agency public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Chief of Police or authorized designee for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established agency subpoena process.

336.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

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The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

336.8 PORTABLE POLE CAMERA

The portable pole camera is an extendable mobile surveillance system which provides a 360 degree view of a designated area. Video footage captured by the device will be linked to the MVCAC and the Mobile Command Center when active.

The primary utilization of the portable pole camera will be for surveillance in high crime, nuisance areas, special events or any other reason deemed necessary by the Chief of Police or his designee.

Deployment of the camera can be done by any member trained in the transportation and set up of the apparatus. Members should not deploy the camera in any roadway which freely allows the flow of traffic. Every attempt should be made to deploy the camera on a sidewalk, parking lot or grassy/ dirt area. Members deploying the camera may utilize any department vehicle equipped for towing.

Any issues with the camera should be immediately reported to MIS via an MIS service request. Any issues with the trailer should be reported to fleet maintenance via a vehicle maintenance request.

336.9 TRAINING

All agency members authorized to operate or access public safety video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Child and Dependent Adult Safety

337.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this agency.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

337.2 POLICY

It is the policy of this agency to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Utica Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

337.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. When possible, officers should attempt to determine in advance if any children are present in a pre-arrest situation. This may include having telecommunicators inquire during calls for service that may involve an arrest or using intelligence gathered for a warrant service.

In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends, and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian, or caregiver in the presence of their child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that they will receive appropriate care.

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337.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the Office of Children and Family Services, Child Protective Services division or the Adult Protective Services division, if appropriate. If the conduct for which the parent/caregiver was arrested amounts to child abuse or maltreatment, make the mandated report (see the Child Abuse Policy) and the appropriate notification for investigation.

(e) Notify the field supervisor or Squad Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

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337.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

337.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether the person reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

337.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

337.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other agency-approved social service agency to determine whether protective custody is appropriate.

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Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

337.5 TRAINING

The Training Director is responsible for ensuring that all members of this agency who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

337.6 LIAISON RESPONSIBILITIES

The Chief of Police has designated the Domestic Violence Unit to serve as the liaison to assist in safeguarding dependents of arrested parents or guardians. The DV Unit will complete follow-ups with persons involved and coordinate with social service providers in incidents that would require prolonged safeguarding.

The Chief of Police will evaluate annually the effectiveness of the services provided by the DV Unit and provide further assistance if needed.

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Service Animals

338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

338.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

338.2 POLICY

It is the policy of the Utica Police Department to provide equal access to services, programs, and activities of the Agency to persons with service animals. Agency members shall protect the rights of persons assisted by service animals in accordance with state and federal law (Civil Rights Law § 47 et seq.).

338.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Agency members are expected to treat individuals with service animals with the same courtesy and respect that the Utica Police Department affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

338.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

338.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Agency members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

338.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a agency supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

338.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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Service Animals

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Volunteers

339.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Utica Police Department volunteers to supplement and assist agency personnel in their duties. Trained volunteers are members who can augment agency personnel and help complete various tasks.

339.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Agency without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains and interns, among others.

339.2 POLICY

The Utica Police Department shall ensure that volunteers are properly appointed, trained and supervised to carry out specified tasks and duties in order to create an efficient agency and improve services to the community.

339.3 ELIGIBILITY

Requirements for participation as a volunteer for the Agency may include, but are not limited to:

(a) Being at least 18 years of age.

(b) Possession of a valid driver license if the position requires vehicle operation.

(c) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.

(d) No conviction of a class A misdemeanor or class B misdemeanor crime within the past 10 years, excluding misdemeanor traffic offenses.

(e) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.

(f) Ability to meet physical requirements reasonably appropriate to the assignment.

(g) A personal background history and character suitable for a person representing the Agency, as validated by a background investigation.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

339.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Utica Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this agency.

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339.4.1 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with agency policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Agency in serving the public.

Requests for volunteers should be submitted in writing by interested agency members to the Logistics and Resources Unit through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All agency members should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Logistics and Resources Unit supervisor may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

339.4.2 SELECTION

Any member who is approached by a person(s) seeking interest for volunteer work will direct them to the Logistics and Resources Unit supervisor. They will then be informed to submit a written letter of request directly to the Chief of Police. The volunteer will be given an outline on what to include in the letter and how to submit it once completed.

If approved, the Chief of Police will forward the pre-approval to the Professional Standards Unit. A member of PSU will contact the volunteer and advise them of their pre-approval and direct them to pick up an application. Once the application is completed the volunteer will be instructed to return it to the Professional Standards Unit so a background investigation can be conducted. As part of the background investigation, the volunteer will be fingerprinted. PSU will submit their findings of the investigation to the Chief of Police or designee for review.

If after review the applicant is not worthy of approval as a volunteer, a notice of denial will be sent to the applicant by a member of PSU.

339.4.3 APPOINTMENT

Service as a volunteer with the Agency shall begin with an official notice of acceptance or appointment by the Chief of Police or the authorized designee. Notice may only be given by an authorized representative of the Agency, who will normally be the Logistics and Resources Unit supervisor.

No volunteer should begin any assignment until they have been officially accepted for that position and have completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Agency.

The Logistics and Resources Unit will send a department wide notification advising all personnel of the presence of the volunteer.

Volunteers serve at the discretion of the Chief of Police.

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339.5 IDENTIFICATION

As representatives of the Agency, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties. The necessary safety equipment will be provided for each volunteer.

Volunteers will be issued Utica Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Utica Police Department identification cards, except that "Volunteer" will be indicated on the cards.

339.6 VOLUNTEER COORDINATOR

The Logistics and Resources supervisor will act as the volunteer coordinator.

The function of the coordinator is to provide a central coordinating point for effective volunteer management within the Agency, and to direct and assist efforts to jointly provide more productive volunteer services. Under the general direction of the Chief of Police or the authorized designee, volunteers shall report to the volunteer coordinator and/or Squad Commander.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified volunteers.

(b) Conducting volunteer meetings.

(c) Establishing and maintaining a volunteer callout roster.

(d) Maintaining records for each volunteer.

(e) Tracking and evaluating the contribution of volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.

(j) Maintaining volunteer orientation and training materials and outlining expectations, policies and responsibilities for all volunteers.

An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

339.7 DUTIES AND RESPONSIBILITIES

Volunteers assist agency personnel as needed. Volunteers may be assigned to other areas within the Agency as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Agency.

All volunteers will be assigned to duties by the volunteer coordinator or the authorized designee.

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339.7.1 COMPLIANCE

Volunteers shall be required to adhere to all agency policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to regular agency personnel, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required by this agency to meet agency-approved training requirements as applicable to their assignments.

339.7.2 VOLUNTEER MEETINGS

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

339.8 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assigned duties. A volunteer's training should correspond to his/her assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the Agency and law enforcement procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission infer that they are or were, officers or other full-time members of the Agency. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all applicable orders and directives, either oral or written, issued by the Agency.

339.8.1 VOLUNTEER TRAINING MATERIALS

Each new volunteer will be issued volunteer training materials. The materials outline the subject matter and skills necessary to properly function as a volunteer with the Utica Police Department. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

339.9 SUPERVISION

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

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Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to members on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

339.9.1 FITNESS FOR DUTY

No volunteer shall report for work or be at work when his/her judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes, but is not limited to:

(a) Driver license.

(b) Medical condition.

(c) Arrests.

(d) Criminal investigations.

(e) All law enforcement contacts.

339.10 INFORMATION ACCESS

With appropriate security clearance, a volunteer may have access to or be in the vicinity of criminal histories, investigative files or information portals. Unless otherwise directed by a supervisor, the duties of the position or agency policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by agency policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential information will be required to have his/her fingerprints submitted to the State Identification Bureau to obtain clearance. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Agency. Subsequent unauthorized disclosure of any confidential information verbally, in writing or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Agency, or maintain that they represent the Agency in such matters without permission from the proper agency personnel.

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339.11 EQUIPMENT

Any property or equipment issued by the Agency shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Agency and shall be returned at the termination of service.

339.12 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Volunteers are considered at-will and may be removed from service at the discretion of the Chief of Police, with or without cause. Volunteers shall have no property interest in their continued appointments. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with the Agency at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

339.12.1 EXIT INTERVIEWS

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Agency.

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Native American Graves Protection and Repatriation

340.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

340.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

340.2 POLICY

It is the policy of the Utica Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

340.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - New York State Office of Parks, Recreation and Historic Preservation
- Tribal land - Responsible Indian tribal official

340.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

340.5 STATE LAWS

The following statutes may be applicable when encountering a situation involving the disturbance of a Native American grave site:

(a) Indian cemetery or burial grounds - Tampering with or removing items from a state-designated Indian burial ground (Indian Law § 12-a).

(b) Body stealing - The unlawful removal of a human body or body parts (Public Health Law § 4216).

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Off-Duty Law Enforcement Actions

341.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Utica Police Department with respect to taking law enforcement action while off-duty.

341.2 POLICY

It is the policy of the Utica Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, will take reasonable action to minimize or eliminate the threat.

341.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed law enforcement personnel to arrive and while gathering as much accurate intelligence as possible, instead of immediately intervening. However, if an officer decides to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

(a) The potential to be misidentified by other law enforcement personnel.

(b) The potential to be misidentified by members of the public, who may be armed or who may take action.

(c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.

(d) Limited off-duty firearms capabilities and ammunition.

(e) The inability to communicate with responding law enforcement personnel.

(f) The lack of equipment, such as body armor, handcuffs or control devices.

(g) Unfamiliarity with the surroundings, including escape routes.

(h) The potential for increased risk to bystanders by confronting a suspect or taking action.

(i) Stress-induced distractions that impede visual and auditory acuity.

341.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

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Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Utica Police Department until acknowledged. Official identification should also be displayed when possible.

An off -duty officer should avoid any sudden movements that may cause alarm to a responding uniformed officer, an off- duty officer regardless of rank must comply with all commands of uniformed officers until such time it is established you are a Police Officer.

341.4 CONSIDERATIONS

When encountering an undercover officer or a plain clothes officer and it is believed they are performing official duties, uniformed officers should wait for acknowledgement by the undercover / plain clothes officer in case he/she is working in an official capacity.

341.4.1 CIVILIAN RESPONSIBILITIES

Civilian members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

341.4.2 INCIDENTS OF PERSONAL INTEREST

Agency members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

341.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Squad Commander regarding any law enforcement action taken while off-duty. The Squad Commander may send a supervisor to the location. The supervisor may request assistance from the Professional Standards Unit, if deemed appropriate.

The Squad Commander shall determine whether a crime report or an administrative report should be completed by the involved officer. If applicable the Duty Commander shall be notified.

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Community Relations

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

342.2 POLICY

It is the policy of the Utica Police Department to promote positive relationships between agency members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

342.3 MEMBER RESPONSIBILITIES

Achieving the Agency's community relations objectives and crime prevention functions are a responsibility shared by all members. Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the Community Outreach Team to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Oneida County 9-1-1 Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Oneida County 9-1-1 Center of their location and status during the foot patrol.

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342.4 COMMUNITY OUTREACH TEAM (COT)

The Chief of Police or the authorized designee should designate members of the Agency to serve in the Community Outreach Team. They report directly to the Patrol Division Commander or authorized designee and is responsible for:

(a) Obtaining agency-approved training related to his/her responsibilities.

(b) Responding to requests from agency members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the agency's relationship with the community.

(d) Working with community groups, agency members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between agency members and the community and provide community members with an improved understanding of agency operations.

(e) Working with the Uniform Patrol Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing agency and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the agency's response to events that may affect community relations, such as an incident where the conduct of a agency member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the agency's community relations goals, as appropriate.

342.5 SURVEYS

The COT should arrange for a survey of community members and agency members to be conducted at least annually to assess the condition of the relationship between the Agency and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Agency

(b) Overall competence of agency members

(c) Attitude and behavior of agency members

(d) Level of community trust in the Agency

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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342.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The COT should organize or assist with programs and activities that create opportunities for agency members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Agency-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) Neighborhood Watch and crime prevention programs.

342.7 INFORMATION SHARING

The COT should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in agency operations, comments, feedback, positive events) between the Agency and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Agency Use of Social Media Policy).

(c) Agency website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

342.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The COT should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Agency website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Agency ride-alongs (see the Ride-Alongs Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Internships at the Agency.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Agency regarding alleged misconduct or inappropriate job performance by agency members.

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342.9 SAFETY AND OTHER CONSIDERATIONS

Agency members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Agency members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

342.10 PUBLIC SAFETY BOARD

The City of Utica should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Agency to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Agency and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Director should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may ask the committee to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

342.10.1 LEGAL CONSIDERATIONS

The Auditor should work with the Corporation Counsel as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

342.11 TRANSPARENCY

The Agency should periodically publish statistical data and analysis regarding the agency's operations. The reports should not contain the names of officer, suspects or case numbers. The community relations coordinator should work with the Public Safety Board to identify information that may increase transparency regarding agency operations.

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342.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills. (De-escalation)

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

(f) Procedural justice policing.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Extreme Risk Protection Orders

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for applying for and serving extreme risk protection orders, and accounting for firearms obtained pursuant to those orders.

343.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme Risk Protection Order (ERPO) - An order of protection prohibiting a named person from purchasing, possessing, or attempting to purchase or possess a firearm, rifle, or shotgun (CPLR § 6340; CPLR § 6342; CPLR § 6343).

Temporary Extreme Risk Protection Order (TERPO) - An ex parte order sought and issued without notice to the respondent on the same day the petition is filed or on the business day immediately following.

Final Extreme Risk Protection Order (FERPO) - A final order issued, that is effective up to one year, following a hearing that occurs 3-6 business days after a TERPO is issued or within ten business days if the initial petition for a TERPO is denied.

Prohibited items - Firearms, rifles, or shotguns that are prohibited by an extreme risk protection order (CPLR § 6340).

343.2 POLICY

It is the policy of the Utica Police Department to apply for and serve extreme risk protection orders in compliance with state law, and to properly account for prohibited items obtained by the Agency pursuant to such orders.

343.3 EXTREME RISK PROTECTION ORDER COORDINATION

The agency shall:

(a) Developing and maintaining procedures for the filing of an application for an order or a renewal of an order by agency members (CPLR § 6341; CPLR § 6345).

(b) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of CPLR § 6342 and CPLR § 6343.

The On Duty or On Call CID Supervisor shall be responsible for the following:

(a) Evaluation of an order, and any related search warrant, to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).

(b) Ensuring the GIVE Unit prepares or obtains a search warrant prior to attempting service of an order, when applicable.

(c) Reviewing each application for an order filed by agency members, including any associated documents, to ensure compliance with this policy, agency procedures, and state law.

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(d) Ensures the MVCAC is managing court-ordered background investigations.

Applying for an Extreme Risk Protection Order

343.4 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes that an extreme risk protection order is appropriate should obtain supervisor approval prior to seeking an order.

CONSIDERATIONS WHEN FILING A TERPO

PRIOR TO FILING AN APPLICATION

343.4.1 STANDARDS

Extreme risk protection orders shall be filed when there is probable cause to believe the respondent is likely to engage in conduct that would result in serious harm to the respondent or others (CPLR § 6341; CPLR § 6342; CPLR § 6345).

343.4.2 REQUIREMENTS OF APPLICATION

An application for an extreme risk protection order should be prepared consistent with state law and the procedures developed by the extreme risk protection order coordinator (CPLR § 6341; CPLR § 6342).

343.5 SERVICE

PRIOR TO SERVICE ON AN ERPO

SERVICE

PROOF OF SERVICE

Officers who receive an extreme risk protection order for service should serve a copy of the order, along with any accompanying notice of hearing and associated documents, when directed by the court, on the person named in the order as soon as practicable. Service of orders should take precedence over the service of other orders, except for orders of a similar emergency nature (CPLR § 6342).

343.5.1 SAFETY CONSIDERATIONS

When appropriate, based on the circumstances and agency procedures, service of orders should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should fewer than two officers be present when an order is being served.

343.5.2 SURRENDER OF PROHIBITED ITEMS

Officers serving an extreme risk protection order shall request that the named person immediately surrender all prohibited items as required by the order. Officers should take custody of any items surrendered pursuant to the order or discovered either in plain sight or pursuant to a lawful search (CPLR § 6342; CPLR § 6343).

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A receipt identifying all surrendered or seized items shall be prepared by the officers and a copy given to the person (CPLR § 6344). The officers should ensure the original receipt is included in the original case report and forwarded to the Records Clerk as soon as practicable.

All items collected should be handled and booked in accordance with the Property Unit Policy.

SURRENDER OF PROHIBITED ITEMS

343.5.3 SEARCH WARRANTS

Officers should consider whether a search warrant may be reasonably necessary prior to attempting service of an order.

Consideration should also be given to whether a search warrant is necessary after an extreme risk protection order has been served if an officer reasonably believes there are prohibited items within the respondent's custody, control, or possession that have not been surrendered or seized.

Preparation and service of the search warrant should be done in accordance with the Warrant Service Policy.

343.6 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in agency custody pursuant to an extreme risk protection order should be referred to the Property Unit.

343.7 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Criminal Investigations Division supervisor is responsible for the review of any extreme risk protection order obtained by the Agency to determine if renewal or extension of the order should be requested within the time prescribed by law (CPLR § 6345).

343.8 TRAINING

The training director shall ensure all newly appointed members receive training on all local and statutory procedures required for the application and service of extreme risk protection orders while attending the basic course for police officers.

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Thermal Imaging Devices

344.1 PURPOSE AND SCOPE

The purpose of of this policy is to provide guidelines on the proper use of the agency's thermal imaging devices. This policy seeks to balance the public safety benefits of this technology with individual privacy.

344.2 POLICY

Thermal imaging devices register the heat of all objects by using a detector that is sensitive to infrared radiation which can assist officers during certain types of investigations. The use of these devices must be used in a manner consistent with the requirements and protection of the Constitution of the United States and the New York State Constitution.

344.3 RULES AND GUIDELINES FOR USE

Thermal imaging devices will only be used for legitimate law enforcement purposes and with the permission of a supervisor.

During emergencies where exigent circumstances exist or there is a need to conduct surveillance of locations exposed to public observation, members do not need to seek court authorization prior to use of the thermal imagers. If during the course of an ongoing investigation it is determined the use of a thermal imaging device would assist with scanning a person's home, a search warrant must be obtained prior to the deployment of the device. This should be the final step of the member's investigation.

The misuse of thermal imaging devices will subject members to disciplinary action and potentially criminal penalties.

344.4 USES OF THERMAL IMAGING DEVICES

Scenarios when the use of these devices could prove beneficial include but are not limited to:

1. Search and rescue
2. Fugitive searches
3. Marine and ground surveillance
4. Perimeter surveillance
5. Officer safety
6. Hidden compartments
7. Collision investigation
8. Disturbed surfaces
9. Tactical team entries
10. Evidence retrieval

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344.5 DEVICE STORAGE AND CARE

All thermal imaging devices will be stored following the manufacturers suggested guidelines.

If there is a malfunction with either of the devices a notification will be made to the Logistics and Resources Unit through the proper chain of command.

344.6 TRAINING

Prior to utilizing the agencies' thermal imaging devices, members must attend roll call training and review the below user manuals.

FLIR Scion User Manual

Seek Attack Pro Thermal Imagers

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Gunshot Location Detection System (ShotSpotter)

345.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Utica Police Department with guidance on the use of the gunshot location detection system.

345.2 POLICY

The Utica Police Department utilizes gunshot location detection technology to enhance our ability to tactically respond to and investigate violent crimes involving illegal gunfire.

345.3 DEFINITIONS

Dot - The "dot" is the center of a 25 meter (approximately 82 feet) circle in the ShotSpotter application which shows the approximate location of the shooter.

25 Meter Halo - 25 meter circle extending out from the "dot" where the shooter and/or evidence could potentially be located based on the triangulation from ShotSpotter detection devices.

345.4 GUNSHOT LOCATION DETECTION SYSTEM

The gunshot location detection system is a network of acoustic sensors that detect, locate and alert officers to potential gunfire incidents in real time. Sensors will be placed throughout the jurisdiction of the Utica Police Department at a rate of 20-25 per square mile. When sensors detect gunfire, the information is relayed immediately to Oneida County Dispatch, officer's MDT and the ShotSpotter cell phone application, if applicable. It also allows for the location and collection of gunshot evidence before it is lost or removed.

345.5 RESPONSIBILITIES

Police personnel shall not provide to the public the location or description of the ShotSpotter sensors.

345.5.1 ONEIDA COUNTY DISPATCH RESPONSIBILITIES

Communications personnel will monitor ShotSpotter alerts from the ShotSpotter dashboard. When an alert appears it will be immediately communicated over channel 1 as a priority 1 call and a telecommunicator will relay the following information:

1. The address provided by the ShotSpotter dashboard. This will be the closest physical address to the location of the "dot".
2. The location of the "dot" in relation to the address.
3. Any additional information which may include:
    (a) A single shooter firing a single round
    (b) A single shooter firing multiple rounds
    (c) The possibility of multiple shooters

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(d) The possibility of mobile shooter(s) along with the shooter's speed and direction of travel.

Telecommunicators will create a call for service for all ShotSpotter alerts.

All information that may come from members of the community regarding the incident shall be relayed to all members.

345.5.2 OFFICER REPSONSIBILITIES

When officers start their shift, they will do the following:

1. Log into the ShotSpotter application
2. Review incidents from the past 48 hours
3. Remain logged into the application for the duration of their shift and monitor the application for alerts.
4. At the completion of their shift, officers will logout of the application.

Officers may receive notification from the ShotSpotter dashboard of a potential incident prior to being dispatched by Oneida County 911. Officers may have little information regarding the incident and shall treat it as a crime in progress. Officers must rely on their knowledge and training of high risk situations to respond safely and strategically.

When a ShotSpotter alert is received, available patrol units in close proximity to the incident shall respond to the location and advise dispatch that they are enroute. A minimum of two officers will respond to a ShotSpotter alert.

While officers are in route to the incident they should be mindful of vehicles driving from the area of the "dot" at a high rate of speed or individuals on foot leaving the direction of the "dot".

Responding officers will canvass the precise location of the 25 meter halo identified by ShotSpotter for suspects, victims, evidence and potential witnesses. The canvass will include exiting their patrol vehicle, activating their BWC and walking the entire 25 meter halo area, at a minimum.

A neighborhood canvass will also be conducted by officers on scene.

All calls for service will be reported in RMS. Unfounded calls that may have been triggered by fireworks, vehicle backfire, construction equipment or other loud noises will be reported as such.

345.5.3 SUPERVISOR RESPONSIBILITIES

Any available supervisor will respond with officers to a ShotSpotter incident as they would for any shots fired call.

Supervisors shall monitor the collection and preservation of evidence processed by their subordinates.

ShotSpotter detection calls shall not be canceled unless prior notification has been given by dispatch that an organized event (i.e. funeral, parade) may involve a gunshot salute that could trigger the ShotSpotter technology. If ShotSpotter was activated by a confirmed source other than

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a firearm discharge, the designated patrol supervisor will email the Mohawk Valley Crime Analysis Center (mvcac@uticapd.com) and the ShotSpotter program manager.

In the event of a discharging incident that occurs within the coverage area, but does not activate an alert, the designated patrol supervisor will email the Mohawk Valley Crime Analysis Center (mvcac@uticapd.com) and the ShotSpotter program manager. The email should include the date, time and exact location (indoor/outdoor), caliber and number of rounds/casings, and any other relevant information.

The designated crime analyst will report any issues brought forth to Support@soundthinking.com by the next business day.

Any other unforeseen issues with the ShotSpotter technology will follow the aforementioned procedure.

345.5.4 INVESTIGATOR RESPONSIBILITIES

Investigators will be trained to access, extract incident data, and evaluate and present incident data in preparation for court proceedings.

Members of the Criminal Investigations Division should respond to any/all ShotSpotter alerts if available.

CID members shall respond to any/all ShotSpotter alerts where evidence of a shooting/shots fired is confirmed.

Investigators will have access to audio recordings in the ShotSpotter application associated with a shots fired incident to assist in the recreation of the crime scene. Data retrieved will assist the investigator in determining a timeline of rounds fired and the likely number of shooters. If investigators believe that audio related to gunfire was missed by the system, they will need to contact ShotSpotter within 24 hours of the incident or the audio could be lost.

In cases resulting in prosecution and in officer involved shootings, a detailed forensic report should be requested from ShotSpotter. Detailed forensic reports may also be requested to support investigations such as applications for search warrants.

345.6 SHOTSPOTTER PROGRAM MANAGER

The Criminal Investigations Division Captain shall act as the ShotSpotter Program Manager and maintain a thorough and general knowledge of the ShotSpotter system operation.

The ShotSpotter Program Manager, in conjunction with the training unit, shall be responsible for for training employees in the use of the gunshot location detection system.

The ShotSpotter Program Manager shall act as a liaison with the various operational units within Oneida County that have access and utilize ShotSpotter.

345.7 CRIMINAL ANALYSIS

Members of the MVCAC will use ShotSpotter data to assist members in identifying appropriate locations to deploy department resources (i.e. GIVE, CPU). Members of the MVCAC will be

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provided access to accumulated ShotSpotter surveillance data so that potential gunfire related trends may be identified. This data will be incorporated into staff meetings for response/planning of tactical and strategical operations.

At the direction of the ShotSpotter Program Manager or their designee, a member of the MVCAC will create a ShotSpotter report monthly.

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ADA Compliance

346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Utica Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

346.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

American with Disabilities Act (ADA) - A civil rights law passed in 1990 that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation and all public or private places open to the general public. Title II of the ADA covers all activities of state and local governments regardless of receipt of federal funding.

ADA coordinator - The Logistics and Resources supervisor will be responsible for coordinating the agency's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Utica Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. This includes a person who possesses visual acuity that is 20/200 or less in the better eye (corrected) or a field of vision 20 degrees or less in the better eye (18 NYCRR § 368.1; 18 NYCRR § 729.2). Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of agency buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a agency service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

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A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

346.2 POLICY

It is the policy of the Utica Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Agency.

The Agency will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

346.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Collaborating with the City ADA coordinator regarding the Utica Police Department's efforts to provide equal access to services, programs, and activities.

1. Maintaining agency compliance with accessibility standards for agency web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

(b) Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current agency facilities to identify access issues.
2. Review of current agency services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the agency's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to agency services, programs, and activities.

(d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.

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(e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to agency services, programs, and activities, as appropriate.

(f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

(g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing agency services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

(h) Collaborating with other city departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).

(j) Verifying that third parties providing agency services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(k) Recommending amendments to this policy as needed.

346.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

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346.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

(a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

1. A substantial alteration of the service, program, or activity.
2. An undue financial or administrative burden on the Agency. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
3. A threat to or the destruction of the historic significance of a historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

(b) If any of these circumstances are present, the ADA coordinator should work with agency members and the person requesting the modification to determine if an alternative modification is available.

(c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with agency members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

(d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

346.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

346.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

346.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored

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unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length, and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

346.5.1 TYPES OF ASSISTANCE AVAILABLE

Agency members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Agency will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to agency services, programs, and activities. The Agency will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Agency will not require that persons with disabilities use agency-provided assistive devices, auxiliary aids, and services. Agency-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

346.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Agency may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

346.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time.

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(b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.

(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use agency-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

346.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Agency will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

346.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, agency-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, agency members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

346.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

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346.5.7 FIELD ENFORCEMENT CONSIDERATIONS
Due to the unpredictable and varied nature of field enforcement, the Agency recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this agency. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

346.6 CUSTODIAL INTERROGATIONS
In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this agency will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

346.7 ARREST
If an individual with a communication-related disability is arrested, the arresting officer shall use agency-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

Notification to the court should be made to allow for the appointment of a qualified interpreter prior to any legal proceeding (Judiciary Law § 390).

346.8 WEBSITE ACCESS
The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Agency web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Agency website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

346.9 DOCUMENTATION
Whenever any modification has been provided, the member involved should document:

(a) The type of modification, assistive device, auxiliary aid, or service provided.

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(b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Agency or another identified source, as applicable.

(c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

346.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the agency's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Agency shall assist persons with disabilities who require assistance to file a complaint regarding members of this agency. The Agency may provide a qualified interpreter or forms in enlarged print, as appropriate.

346.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy, related procedures, forms, and available resources.

(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

(d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Director should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

346.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of agency assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

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(c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

(d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all Oneida County 9-1-1 Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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Covert Cameras

347.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines governing the authorization, deployment, use, management, and documentation of covert video recording equipment by members of the Department. This policy is intended to ensure that covert surveillance operations are conducted in a lawful, ethical, and constitutionally sound manner while protecting individual rights and maintaining evidentiary integrity.

347.2 DEFINITIONS

Covert Camera: Any video recording device intentionally concealed or deployed without public awareness for investigative purposes.

Exigent Circumstances: Situations requiring immediate action to prevent imminent danger, destruction of evidence, or escape of a suspect.

Expectation of Privacy: Circumstances in which an individual reasonably expects privacy under constitutional standards.

347.3 POLICY

It is the policy of the Utica Police Department that covert camera equipment shall be used only for legitimate law enforcement purposes and in strict compliance with federal and New York State law. The use of covert video surveillance shall be narrowly tailored, properly authorized, documented, and subject to supervisory oversight.

347.4 AUTHORIZATION

(a) **Approval Required**

- Covert camera deployment shall require written authorization from the Chief of Police or designee.
- In most cases, deployment shall also require a search warrant or court order when used in areas where there is a reasonable expectation of privacy.

(b) **Exigent Circumstances**

- In exigent circumstances, a supervisor of the rank of Lieutenant or above may authorize temporary deployment.
- A warrant shall be sought as soon as practicable when legally required.

(c) **Documentation**

- A written operational plan shall be completed prior to deployment, outlining:

  Investigative objective

  Location

  Duration

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Legal authority

Equipment used

Assigned personnel

347.5 LEGAL COMPLIANCE

(a) Covert camera use shall comply with:

- The Fourth Amendment of the United States Constitution
- New York State Penal Law
- New York Criminal Procedure Law
- Applicable federal statutes governing electronic surveillance

(b) Cameras shall not be used to record:

- Areas where individuals have a clear and reasonable expectation of privacy without a court order (e.g. inside residences, locker rooms, restrooms).
- Privileged communications (attorney-client, clergy, etc).

347.6 OPERATIONAL GUIDELINES

(a) Deployment shall be limited in scope and duration to meet investigative objectives.

(b) Surveillance shall not be conducted for personal reasons or non-criminal intelligence gathering unrelated to a legitimate law enforcement purpose.

(c) Equipment shall be installed and removed in a manner minimizing intrusion and risk.

(d) When feasible, installations should avoid capturing footage unrelated to the investigation.

347.7 EVIDENCE HANDLING & RETENTION

(a) All recordings shall be treated as evidence and logged into the Department's evidence management system.

(b) Chain of custody shall be documented.

(c) Retention shall comply with:

- State records retention laws
- Department evidence retention schedules

(d) Non-evidentiary recordings shall be purged in accordance with records retention policies.

347.8 SUPERVISORY REVIEW

(a) The supervising Lieutenant or Commander shall:

- Review the operational plan.
- Ensure legal sufficiency prior to deployment.

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- Conduct periodic review of ongoing operations.
- Ensure timely removal upon completion.

(b) The Criminal Investigations Division Commander shall conduct periodic audits of covert camera deployments to ensure compliance with policy and law.

347.9 PROHIBITED USES

Covert cameras shall not be used:

- For harassment, intimidation, or monitoring individuals without a legitimate law enforcement purpose.
- To conduct surveillance based solely on race, religion, ethnicity, political affiliation, or other protected characteristics.
- In Department facilities for monitoring employees without explicit authorization from the Chief of Police and legal review.

347.10 TRAINING

Personnel assigned to operate covert camera equipment shall receive training in:

- Legal standards for surveillance
- Constitutional considerations
- Evidence preservation
- Equipment operation and data security

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Tactical Unit

348.1 PURPOSE

The Tactical Unit is designed to enhance the quality of life in the City by working cooperatively with the public and other governmental agencies to identify and abate nuisance locations, pro-actively deter crime and criminal activity, enforce all laws, and provide safe neighborhoods.

This will be accomplished through various proactive, community policing, crime prevention strategies and initiatives in conjunction with intelligence based policing methods and traditional law enforcement practices.

348.2 POLICY

The Department recognizes that proactive policing is most effective when it is intelligence-led, constitutionally sound, community-focused, and problem-oriented.

This unit shall operate under the following principles:

1. Community Policing enforcement shall complement—not replace—community engagement, problem-solving, and collaboration with residents, businesses, and community partners.

2. Constitutional and Procedural Justice
All actions must be lawful, unbiased, respectful, and consistent with constitutional standards and departmental policies.

3. Problem-Oriented Policing
Enforcement efforts will be based on crime analysis, trends, and chronic problems—not indiscriminate or random activity.

4. Transparency and Accountability
The unit's mission, methods, and outcomes must be clearly articulated, reviewed, and subject to supervisory oversight.

While this policy intended to provide guidance to members of the Tactical Unit, all members of the Utica Police Department should know the contents of this policy and all other policies regarding crime prevention. All members are responsible for the agencies efforts in crime prevention.

348.3 SCOPE OF AUTHORITY

The Tactical Unit is authorized to conduct enforcement and investigative activities consistent with Department policy, state and federal law, including but not limited to:

- Targeted patrol and enforcement in high-crime areas
- Investigations related to violent crime, illegal firearms, narcotics, and repeat offenders
- Directed patrol assignments based on crime analysis
- Collaborative operations with patrol, detectives, and external partners
- Community-based problem-solving initiatives

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This unit shall not operate independently of departmental command structure and is subject to all existing policies governing use of force, bias-free policing, searches and seizures, and body-worn cameras.

348.4 CRIME PREVENTION

All officers and components of the department are responsible for achieving the agency's crime prevention goals and shall assist in this regard to include:

(a) Engaging in proactive policing by carefully observing conditions, which could lead to the development of crime or criminal opportunities and taking such preventative actions as the condition may warrant.

(b) Being familiar with the prevailing types of local crime, crime prevention techniques, and the department's crime prevention programs.

(c) Making recommendations as to where problems are most severe and as to where crime prevention activities could be more productive.

(d) Being familiar with the active GIVE offenders list and work in partnership with the MVCAC and GIVE Unit to deter gun violence.

(e) The Uniform Patrol Commander shall have primary responsibility for crime prevention activities.

348.5 ORGANIZATIONAL STRUCTURE

1. Command and Supervision

- The Patrol Division Commander will provide oversight of the Tactical Unit
- Day-to-day operations shall be supervised by a Sergeant or Lieutenant with demonstrated leadership and accountability.
- Supervisors are responsible for ensuring compliance with this policy and all Department standards.

2. Selection of Personnel

- Refer to policy 1002 - Special Assignments and Promotions.

348.6 OPERATIONAL GUIDELINES

A. Intelligence-Led Deployment

- Deployment decision shall be based on:
  - Using crime analysis and trend data
  - Calls for service and victimization patters
  - Repeat locations, offenders, or emerging threats
  - Blanket enforcement or arbitrary stops are prohibited.

B. Community Engagement Expectations

Members of the unit shall:

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- Engage residents respectfully during all contacts
- Participate in community meetings, forums, and outreach events when assigned
- Work collaboratively with community stakeholders to identify root causes of crime
- Document community concerns and forward them to the appropriate units or partners.

C. Enforcement Activities

- All stops, searches, arrests, and field interviews must meet legal standards and be articulable
- Discretion shall be exercised consistent with Department values and policy.

348.7 TRAINING REQUIREMENTS

All unit members shall receive initial and ongoing training, including but not limited to:

- Constitutional law and search and seizure
- Procedural justice and bias-free policing
- De-escalation and crisis intervention
- Tactical operations (when applicable) consistent with role and mission.

Training records shall be maintained and reviewed annually by the training director.

348.8 OVERSIGHT, REVIEW AND EVALUATION

The Tactical Unit shall be subject to continuous evaluation, including:

- Periodic command-level operational reviews
- Analysis of crime reduction outcomes
- Review of community feedback and complaints
- Assessment of alignment with departmental goals

Corrective action, retraining or reassignment shall occur when deficiencies are identified.

348.9 PROHIBITED CONDUCT

All members of the department shall deport themselves in a manner that inspires respect, not only for the member as an individual, but also as a member of the department. This will in turn engender the cooperation and approval of the public.

Members of the unit are strictly prohibited from:

- Engaging in enforcement motivated by bias or profiling
- Conducting stops without lawful justification
- Operating outside approved objectives or supervisory direction

Violations of this policy may result in disciplinary action.

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Chapter 4 - Patrol Operations

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Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Utica Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and agency members.

400.3 PATROL ZONES

Officers assigned to the Uniformed Patrol Division shall patrol and respond to calls for service within the confines of their assigned zone, unless directed by the dispatcher or a supervisor to patrol or respond to a call in another zone. Once in service, officers shall proceed directly to their assigned zone without delay. If an officer is involved in an investigation or pursuit of a person or motor vehicle and is required to leave their assigned zone, the dispatcher will be notified immediately. On completion of an investigation or other police action, officers shall return to service and their zone, immediately.

Patrol Zones Defined:

Zone 51: - The northern boundary is the railroad tracks (Amtrak, CSX line).

- The eastern boundary will be the west side of John Street to Park Ave.
- The south western boundary is the west side of Park Ave. from Oneida Square to John Street.
- The western boundary is the east side of State Street south to Oneida Square.

Zone 52: - The northern boundary is the railroad tracks (Amtrak, CSX line).

- The eastern boundary is the west side of State Street south to Oneida Square, then the west side of Oneida Street to Pleasant Street.
- The southern boundary is Pleasant Street/Burrstone Road to Route 12.
- The western boundary is the east side of Schuyler Street from the tracks to Noyes Street then Route 12 N/S arterial south from Noyes to Burrstone (there is one building on the south side of Noyes between Schuyler Street and Route 12 this is assigned to zone 53).

Zone 53: - The northern boundary is the railroad tracks/city line (Amtrak, CSX line).

- The eastern boundary is the west sides of Schuyler St. and Route 12 N/S Arterial.
- The southern boundary is Burrstone Road.
- The western boundary is the City Line.

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Zone 54: - The northern boundary is the Memorial Parkway and Burrstone Road.

- The eastern boundary is Valley View Road to the city line
- The southern boundary is the city line.
- The western boundary is the city line.

Zone 55: - The northern boundary remains the south side of Eagle Street.

- The eastern boundary is the west side of Mohawk Street.
- The southern boundary is Pleasant Street.
- The western boundary is the east side of Oneida between Oneida Square and Pleasant Street.

Zone 56: - The northern boundary is the city line.

- The eastern boundary is the city line.
- The southern boundary is the city line.
- The western boundary is Kossuth Avenue from the tracks to Eagle Street and then Mohawk Street from Eagle Street to Pleasant Street.

Zone 57: - The northern boundary is the railroad tracks (Amtrak, CSX line).

- The eastern boundary is the west side of Kossuth Avenue between the tracks and Eagle Street.
- The southern boundary is the north side of Eagle Street between Kossuth Avenue and Park Avenue.
- The western boundary is the east side of Park Avenue from Eagle Street to John Street and the east side of John Street from Park Ave to the railroad tracks.

Zone 58: - The northern boundary is the city line.

- The eastern boundary is the city line.
- The southern boundary is the railroad tracks.
- The western boundary is the city line.

Zone 59: - City wide zone which encompasses all zones (51-58)

Map of Patrol Zones

400.4 SHIFT CHANGE

Shift changes for members of the Patrol Division shall be staggered in order to provide for uninterrupted patrol coverage. Normal shift change times for patrol units shall occur as follows:

- On even days of the week the even numbered zone cars are group one and the odd numbered zone cars are group two.
- On odd days of the week the odd numbered zone cars are group one and the even numbered zone cars are group two.

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- Shift change commences at the conclusion of each roll call at the direction of the patrol supervisor when he or she notifies communications to clear the first group. The patrol supervisor will clear the second group at his/her discretion

The change of shift time(s) for any other supplementary Patrol component of the patrol division, if any, shall occur at times designated by the Chief of Police or his designee.

This schedule does not preclude shift supervisors from modifying relief order as necessary.

400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Utica. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of both criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Directing and controlling traffic.

(h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.

(i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(j) Identifying and/or responding to calls for service regarding hazardous highway conditions, requesting notification to the appropriate municipal or private agency regarding the hazard, and, if necessary, mitigating the hazard through the use of traffic flares or cones.

400.6 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Agency should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and to attend roll calls of other divisions or specialized units. Individual officers will share information with their relief for their respective zone during shift change.

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Additionally, information should be shared with outside agencies and the public in conformance with agency policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.7 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

400.8 UTICA CITY HALL SECURITY

One officer from the Community Outreach team will be assigned to Utica City Hall and will be responsible for providing security for the entire building. The Patrol Division Commander will ensure that there is an officer assigned to the City Hall Security position during all normal business days/hours which are generally Monday through Friday from 0830 to 1630.

OFFICER RESPONSIBILITIES

MEETINGS HELD IN COMMON COUNCIL CHAMBERS

400.9 ASSIGNMENTS

Maps of the service areas, organized into identifiable patrol areas, shall be made available to members assigned to patrol via paper or electronic copies.

Periodic review of staffing needs for patrol assignments to meet community needs will be conducted by the Chief of Police or the authorized designee.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to agency members that affirms the Utica Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the agency's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The Utica Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this agency to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this agency shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

Members shall:

(a) Respect the diversity and cultural differences of all people.

(b) At the immediate onset of a vehicle and traffic stop, and during citizen encounters, once issues of officer safety have been resolved, identify themselves, and advise each

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citizen detained as to the nature and reason(s) for the vehicle and traffic stop and/or citizen encounter.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, radio log narrative), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic and Parking Tickets Policy.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this agency who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

Professional Standards should review the efforts of the Agency to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

The Training Unit shall:

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(a) Institute within the department's training curriculum, at the basic academy level and also during annual in-service training, training programs that specifically address bias based profiling.

(b) Train supervisory personnel of applicable Federal, state and local laws, departmental policies and procedures to ensure that the aforesaid policies are being executed as required and standards are being appropriately met.

(c) Ensure that all policies of the department, in conjunction with Federal, state and local laws related to bias based profiling are properly reviewed and disseminated to all members.

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Roll call

402.1 PURPOSE AND SCOPE

This policy discusses the activity of roll call and includes the tasks that should be accomplished during this short period.

402.2 POLICY

Roll call is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 ROLL CALL

Patrol Division and specialized units will conduct regular roll call to discuss, disseminate and exchange information among agency members, work groups and other organizations. A supervisor generally will conduct roll call. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Roll call should include, but is not limited to:

(a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
    1. Wanted persons.
    2. Crime patterns.
    3. Suspect descriptions.
    4. Intelligence reports and photographs.
    5. Community issues affecting law enforcement.
    6. Major investigations.
(b) Notifying members of changes in schedules and assignments.
(c) Reviewing recent incidents for situational awareness and training purposes.
(d) Providing training on a variety of subjects.
(e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Written Directives and any recent policy changes.

402.3.1 RETENTION OF ROLL CALL TRAINING RECORDS

Roll call training materials and a curriculum or summary shall be forwarded to the Training Director for inclusion in training records, as appropriate.

402.4 PREPARATION OF MATERIALS

The member conducting roll call is responsible for preparation of the materials necessary for a constructive roll call.

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402.5 TRAINING

Roll call training should incorporate short segments on a variety of subjects or topics and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Review of recent incidents for training purposes.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Utica Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 CRIMINAL INVESTIGATIONS DIVISION COMMANDER RESPONSIBILITIES

The Criminal Investigations Division Commander is responsible for:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

403.7 TRAINING

The Training Director shall ensure that members who are responsible for processing crime or disaster scenes receive the appropriate training.

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Metro Special Weapons and Tactics Team

404.1 PURPOSE AND SCOPE

This policy provides guidelines for the specialized support of the Metro Special Weapons and Tactics Team (Metro SWAT) in handling critical field operations where special tactical deployment methods or intense negotiations are beyond the capacity of field officers.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Negotiation team - Designated officers, including those in a multijurisdictional team, who are specifically trained and equipped to provide skilled verbal communications to de-escalate or effect surrender in situations where suspects have taken hostages or barricaded themselves or who are suicidal.

Tactical team - Designated officers, including those in a multijurisdictional team, who are specifically trained and equipped to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigators. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of agency policy, a tactical team may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues necessitate such use.

Sniper/ Observer Team – Designated officers, including those in a multi – jurisdictional team, who are specifically trained and equipped to provide real time intelligence through observation, and provide protective overwatch to his team, other officers, civilians and or hostages by bringing precision fire against designated human targets, with the intent, to immediately terminate, when justified, the dangerous actions of a designated target.

404.2 POLICY

It shall be the policy of the Utica Police Department to maintain a Metro SWAT, through participation in a regional team, comprised of negotiation, sniper/observer and tactical teams, and to provide the equipment, manpower and training necessary to maintain such teams. The mission of the SWAT Team is to provide the department with a flexible, effective response to unconventional, high-risk and critical incident situations such as, but not limited to, the following types of operations:

(a) High-risk warrant executions
(b) Surveillance / Stakeouts
(c) Large scale area searches
(d) VIP / Dignitary protection
(e) Disaster response
(f) Civil disorders
(g) Civil defense emergencies

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(h) Barricaded suspects

(i) Hostage incidents

(j) Confirmed sniper activity

(k) Counter Terrorism

(l) Force Protection

(m) WMD Incidents

404.3 CAPABILITIES

This agency acknowledges that training needs may vary based on the experience level of team members, team administrators and potential incident commanders. Therefore, with the preservation of innocent human life being paramount, nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training level due to the exigency of the circumstances.

The various levels of tactical team capability and training are as follows and may fluctuate based upon personnel, training, available equipment, resources and capabilities:

- Level I - A basic team capable of providing containment and intervention in critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g., active shooter response). Generally 5 percent of the Level I team's on-duty time should be devoted to training.
- Level II - An intermediate-level tactical team capable of providing containment and intervention. These teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of the Level II team's on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.
- Level III - An advanced-level tactical team whose members function on a full-time basis. Generally 25 percent of the Level III team's on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such teams possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

404.4 MANAGEMENT AND SUPERVISION

Under the direction of the Chief of Police, through the Deputy Chief, the Metro SWAT shall be managed by the appointed Metro SWAT Commander. The Metro SWAT Commander shall be selected by the Chief of Police upon recommendation of command staff.

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404.4.1 TEAM LEADERS

The negotiation team, sniper/observer team and tactical team will be under the direction of designated team leaders, who shall be selected by the Chief of Police upon specific recommendation of the Metro SWAT Commander.

The primary responsibility of the team leaders is to oversee the operation of their teams, which includes deployment, training, first-line supervisor participation and other duties as directed by the Metro SWAT Commander.

404.5 READINESS

An operational readiness assessment should be conducted to determine the type and extent of Metro SWAT missions and operations appropriate to this agency. The assessment should consider the capabilities, training and limitations of the Metro SWAT and should be reviewed annually by the Metro SWAT Commander or the authorized designee. It shall be the responsibility of each SWAT Team member to:

(a) Be on call 24/7 and respond to high-risk and critical incident situations as directed.
    1. SWAT personnel must be fit for duty and available at all times of the day or night.
    2. SWAT personnel must notify their assigned commander, in advance, of any periods of unavailability.

(b) Attend specialized training sessions as scheduled.

(c) Maintain a high level of psychological and physical fitness.
    1. Members are required to report to the SWAT Commander any significant physical or psychological problem or issue that might compromise their ability to perform an assignment.

(d) Maintain assigned equipment in a high state of readiness.

(e) Perform and function as a highly disciplined team.

(f) Resolve high-risk situations safely and effectively.

(g) Act and perform duties pursuant to all applicable laws and in accordance with the policies and procedures of the department.

(h) Perform all regularly assigned duties in an above average manner.

(i) Qualify with all team weapons semi-annually.

(j) Notify their SWAT commander of any change of phone number(s).

404.5.1 EQUIPMENT INSPECTIONS

The Metro SWAT Commander shall appoint a team supervisor to perform operational readiness inspections of all Metro SWAT equipment at least annually. The result of the inspection will be forwarded to the Metro SWAT Commander in writing. The inspections will include personal equipment issued to members of the Metro SWAT, operational equipment maintained in the Metro SWAT facility and equipment maintained or used in Metro SWAT vehicles.

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404.5.2 MULTIJURISDICTIONAL OPERATIONS

The Metro SWAT, including any relevant specialized teams and supporting resources, should develop protocols, agreements, memorandums of understanding (MOUs), Inter Agency Operability Agreements (IAOAs) or working relationships to support multijurisdictional or regional responses.

(a) Multijurisdictional Metro SWAT operations will regularly be conducted, multi-agency and multidisciplinary joint training exercises should occur.

(b) Members of the Utica Police Department Metro SWAT shall operate under the policies, procedures and command of the Utica Police Department when working in a multi-agency situation.

404.6 PROCEDURES

Situations that necessitate the need for a Metro SWAT response vary greatly from incident to incident and often demand on-scene evaluation. The guidelines allow for appropriate on-scene decision-making and development of organizational and operational procedures.

METRO SWAT SOP

404.6.1 ORGANIZATIONAL PROCEDURES

The Chief of Police / Sheriff shall have the ultimate authority and responsibility for all special operations and the activities of the Special Weapons and Tactics Team. The Chief of Police / Sheriff shall, when necessary:

(a) Appoint officers to positions with the Emergency Response Team.

(b) Authorize and approve special operations plans and training exercises.

A Deputy Chief of Police / Sheriff shall be responsible for the administration of the SWAT team and shall:

(a) Select team personnel.

The Chief of Police / Sheriff shall appoint a sworn member who shall serve as the Commander of the SWAT Team. The Team Commander shall be responsible for:

(a) Supervising team operations and training.

(b) Conducting periodic inspections of team equipment.

(c) Preparing team budget requests.

(d) Maintaining team records.

(e) Establishing procedures for team operations.

(f) Evaluating team exercises and operations.

(g) Coordinating the team’s operations with other divisions, sections or agencies.

The Team Commander shall appoint other command officers to serve as SWAT team leaders. Officers appointed as team leaders should possess at a minimum:

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(a) Sound judgment.

(b) Demonstrated leadership ability.

(c) Organizational abilities.

(d) Prior experience conducting training activities (e.g., Instructor Development School, Field Training Officer, etc.).

Team leaders shall be directly responsible to the team commander for the activities of subordinate team members. At the direction of the team commander, team leaders shall:

(a) Formulate action plans

(b) Develop and implement tactics

(c) Brief and supervise team members and execute operations.

Team Medics shall perform any on site medical care equivalent to their skill base. Any additional medical aid shall be performed by the Utica Fire Department including transports to an area hospital.

Team members shall perform various specialized tasks as directed by command personnel based upon the demands of each particular situation. The Team Commander shall organize personnel into tactical, counter-sniper and hostage negotiation squads as authorized by the Chief of Police. Team members may be activated to operate in a variety of squad configurations, based upon the needs of the department, the type of incident and scope of operations.

404.6.2 ACTIVATION AND DEPLOYMENT PROCEDURES

Activation of the SWAT team shall be by the direction of a Captain or above.

Any command officer can make a request for the activation of the SWAT team.

The officer authorizing team activation shall:

(a) Brief the team commander regarding the circumstances requiring the team.

(b) Authorize the team commander to mobilize the team.

(c) When requested to execute a high-risk search warrant the investigating officer will complete and sign a risk assessment and submit same to his supervisor for review and their signature. Upon supervisor review and approval, the signed risk assessment will then be submitted to the SWAT Commander for review.

The Team Commander shall determine the extent to which team resources will be required based upon the mission to be performed. The Team Commander shall be responsible for activating the appropriate team elements and coordinating their response and shall:

(a) Designate the appropriate assembly point for the team.

(b) Mobilize the required team members by notifying the designated team leaders who will notify the members of their respective teams by phone. Team leaders shall keep a log of personnel contacted and their respective estimated time of arrival.

(c) Formulate operational and tactical plans.

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(d) Brief team members and assign individual tasks and duties.

(e) Supervise tactical operations.

(f) Debrief team members.

(g) Ensure that after-action reports, and other departmental reports are completed pursuant to department policy and procedures.

Team Members, upon receiving a call back, shall respond immediately and appropriately:

(a) Unless otherwise directed, respond to the TAC office at headquarters.

(b) Dress in uniform and ensure that all equipment is operational.

(c) Assemble in the designated staging area, for briefing.

Upon completion of the operation team members shall return to the headquarters for an immediate debriefing of the incident. All team members shall prepare and submit to the team commander a supplemental report describing his or her actions during the incident.

Upon activation if it is determined there is a need for an Explosive Ordinance team qualified as a FEMA Type III bomb squad with robotic assets the New York State Police will be notified and assistance requested.

404.6.3 OPERATIONAL PROCEDURES

The Agency shall develop a separate written set of operational procedures in accordance with the determination of the Metro SWAT's level of capability, using sound risk-reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's (NTOA) SWAT Standard for Law Enforcement Agencies. Because such procedures are specific to Metro SWAT members and outline negotiation, tactical and officer safety issues, they are not included within this policy.

The operational procedures should include, at a minimum:

(a) Designation of members who are responsible for developing an operational or tactical plan prior to, and/or during Metro SWAT operations (time permitting).

1. All Metro SWAT members should have an understanding of operational planning.
2. Metro SWAT training should include planning for both spontaneous and planned events.
3. Metro SWAT planning should incorporate medical emergency contingency plans as part of the Metro SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

1. When possible, briefings should include the specialized teams, certified tactical dispatchers and other supporting personnel.

(c) Protocols for a sustained operation to be developed that may include relief, rotation of members and augmentation of personnel and resources.

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(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of the Metro SWAT.

(e) Roles for the negotiations team and negotiators.

(f) A standard method of determining whether a warrant should be regarded as high risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Protocols for post-incident scene management, including:

1. Documentation of the incident.
2. Transition to investigations and/or other divisions.
3. Debriefing after every deployment of the Metro SWAT.
    (a) After-action team debriefing provides evaluation and analysis of critical incidents, affords the opportunity for individual and team assessments, helps to identify training needs and reinforces sound risk management practices.
    (b) Such debriefing should not be conducted until involved members have had the opportunity to individually complete necessary reports or provide formal statements.
    (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    (d) When appropriate, debriefing should include specialized teams and supporting or assisting personnel.

(i) A sound risk management analysis.

(j) Standardization of equipment deployed.

404.7 OPERATIONAL GUIDELINES

The following are guidelines for the operational deployment of the Metro SWAT. Generally, the tactical team, sniper/observer team and the negotiation team will be activated together. It is recognized, however, that the teams can be activated independently as circumstances dictate. The tactical team may be used in a situation not requiring the physical presence of the negotiation team, such as warrant service operations. The negotiation team may be used in a situation not requiring the physical presence of the tactical team, such as handling a suicidal person. Operational deployment of the specialized teams shall be at the discretion of the Metro SWAT Commander.

404.7.1 APPROPRIATE USE

Incidents that may result in the activation of the Metro SWAT include:

(a) Barricaded suspects who refuse an order to surrender.

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(b) Incidents where hostages are taken.

(c) Individuals who are threatening suicide and have refused to surrender.

(d) Arrests of potentially armed or dangerous persons.

(e) Any situation that could threaten or undermine the ability of the Agency to preserve life, maintain social order and ensure the protection of persons or property.

Requests by field personnel for assistance from crisis response units from another agency must be approved by the Squad Commander. Deployment of the Utica Police Department Metro SWAT in response to requests by other agencies must be authorized by a Division Commander.

404.7.2 ON-SCENE DETERMINATION AND NOTIFICATION

The supervisor-in-charge at the scene of a particular event will be designated as the Incident Commander and will assess whether the Metro SWAT is to respond to the scene. With input from the Incident Commander, final determination will be made by the Squad Commander, who shall then notify the Metro SWAT Commander. If the Metro SWAT Commander is unavailable, then a specialized team supervisor shall be notified.

The Squad Commander should brief the Metro SWAT Commander about the incident. Such information should include:

(a) The type of crime involved.

(b) The number of suspects, identity and criminal history.

(c) The known weapons and resources available to the suspect.

(d) If the suspect is in control of hostages and/or barricaded.

(e) Whether contact has been made with the suspect and whether there have been demands.

(f) If potential victims are still within the inner perimeter.

(g) If the suspect has threatened or attempted suicide.

(h) The location of the command post and a safe approach to it.

(i) The extent of any inner or outer perimeter and the number of personnel involved.

(j) Any other assets or resources at the scene including other involved agencies.

(k) Any other important facts critical to the immediate situation.

The Metro SWAT Commander or team supervisor shall then follow current callout procedures. A current mobilization list shall be maintained in the Squad Commander's office and Oneida County 9-1-1 Center by the Metro SWAT Commander.

The Squad Commander will notify the Uniform Patrol Division Commander as soon as practicable.

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404.7.3 FIELD PERSONNEL RESPONSIBILITIES

While waiting for the Metro SWAT to respond, field personnel should, if determined to be safe and practicable and sufficient resources exist:

(a) Establish an arrest/response team in case the suspect takes action. The response team's tasks may include:

1. Taking action to mitigate a deadly threat or behavior either inside or outside the location.
2. Securing any subject or suspect who may surrender or attempt to escape.

(b) Evacuate any injured persons in the zone of danger.

(c) Evacuate or provide safety instructions to other people in the zone of danger.

(d) Establish an inner and outer perimeter.

(e) Establish a command post outside of the inner perimeter.

(f) Attempt to establish preliminary communication with the suspect. Once the Metro SWAT has arrived, all negotiations should generally be halted to allow the negotiation and tactical teams time to organize, position and assume the appropriate roles and responsibilities.

(g) Plan for, and stage, anticipated resources.

404.7.4 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Metro SWAT at the scene, the Incident Commander shall brief the Metro SWAT Commander and team supervisors. Upon review, it will be the Metro SWAT Commander's decision, with input from the Incident Commander, whether to deploy the Metro SWAT. Once the Metro SWAT Commander authorizes deployment, the Metro SWAT Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation and media access and will support the Metro SWAT. The Incident Commander and Metro SWAT Commander or the authorized designee shall maintain direct communication at all times.

404.7.5 COMMUNICATIONS WITH METRO SWAT MEMBERS

All persons who are non-Metro SWAT members should refrain from any non-emergency contact or interference with any Metro SWAT member during active negotiations. Metro SWAT operations require the utmost in concentration by involved members and, as a result, no one should interrupt or communicate with Metro SWAT members directly. All non-emergency communications shall be channeled through the negotiation team or tactical team supervisor or the authorized designee.

404.8 TACTICAL TEAM ADMINISTRATIVE GUIDELINES

The tactical team was established to provide a skilled and trained team for deployment to events that require specialized tactics, in situations where suspects have taken hostages and/or

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barricaded themselves, and in prolonged or predictable situations where persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the tactical team.

404.8.1 SELECTION OF TACTICAL MEMBERS

Assignment to the SWAT Team is voluntary. The SWAT Commander will announce position vacancies within the team to members of the department by departmental email. Members interested in volunteering for appointment shall respond with a resume and a memorandum. The memorandum should explain the member's reason for volunteering for the team, and cite any special skills or abilities the member possesses.

Team members must possess the following minimum qualifications:

(a) Permanent civil service status as a police officer.

(b) A minimum of five years of police experience, or commensurate training and experience.

(c) Satisfactory completion of personnel performance evaluation(s).

(d) Be able to successfully pass the SWAT physical agility test.

(e) A record of sound judgment in field and tactical situations.

(f) A commitment to serve on the team for a minimum of two years.

Team leaders and members of the SWAT command staff shall interview applicants for positions with the team, evaluate the applicants past performance evaluations and assess the applicant's qualifications. The interviewers shall make recommendations for appointment to the appropriate Deputy Chief of Police / Sheriff responsible for the SWAT team.

Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be at the discretion of the Metro SWAT Commander. The testing process will consist of an oral interview, physical agility test, firearm qualification and team evaluation.

(a) Oral interview: The oral interview will be conducted by individuals selected by the Metro SWAT Commander. Applicants will be evaluated by certain criteria, which includes:

1. Recognized competence and ability, as evidenced by performance.
2. Demonstrated good judgment and understanding of the critical role of a tactical team member.
3. Special skills, training or appropriate education as it pertains to this assignment.
4. Commitment to the Metro SWAT, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of tactical team-related duties. The requirements can be found in the SOP, Appendix I. This is a pass/fail event.

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(c) Firearm qualification: Candidates will be invited to shoot the Metro SWAT basic drill for the handgun. The course of fire can be located in the SOP, Appendix II. A minimum qualifying score must be obtained.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

The Metro SWAT Commander shall submit a list of successful applicants to the Chief/Sheriff for final selection. The Deputy Chief of Police / Sheriff, with approval of the Chief of Police / Sheriff, shall appoint members to the team.

404.8.2 TACTICAL TRAINING

Training shall be coordinated by the Metro SWAT Commander. The Metro SWAT Commander will conduct bi-monthly training exercises that include a review and critique of members and their performance in the exercises, in addition to specialized training.

Officers selected for the team shall receive specialized in-service training to prepare them for special operations. Training for team members shall include, at a minimum:

(a) Use of force.

(b) Firearms and weapons.

(c) Tactics.

The team commander shall be responsible for the training activities of the team and shall:

(a) Establish training objectives.

(b) Approve training curriculums.

(c) Schedule training courses and exercises.

(d) Arrange or approve training sites.

(e) Evaluate training programs.

(f) Maintain training records.

Team members will not be excused from their training commitments except for court appearances, illness or injury, military duty or as directed by the Chief of Police / Sheriff. Team members that are unable to attend a training date shall notify the Team Commander in writing, prior to such training date.

Upon authorization of the Chief of Police, a SWAT member shall be released from their regular duty assignment for training.

404.8.3 TACTICAL TEAM EVALUATION

Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all tactical team

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members. Any member of the tactical team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.9 CRISIS NEGOTIATION TEAM ADMINISTRATIVE GUIDELINES

The negotiation team has been established to provide skilled verbal communicators who will attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages or barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the negotiation team.

404.9.1 ORGANIZATION

The CNT shall report to the SWAT Team Commander.

The CNT is organized as follows:

(a) CNT Commander.

(b) Primary negotiator.

(c) Secondary negotiator and/or Coach/Intelligence officer.

When the CNT is activated, the CNT commander will designate primary and secondary negotiators. When warranted, a coach/intelligence officer may be utilized.

404.9.2 ACTIVATION

The CNT may be activated by a command officer when any of the following situations have been confirmed:

(a) Barricaded subject(s) or suicidal individual who creates a threat to self or others.

(b) Hostage situations where a person is holding one or more hostages for any reason (i.e. terrorist, mentally disturbed person, criminal with escape route blocked, etc.).

(c) Or as otherwise directed by the Chief of Police or his designee.

When activation is deemed necessary personnel at the scene should make every attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained tactical/ hostage negotiation personnel.

Requests for the CNT by other law enforcement agencies in Oneida County will be forwarded to the Duty Commander.

404.9.3 NOTIFICATION

The on-duty Squad Commander will notify the on-duty Commander. In addition, the Duty Commandeer will initiate the required staff notifications.

The CNT Commander or METRO Swat Commander will notify the appropriate responding CNT members, a minimum of three negotiators, when possible, inclusive of the team commanding officer.

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404.9.4 CNT COMMANDER RESPONSIBILITIES

The CNT Commander responsibilities are to:

(a) Provide, maintain and update CNT personnel contact information in RMS.

(b) Ensure that specialized communications equipment is transported to the scene. Equipment will be stored at the CNT commanding officer's work site.

(c) Ensure that additional support is available as needed, to assist in obtaining and providing intelligence information.

(d) Ensure that notifications are made to support services, as needed.

(e) Report to the incident commander in charge at the scene.

(f) Complete activation report.

(g) Ensure that all after action reports are completed.

(h) Maintain all training records and document all activity for the year in RMS.

(i) Review the CNT Policy & Procedure annually and recommend updates/revisions to same as needed.

(j) Coordinate all specialized training for CNT members.

404.9.5 SPECIFIC OPERATIONS

The CNT commander will act as liaison between the CNT, incident commander and METRO SWAT commander.

(a) It is essential that constant communication be maintained between CNT and SWAT Teams.

(b) Whenever possible, the CNT shall be in close proximity to the METRO SWAT Team.

The method of operation and negotiation strategy of the CNT will rest with the CNT commanding officer. There will be hardwired and wireless equipment available to negotiators based on the situations.

Demands made by suspects will be approved or denied by the incident commander. Negotiators will not have the authority to approve or deny concessions.

The surrender process will be unique to each operation. However, certain procedures will be followed in all situations:

(a) Members of the METRO SWAT unit or other designated tactical personnel will always accomplish the actual taking into physical custody of the suspect(s). Negotiators will not take any suspect into custody at the time of surrender.

(b) The CNT, METRO SWAT and incident commanders will conduct a debriefing as soon as practical following the conclusion of the incident.

404.9.6 SELECTION OF NEGOTIATION MEMBERS

Interested agency members who are off probation shall submit an inter-agency narrative when a canvas for interest for such assignment is posted. A copy will be forwarded to the Metro

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SWAT Commander and the CNT Commander. Qualified applicants will then be invited to an oral interview. The oral interview board will consist of the Metro SWAT Commander, the CNT Commander and one or more CNT members. The interview will consist of specific questions that are scored. Interested members shall be evaluated by their score achieved during the interview as well as certain criteria, which includes:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of the critical role of a negotiator and the negotiation process.

(c) Effective communication skills.

(d) Special skills, training or appropriate education as it pertains to the assignment.

(e) Commitment to the Metro SWAT, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

The oral interview board shall submit a list of successful applicants to the Chief for final selection.

404.9.7 NEGOTIATION TRAINING

Newly appointed members must attend a certified basic hostage negotiator's course which is approved and recognized by DCJS as soon as practicable. Only trained and certified negotiators will be used to negotiate.

In service training will be conducted quarterly to include but not be limited to classroom, practical situational multi–unit drills, and annual conferences.

404.9.8 CRISIS NEGOTIATION TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the negotiation team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.10 SNIPER / OBSERVER TEAMS

Team member make-up and responsibilities:

The minimum number of personnel assigned and trained to the Sniper / Observer Unit should not be less than 4 members at any time.

Sniper Team Leader:

(a) The Sniper Team Leader for the Sniper / Observer Unit manages sniper teams answering to the METRO SWAT Commander. The Sniper Team Leader will be selected by the SWAT Commander and shall be selected based on experience, performance, knowledge, dedication, and leadership abilities. The Sniper Team Leader is directly responsible for the training, assignments, duties, and conduct of the individual Sniper / Observer Unit Members. The Sniper Team Leader is also responsible for maintaining all units training and equipment records. The Sniper Team

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Leader is responsible for directing and coordinating Sniper Unit activities upon team activation. In the absence of the regularly assigned Sniper Team Leader, the Assistant Sniper Team Leader will take command and control of the Teams/Unit, with the approval of the SWAT Commander acting in his behalf.

(b) The Sniper Team Leader call sign will be "Sierra 1".

Assistant Sniper Team Leader:

(a) The Assistant Sniper Team Leader will be the assistant team leader for the Sniper / Observer Unit and as such carries the full authority of the Team Leader. The Assistant Sniper Team Leader will be selected by the SWAT Commander and the Sniper Team Leader, and shall be selected based on experience, performance, knowledge, dedication, and leadership abilities. The Assistant Sniper Team Leader will be a trained sniper. The Assistant Sniper Team Leader will assist the Team Leader in all aspects of directing, coordinating, and maintaining the Sniper / Observer Unit, and will act in his behalf while absent.

(b) The Assistant Sniper Team Leader's call sign will be "Sierra 2".

Sniper / Observer Unit Member:

(a) Each member of the Sniper / Observer Unit is responsible for their own conduct and compliance with these policies and procedures. Members will maintain themselves, their equipment, and records to the highest standards. Each member will follow and complete all tasks, duties, and lawful orders as directed by the SWAT Commander, the Sniper Team Leader, Assistant Sniper Team Leader, or an assigned designee selected by the SWAT Commander. Sniper / Observers and their equipment are to be ready at all times to respond to critical incidents or training. When activated members will contact the Sniper Team Leader or his designee for direction regarding deployment to critical incident.

(b) Sniper / Observer Unit member call signs will begin with "Sierra 3" through "Sierra 4" in ascending numerical order.

404.10.1 ACTIVATION

Since the Sniper / Observer play such an integral role in intelligence gathering and team protection, if possible and at the discretion of the SWAT Commander and/or Sniper Team Leader, they will be deployed as a part of all SWAT tactical operations.

The role of the Sniper / Observer is to deploy in isolated positions, therefore, safety dictates that when at all possible the Sniper / Observer be deployed as a two man team.

The roles of Sniper/Observer are inter-changeable, as such, both shall be supplied with the proper weaponry and equipment to perform a variety of functions to support the operation. This includes the use of hand held and weapon mounted optical devices which require a built in relief factor to aid the Sniper/Observer maintain alertness and effectiveness as missions can be physically taxing and requires intense concentration for extended periods of time.

Upon activation of the SWAT Team Sniper / Observer Unit on a critical incident, the Sniper Team Leader or his designee shall issue Sniper Operating Directives to those Sniper / Observer Unit

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members who are deploying on the operation. These directives should be issued prior to the members departing to deploy to final operating positions. In cases where the directives were unable to be issued before members deployed, the directives will be issued via radio or other means at the first available opportunity.

Sniper Operating Directives include but are not limited to:

(a) Any special instructions regarding use of force.

(b) Actions to be taken if Sniper / Observer Unit members or other tactical team members are compromised.

(c) Actions to be taken if encountered by hostile civilians.

(d) Actions to be taken if encountered by hostile animals.

(e) Time frames of any events that may affect members of the tactical operation.

(f) Positions of containment and entry personnel on scene.

(g) Areas of the crisis site that require coverage by Sniper / Observer Unit members. (Exact final operating positions will be selected by the Sniper / Observer Unit member based on training and mission accomplishment).

(h) Physical descriptions of suspects and hostages, if known.

(i) Known weapons.

404.10.2 DEPLOYMENT

Final Operating Position – The final operating position (FOP) of each Sniper / Observer Unit member will be reported to the Sniper Team Leader utilizing the clock system in relation to the crisis site. Each member will indicate their call sign followed by their clock position and distance in yards from the crisis site. Example – "Sierra 3 I'm 5 at 75". The Sniper / Observer member/team will not leave this location unless in extreme emergency, without notifying the Sniper Coordinator or having been properly relieved.

Intelligence Reporting – Once in a reported FOP the member will begin to relay all relevant data regarding the crisis site such as activity, persons, vehicles, building configuration, hazards, etc. to the Sniper Team Leader and the Tactical Operations Center (TOC).

Target Engagement – In the event that a Sniper / Observer Unit member engages a target they will immediately identify themselves by call sign and report that a shot has been fired, and the apparent effect the round had on the target. The member will remain in position and ready for further action if needed. When the incident is under control the member will remain in position with weapons and equipment in place for evidentiary purposes, and no one will be allowed to enter or leave this area until told to do so by the SWAT Commander or Sniper Team Leader.

404.10.3 RULES OF ENGAGEMENT - USE OF FORCE

The Sniper / Observer shall be authorized to use deadly force against an individual in the following circumstances:

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(a) Article 35 - Anytime a Sniper / Observer Unit Member, through personal knowledge or observation, believes that the use of deadly force as authorized by Article 35 of the New York State Penal Law is required to preserve and defend the life of hostages, civilians, police personnel, or themselves; he may use such deadly force without further authorization.

(b) On Order – Upon the lawful order of the SWAT Commander and/or the Sniper Team Leader are authorized to utilize deadly force against designated targets or targets of opportunity, with or without having personal knowledge of the circumstances authorizing such use of deadly force. The command to use such deadly force will be as follows: "Sierra Teams, you are authorized to go tactical". Circumstances permitting this phrase will be repeated twice by the leader issuing the command and will be acknowledged by the individual Sierra Teams in ascending order by saying "Sierra 3 copy", "Sierra 4 copy", etc.

(c) Escape – To prevent the escape from a critical incident containment perimeter, if the Sniper / Observer feel the subject would pose a great danger of death or great bodily harm to the general public if allowed to continue his actions or succeed in his escape.

(d) Organized Assault – As part of an organized assault by tactical team elements. In this event the Sniper /Observer Unit member would use deadly force against designated targets or targets of opportunity, as the situation or assault plan dictates. These targets would be prioritized and engaged based on the danger they pose to other team members, hostages, or civilian personnel. This use of force can be based on collective knowledge, as passed on from other team members or command staff.

404.10.4 SELECTION OF SNIPER / OBSERVER UNIT MEMBERS

Candidate selection for the Sniper / Observer Unit will be open to all members, based on, but not limited to the following criteria:

(a) Current team member in good standing.

(b) Volunteer for the position.

(c) Good physical condition.

(d) Emotionally mature and stable.

(e) Above satisfactory performance ratings.

(f) Dependability.

(g) Conduct.

(h) Judgment.

(i) Disciplined.

After preliminary selection, the candidate will submit to the following screening steps:

(a) Oral interview conducted by the SWAT Commander and the Sniper Team Leader.

(b) Review of personnel folder.

(c) Impute of Sniper team members.

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(d) Approval of the SWAT Commander and the Sniper Team Leader, with the final approval from the Chief of Police.

Selected candidates will join the Sniper / Observer Unit in a probationary status for one year. Regular operational status will be achieved after the candidate has graduated from a formal police sniper school and has passed the department sniper qualification course. During the probationary period the Sniper Team Leader may recommend to the SWAT Commander that the candidate be removed from the Sniper / Observer Unit for any reason he deems necessary. The final decision lies with the SWAT Commander and the Sniper Team Leader, at the consultation of the Chief of Police.

404.10.5 SNIPER TRAINING

Training requirements for the sniper / observer are as follows.

(a) After selection to this position as a Sniper / Observer, the candidate will attend and graduate from at least one formal (DCJS approved) police sniper school, prior to being placed on operational status. To meet the needs of this position, the Sniper / Observer must receive instruction and practice in the following skills and disciplines:

1. Field Craft Skills: The skills needed for urban and woodland operations are, but not limited to, land navigation, stalking, movement, camouflage, range estimation, hide selection and construction, covert insertion and management.
2. Tactics: This is to include, but not limited to, target selection, communications, site diagramming and operation planning.
3. Marksmanship: Along with a regular, standardized qualification course, this will include practice in cold bore shot accuracy, multiple threat targets, moving targets, partially obscured targets, intermediate barriers, elevated shooting, various distances and shooting positions, low light and no light shooting, and decision making.
4. Scheduled Training: Training will be conducted on a regular basis as scheduled by the Sniper Team Leader and should not be less than 8 hours bi- monthly.
5. Physical Fitness: Excellent physical condition is critical to the success of a Sniper/Observer mission. In callout deployments, the sniper is expected to be totally self-sufficient and self-contained. All of the necessary equipment has to be transported to the final operating position by the team. Walking, climbing, and crawling during the execution of a stalk while carrying an extra 30 or 40 pounds of gear can be exhausting. The stalk, if necessary is only the beginning of the Sniper’s physical mission. Once in position, he must still establish (FOP) and work from it, providing information and lethal cover for the duration of the callout, often without relief. For hours, or perhaps days, he is expected to perform at a heightened state of alertness. This kind of recovery, endurance, and stamina requires a physically fit SWAT Officer. It is for this reason a Sniper will have to pass additional PT Tests, separate from the basic Operator test. These tests may be unconventional and will be approved by the SWAT Commander and the Sniper Team Leader. The SWAT Commander and the Sniper Team Leader will administer this test twice a year; this test will be unscheduled and can be

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given at the discretion of the SWAT Commander and the Sniper Team Leader, anytime throughout the year they see fit. Failure to pass any PT test shall result in deactivation from the Sniper / Observer Unit. The Sniper will be provided with re-test at the discretion of the SWAT Commander and the Sniper Team Leader.

6. Formal Training: If possible members of the Sniper / Observer will attend formal sniper training every three years at a minimum to upgrade skills and knowledge. All training planned and done by the Sniper / Observer will be documented in writing. The Sniper Team Leader will maintain records of that training. The Sniper / Observer will maintain individual shooting records, in the form of Shooting Data Books and round count log. The Shooting Data Books kept by the individual Sniper / Observer members will be made available upon request of the Sniper Team Leader for inspection. Failure to accurately maintain a proper Shooting Data Book and round count log shall result in deactivation from the Sniper / Observer Unit.

Qualification and performance standards are as follows.

To achieve and maintain operational status as a Sniper / Observer, each Sniper / Observer Unit member will be required to meet the following standards:

(a) Each Sniper / Observer will attend and graduate from a formal (DCJS approved) basic police sniper school.

(b) Each Sniper / Observer will pass the team qualification course, which is approved by the SWAT Commander and the Sniper Team Leader. This course will be administered at least two times a year and requires a score of 100%. Failure to pass team qualification course shall result in deactivation from the Sniper / Observer Unit. The Sniper will be provided with re-qualification at the discretion of the SWAT Commander and the Sniper Team Leader.

(c) Each Sniper / Observer will participate in sniper in-service training for 8 hours bi-monthly.

404.11 UNIFORMS AND EQUIPMENT

Metro SWAT specialized teams from this agency should wear uniforms that clearly identify them as law enforcement members. It is recognized that certain tactical conditions may require covert movement. Attire may be selected that is appropriate to the specific mission.

404.11.1 EQUIPMENT

Metro SWAT specialized teams from this agency should be adequately equipped to meet the specific missions identified by the Agency. The Metro SWAT Commander shall maintain a list of special equipment assigned.

404.11.2 FIREARMS

Weapons and equipment used by the Metro SWAT specialized teams and any supporting resources should be agency-issued or approved, including any modifications, additions or attachments.

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404.12 TRAINING

The Metro SWAT Commander shall conduct an annual Metro SWAT training needs assessment to ensure that training correlates to the team's capabilities and agency policy.

404.12.1 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.12.2 INITIAL TRAINING

Tactical and negotiation team members, snipers/observers and team leaders should not be deployed until successful completion of a basic Metro SWAT course or its equivalent that has been approved by DCJS.

(a) Untrained members may be used in a support or training capacity.

404.12.3 MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the Metro SWAT functions at the organizational level. This is to ensure that those who provide active oversight at the scene understand the purpose and capabilities of these specialized teams.

Command personnel who may assume incident command responsibilities should attend a tactical commander or critical incident commander course or its equivalent that has been approved by DCJS.

404.12.4 SCENARIO-BASED TRAINING

Metro SWAT specialized teams should participate in scenario-based training that simulates the critical field operations environment. Such training is an established method of improving performance during an actual deployment.

404.12.5 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Director. Such documentation shall be maintained in each member's training file. A separate agency Metro SWAT training file shall be maintained with documentation and records of all team training.

All training records for METRO SWAT will be kept in RMS. At the beginning of each year an RMS number will be created to house all the training records. Each training session (monthly or additional) will be added at the conclusion of the training evolution.

Each training narrative will include a curriculum, syllabus, and attendance roster. The training will be summarized.

(a) Each lesson plan will include the record of material presented to the students in the classroom, training scenarios, and exercises. Audio visual material, handouts, and other student reference material must be recorded.

(b) Class rosters will be written to include dates of training, total hours of training, the name of the course, names of those in attendance, and the result of the training.Rosters and training records may be housed in RMS.

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(c) Instructors used in initial and in–service training must comply with the provisions of Title 9 NYCRR 6023 and 6024 (instructors have successfully completed a DCJS approved Instructor Development Course and a DCJS approved Firearms Instructor Course).

(d) MPTC approved courses that are presented by outside agencies can be recorded by filing of the course certificate of completion in the Officer's training file and entry into the agency computer training data base.

(e) Records will be maintained and retained by the team pursuant to the provisions of the Arts and Cultural Affairs Law and Regulations established by the NYS Department of Education (Title 8 NYCRR Part 185). The regulations provide the length of time records must be retained by type of government. Pursuant to Title 9 NYCRR 6022.(5) records will also be available for inspection by members of the council or the commissioner.

After Action Reports (AAR):

(a) AAR's will be kept in RMS.They will coincide with the RMS created for the incident or investigation, for example METRO has a case number generated for their investigation, once an operation is completed an after action report will be completed by a designated member of the SWAT team and placed in the same RMS as the investigation. The AAR will also be kept in the ERT/METRO SWAT folder in UPD files as well as a hard copy with the briefing sheet and risk assessment.

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Ride-Alongs

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Utica Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

405.2 POLICY

Ride-along opportunities will be provided to the members of the public, City employees and members of this agency to observe and experience, first-hand, various functions of the Utica Police Department. The term “ride-along” includes riding as a passenger with a member of the agency.

405.3 ELIGIBILITY

A ride-along is available to Utica residents and business owners, students currently attending class in Utica, potential new-hire candidates, those employed within the City of Utica and any person the Chief of Police deems appropriate. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this agency or the City
- Denial by any supervisor.
- Evidence of poor moral character

405.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 7:45 a.m. to 12:00 a.m. Exceptions to this schedule may be made as approved by the Chief of Police or Squad Commander.

405.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Logistics and Resource Unit. The applicant will complete and sign a ride-along or job observation waiver form. Information requested will include a valid state-issued identification card or driver’s license number, birthdate, address and telephone number.

The Logistics and Resource Unit will schedule a date, based on availability. If approved, a notification will be made to the appropriate platoon supervisors with the applicant’s information.

If the request is denied, a representative of this agency will advise the applicant of the denial.

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405.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Volunteers
- Chaplains
- Reserves
- Interns
- Utica Police Department applicants
- Students enrolled in any agency-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in agency vehicles at a given time.

405.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this agency or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this agency without the express consent of the Logistics and Resource Unit supervisor.

In the event that such participation is permitted, the off-duty agency member, other law enforcement agency personnel or City employee shall not:

(a) Be considered on-duty.

(b) Represent him/herself as a member of this agency or any other law enforcement agency.

(c) Participate in any law enforcement activity except as emergency circumstances may require.

405.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check prior to approval of the ride-along.

405.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Squad Commander. The Squad Commander or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

405.7 MEMBER RESPONSIBILITIES

The assigned agency member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct

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the individual about the conditions that necessarily limit his/her participation. Instructions should include:

(a) The participant will follow the directions of the agency member.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police agency equipment.

(c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.

1. If the ride-along is in progress, the member may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.

(e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

(f) Participants who are not law enforcement officers shall not be permitted to accompany the agency member into a private residence or premises or onto private property without the express consent of the resident or other authorized person. A search warrant is not an exception to these requirements.

An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation and, if feasible, let the participant out of the vehicle in a well-lit public place. The telecommunicator will be advised of the situation and as soon as practicable have another agency member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Squad Commander. The member should email the Logistics and Resource Unit supervisor with the details on why the ride-along was terminated. That supervisor will then document this in the Records Management System.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to agency members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 POLICY

It is the policy of the Utica Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

406.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

406.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify Oneida County 9-1-1 Center, appropriate supervisors, the appropriate fire department, and hazardous response units.

1. Provide weather conditions, wind direction, a suggested safe approach route, and any other information pertinent to responder safety.

(c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.

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(d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.
2. Driver's statements or shipping documents from the person transporting the material.
3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    (a) The type of material.
    (b) How to secure and contain the material.
    (c) Any other information to protect the safety of those present, the community, and the environment.

(f) Provide first aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

(i) Establish a decontamination area when needed.

(j) Activate automated community notification systems, if applicable.

(k) Notify the New York State Department of Environmental Conservation (Environmental Conservation Law § 17-1007).

406.5 REPORTING EXPOSURE

Agency members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an Injury Exposure report that shall be forwarded via chain of command to the Logistics and Resources Unit and a duplicate provided to the Division Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

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406.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, safety equipment is available from supervisors. Safety items not maintained by this agency may be available through the appropriate fire department or emergency response team.

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Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

407.2 POLICY

It is the policy of the Utica Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect’s surrender.

When available, agency-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

The following law and regulation apply to emergency interception and disconnection of phone services:

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(a) An application for an eavesdropping or video surveillance warrant can be applied for via phone or other electronic means during an emergency (CPL § 700.21). The provisions of CPL § 700.05 through CPL § 700.21 must be followed.

(b) A phone company can disconnect phone service to a residence when there is an emergency that is endangering a person or surrounding area (16 NYCRR § 609.14).

407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to an immediate action team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt to obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

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(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Agency, such as command officers and the PIO.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to an immediate action team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.

(d) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(e) Provide responding emergency personnel with a safe arrival route to the location.

(f) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(g) Coordinate pursuit or surveillance vehicles and control of travel routes.

(h) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(i) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(j) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(k) Determine the need for and notify the appropriate persons within and outside the Agency, such as command officers and the PIO.

(l) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting Metro Special Weapons and Tactics Team (Metro SWAT) response if appropriate and apprising the Metro SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized assignment members, additional agency members, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or Oneida County 9-1-1 Center.

(i) Identify a media staging area outside the outer perimeter and have the agency PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 METRO SWAT RESPONSIBILITIES

It will be the Metro SWAT Commander's decision, with input from the Incident Commander, whether to deploy the Metro SWAT during a hostage or barricade situation. Once the Metro SWAT Commander authorizes deployment, the Metro SWAT Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation and media access, and will support the Metro SWAT. The Incident Commander and the Metro SWAT Commander or the authorized designees shall maintain direct communications at all times.

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Long Range Acoustic Hailing Device (LRAD)

408.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedure to follow regarding the operation, supervision, and reporting of the use of long range acoustic hailing devices.

408.2 POLICY

It is the policy of the Utica Police Department with respect to long-range acoustic hailing devices that these devices will only be used as a means of communication and in a manner and in situations as outlined in this policy. The Utica Police Department utilizes the LRAD 100X model Long Range Acoustic Hailing Device.

408.3 DEFINITIONS

Long Range Acoustic Hailing Device: A high-intensity directional acoustic hailer designed for long-range communication and issuing powerful warning tones.

408.4 PRECAUTIONS

Hearing protection is required when operating the device at maximum volume from less than three feet away. Ear plugs will be provided in the hard case that is used to transport and store the LRAD.

408.5 USE AND DEPLOYMENT OF THE LRAD

Situations may arise where the use of the LRAD may be needed to aid officers in broadcasting loud, clear messages over long distances or through large barriers such as buildings. Deployment of the LRAD at increased volume levels can influence behavior and create safety zones for law enforcement personnel while preventing the need for additional escalation of force. These situations may include but are not limited to: large group gatherings, barricaded subject(s), civil disturbances, etc…

When there is a need for the use of the LRAD it will be done with the approval of an on-scene supervisor, squad commander, or other command staff member. The following steps are to be followed when deploying the LRAD for communications:

(a) Operator broadcasts in a loud, clear, and authoritative voice to provide undeniable instructions and direction. Any instructions/directions that are communicated through the LRAD should be followed by a period of silence to allow for effective communication and compliance to help reduce bystander exposure.

(b) If direction is not taken, the operator then broadcasts with a more authoritative message.

(c) If repeated directions/instructions are not taken, the operator may decide to employ the LRAD deterrent tone towards the person(s) creating the threatening situation.

(d) If after the deterrent tone is employed compliance has not been gained, different tactics or levels of force may need to be evaluated at such time.

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Pre-recorded messages can also be broadcast in multiple languages providing law enforcement with preplanned responses that address a variety of situations and populations clearly and effectively (Only authorized pre-recorded messages will be broadcast through the LRAD).

408.6 HAILING/TONING

The pre-installed alert tone is an intense, pulsating warning tone that is designed to be clearly heard at long distances. The recommended time for bursts for hailing a subject is 2 -5 seconds followed by a period of silence to allow for effective communication and compliance to help reduce bystander exposure.

Personnel who operate the LRAD must ensure that the area in front of the LRAD is clear to 35 feet in front of the device before activating the alert tone when the volume control is at its maximum or in the red zone of the volume control knob scale.

When the LRAD deterrent/alert tone is used against a person or persons, it is then considered a use of force and will be documented accordingly.

408.7 REPORTING/DOCUMENTATION

Whenever the use of the alert tone is used to hail a subject the following must be documented in an officer narrative in RMS accompanied by a Response to Resistance form (select "other" in the Use of Force tab in RMS):

(a) The date, time and location of the deployment of the device.

(b) The purpose for which the device was used.

(c) The volume level(s) or setting(s) at which the device was used.

(d) The approximate distance(s) and the decibel level(s) from the intended audience at which the device was used.

(e) All messages and communications.

(f) The authorizing member(s).

(g) Was compliance gained or not.

408.8 STORAGE AND CARE

When the LRAD is not in use it will be stored in its hard plastic case and kept secure in the cage located at the sergeant's workstation area. The tripod that can be used with the LRAD will also be kept in the cage along with the LRAD. Both the LRAD and tripod are marked with inventory control stickers so that each can be signed in/out when needed by using the barcode scanner and laptop computer which is attached to the cage.

If the LRAD or any of its components are found to be in need of repair or replacement an e-mail shall be sent to the Logistics and Resources Unit supervisor.

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Response to Bomb Calls

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Utica Police Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

409.2 POLICY

It is the policy of the Utica Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

409.3 RECEIPT OF BOMB THREAT

Agency members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established agency evidence procedures.

The member receiving the bomb threat should ensure that the Squad Commander is immediately advised and informed of the details. This will enable the Squad Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

409.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

409.4.1 UTICA POLICE DEPARTMENT FACILITY

If the bomb threat is against the Utica Police Department facility, the Squad Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police agency, as he/she deems appropriate.

409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Utica Police Department that is not the property of this agency, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Squad Commander deems appropriate.

409.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified at the Mega Center Dispatch Center 1-877-437-7411. The Federal Protective

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Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

409.5 PRIVATE FACILITY OR PROPERTY

When a member of this agency receives notification of a bomb threat at a location in the City of Utica, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Squad Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

409.5.1 ASSISTANCE

The Squad Commander should be notified when police assistance is requested. The Squad Commander will make the decision whether the Agency will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Squad Commander determine that the Agency will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

409.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes:

1. Two-way radios.
2. Cell phones.
3. Other personal communication devices.

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

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(i) Promptly relay available information to the Squad Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

409.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or any additional damage from fires or unstable structures.

409.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

409.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional agency personnel, such as investigators and forensic services
- Field supervisor
- Squad Commander

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- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

409.8 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

409.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Squad Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be embedded in nearby structures or hanging in trees and bushes.

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Crisis Intervention Incidents

410.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

410.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

410.2 POLICY

The Utica Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Agency will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

410.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation or lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

410.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate the Patrol Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide agency interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

410.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both, as well as individuals suffering from certain medical conditions, may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

CRISIS RESPONSE TEAM (CRT) RESPONSIBILITIES

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410.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

410.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the telecommunicator provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

410.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

410.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to agency reporting procedures or other official mental health or medical proceedings.

410.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Admissions Policy. If applicable a referral to MCAT or CRT should be considered.

410.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

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410.11 EVALUATION

The Patrol Division Commander should coordinate the crisis intervention strategy for this agency and should ensure that a thorough review and analysis of the agency response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

410.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Agency will develop and provide comprehensive education and training to all agency members to enable them to effectively interact with persons in crisis.

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Emergency Admissions

411.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under an Emergency Admission (Mental Hygiene Law § 9.41).

411.1.1 DEFINITIONS

Definitions related to this policy include (Mental Hygiene Law § 9.01):

Likely to result in serious harm - Includes a substantial risk of physical harm to:

(a) One's self as manifested by threats of or attempts at suicide, or serious bodily harm or other conduct demonstrating that the person is dangerous to themself.

(b) One's self due to an inability or refusal, as a result of their mental illness, to provide for their own essential needs such as food, clothing, necessary medical care, personal safety, or shelter.

(c) Others as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

411.2 POLICY

It is the policy of the Utica Police Department to protect the public and individuals through legal and appropriate use of emergency admission process.

411.3 AUTHORITY

Any officer:

(a) May take any person into custody for an emergency admission when the person appears to be mentally ill and is conducting themself in a manner which is likely to result in serious harm and transport the person to a hospital, comprehensive psychiatric emergency program (CPEP), or crisis stabilization center as specified in Mental Hygiene Law § 9.41.

  (a) The officer may also temporarily detain such person in a safe and comfortable place pending an examination or admission to a hospital or CPEP. However, notification shall be made to the Director of Community Services (DCS), the director's designee or, if not available, to the city or county health officer, as applicable (Mental Hygiene Law § 9.41),

  (b) If the person is detained due to their inability or refusal to provide for their own essential needs such as food, clothing, necessary medical care, personal safety, or shelter, the officer should arrange for their transport via Emergency Medical Services if practical.

(b) Shall, upon written direction from the DCS, take a person into custody or assist in the transporting of the person to a designated hospital, CPEP, or crisis stabilization center (Mental Hygiene Law § 9.45). Members will not execute the 9.45 pick-up unless the order is accompanied with an approval letter from the Director of Community Services, Ashlee Thompson. If members are not provided an approval letter with the 9.45 order,

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they will contact the issuing authority and request the approval letter. If the issuing authority is unable to produce the letter, they shall be notified that our agency will not comply as the order is invalid per the Oneida County Department of Health. This must be documented in the associated RMS.

(c) Shall, upon written direction of a qualified supervising or treating psychiatrist, take into custody a person for an emergency admission or assist in the transportation of the person to a hospital or CPEP designated by the qualified psychiatrist (Mental Hygiene Law § 9.55).

(d) Shall, upon written request of the director or the director's designee of a hospital that does not have appropriate inpatient psychiatric services, take into custody a person for an emergency admission or assist in transporting the person. The person shall be transported to the hospital or CPEP designated by the director or the director's designee of the hospital (Mental Hygiene Law § 9.57).

(e) May, upon the request of an authorized physician who has certified that the person is mentally ill and in need of involuntary care and treatment in a hospital, take a person into custody and transport or assist in the transportation of that person to a hospital as directed. For purposes of this section, an authorized physician is one of the two physicians who are required to examine the person and who authorized the involuntary admission (Mental Hygiene Law § 9.27).

(f) Shall, upon written request of the DCS, take a person who has been certified by the DCS as having a mental illness which is likely to result in serious harm into custody and transport or assist in the transportation of the person to a hospital for an involuntary admission (Mental Hygiene Law § 9.37).

(g) Shall, upon the direction of an authorized physician or qualified mental health professional who is a member of a mobile crisis outreach team, take into custody and transport or assist in the transportation of the person to a hospital or, when the individual consents, to a crisis stabilization center (Mental Hygiene Law § 9.58).

411.3.1 CRISIS STABILIZATION CENTER SERVICES

In all cases, officers should inform individuals of crisis stabilization center services where available (Mental Hygiene Law § 36.02).

411.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for detention for the purpose of emergency admission should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the possible cause and nature of the person’s action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques

(d) Community or other resources that may be readily available to assist with mental health issues.

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While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

An emergency admission should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

411.5 REFERRALS

Under circumstances where a person appears to be incapacitated by alcohol and/or substances to the degree that there is a likelihood to result in harm to themselves or to others, that person may be directed by officers to be taken to a general hospital or to any other place authorized by the commissioner of mental health for immediate observation, care, and emergency treatment.

Officers are not to transport persons meeting this criteria in any police vehicle and should call for a transport by ambulance in the same manner as mental health arrests. Once transported to the hospital, the incapacitated/intoxicated subject shall be turned over to the hospital staff and the officer shall complete all appropriate paperwork.

411.6 TRANSPORTATION

Due to concerns pertaining to EMS / Ambulance availability, Oneida County Emergency Management has continued to explore ways to ensure the readiness of EMS / Ambulance services throughout the county. With that said, members will adhere to the following procedure pertaining to this policy.

EMERGENCY ADMISSIONS

411.7 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. The officer should provide the staff with the written application for an emergency admission and remain present to provide clarification of the grounds for detention. The Officer will remain with the person until the Doctor has signed the appropriate paperwork releasing the Officer.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

411.8 DOCUMENTATION

The officer should complete the New York State Office of Mental Health (OMH) Emergency or CPEP Emergency Admission Form, or other form approved by the Agency, whenever a person is taken into custody pursuant to Mental Hygiene Law § 9.41. A copy of the form will be left with the treating mental health staff. The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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The officer will document his/her actions in a narrative report in RMS. A copy of all the paperwork will be sent to the Oneida County Office of Mental Health via email.

411.9 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody through an emergency admission may use their discretion to resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency admission has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency admission.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this agency to regain custody of the individual, agency resources (e.g., posting a guard) and other relevant factors in making this decision.

If a person is admitted to a hospital for an emergency admission and there are outstanding charges or warrants against that person then that will be communicated to hospital staff and the appropriate documentation will be made on the 9.41 paperwork.

411.10 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency admission, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

411.11 TRAINING

This agency will endeavor to provide agency-approved training on interaction with persons with a disability, an emergency admission and crisis intervention.

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Appearance Tickets

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Utica Police Department with guidance on when to release adults who are suspected offenders on an appearance ticket for a criminal offense, rather than having the person held in custody. Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

412.2 POLICY

The Utica Police Department will release suspected offenders on an appearance ticket, when authorized to do so.

412.3 RELEASE

A suspected offender may be released on issuance of an appearance ticket for all other offenses except any of the crimes listed in the Prohibitions section of this policy (CPL § 140.20; CPL § 140.27; CPL § 150.20).

Prior to release, an officer shall inform the arrestee of his/her option to provide contact information for purposes of receiving a reminder of his/her court appearance date (CPL § 150.10). The contact information should be recorded and promptly filed with the appropriate criminal court along with the citation (CPL § 150.80).

412.3.1 RELEASE FOLLOWING FINGERPRINTING AND PHOTOGRAPHING

Following an arrest for a felony, a misdemeanor defined in the penal law, or a misdemeanor defined outside the penal law that would constitute a felony if the accused had a previous judgment of conviction for a crime, the officer shall ensure fingerprints of the accused are taken prior to release on an appearance ticket (CPL § 160.10).

An officer should take fingerprints of a person arrested for any offense, prior to release on an appearance ticket, if the officer:

(a) Is unable to ascertain the person’s identity.

(b) Reasonably suspects that the person is providing false identification information.

(c) Reasonably suspects that the person is sought by law enforcement for some other offense.

A photograph of the arrested person may be taken along with their fingerprints.

412.3.2 APPEARANCE TICKET RETURN DATE

Officers should make all appearance tickets returnable in the appropriate local criminal court as soon as possible, but no later than 20 days from the date of issuance, or at the next scheduled session of the appropriate court, if such session is scheduled to occur more than 20 days from date of issuance (CPL §150.40).

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412.4 PROHIBITIONS

The release of a suspected offender on an appearance ticket is not permitted when the person is accused of an A, B, C or D felony or a violation of the following class E felonies or is required to be arrested under CPL § 140.10(4) (CPL § 140.20; CPL § 150.20):

(a) Rape in the third degree (Penal Law § 130.25)

(b) Escape in the second degree (Penal Law § 205.10)

(c) Absconding from temporary release in the first degree (Penal Law § 205.17)

(d) Absconding from a community treatment facility (Penal Law § 205.19)

(e) Bail jumping in the second degree (Penal Law § 215.56)

(f) The arrestee reasonably appears to the officer, based on the observed behavior of the individual in the present contact with the officer and facts regarding the persons' condition that indicates a sign of distress to such a degree that the person would face harm without immediate medical or mental health care, that bringing the person before the court would be in such persons' interest in addressing that need; provided, however, that before making the arrest, the officer shall make all reasonable efforts to assist the person in securing appropriate services (CPL 150.20 1b (viii).

(g) The arrest is for Criminal Contempt 2nd sub 3 (PL215.50(3)) or Criminal Contempt 1st subs b, c, or d (PL 215.51 b, c, or d), or Aggravated Criminal Contempt (PL 215.52) with the underlying allegation of such charge of Criminal Contempt 2nd, Criminal Contempt 1st, or Aggravated Criminal Contempt if the arrestee violated a duly served order of protection where the protected party is a member of the defendant's same family or household as defined in CPL 530.11(1) (CPL 530.20 1b(viii).

(h) The arrestee has two previous felony convictions and the current charge is a felony (CPL 530.20 2a(ii)).

(i) The arrest is for Intimidating a Victim or Witness 3rd or higher (PL 215.15-17) (CPL 530.201(ii) or D felony or higher.

(j) The arrest is for Tampering with a Witness 3rd degree or higher (PL 215.11-13) (CPL 530.20 1 (iii)).

See the Domestic Violence Policy for release restrictions related to those investigations.

412.5 INITIAL CONSIDERATIONS

Officers should issue an appearance ticket, rather than effect a custodial arrest, for any offense other than a class A, B, C, or D felony; a violation of § 130.25, § 205.10, § 205.17, § 205.19, or § 215.56 of the Penal Law; or an applicable domestic violence offense under CPL § 140.10(4), unless there is reason to believe the individual:

(a) Has one or more outstanding local criminal court or superior court warrants.

(b) Has failed to appear in court proceedings in the last two years.

(c) Has not made the individual's identity or method of contact known even after a reasonable opportunity to do so.

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(d) Has been charged with a crime between members of the same family or household (CPL § 530.11).

(e) Is charged with a sex offense under Article 130 of the Penal Law.

(f) Should be brought before the court for consideration of an order of protection under the circumstances of the offense.

(g) Is charged with a crime for which the court may suspend or revoke the individual's driver license.

(h) Reasonably appears to need immediate medical or mental health care such that it would be in the individual's best interest to be brought before the court.

1. In such cases, officers should make reasonable efforts to secure medical or mental health services (CPL § 150.20) (see the Emergency Admissions and Medical Aid and Response policies).

(i) Is 18 or older and charged with either of the following (CPL § 150.20):

1. Criminal possession of a weapon on school grounds as defined in Penal Law § 265.01-a.

2. A hate crime as defined in Penal Law § 485.05.

(j) Is charged with a qualifying offense pursuant to CPL § 510.10(4)(t) or CPL § 530.40(4)(t) (CPL § 150.20).

412.5.1 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

(a) The type of offense committed.

(b) The ability to identify the suspected offender with reasonable certainty.

(c) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

412.5.2 IMPAIRMENT

Officers should consider the suspected offender’s apparent level of impairment due to alcohol and/or drugs prior to release and follow the Medical Aid and Response Policy as applicable. For impaired suspected offenders who do not require medical aid, officers should consider arranging release to a responsible person.

412.5.3 ARRESTS WITH A WARRANT

In regards to an open Utica City Court Warrant, if the warrant is signed by a Utica City Court Judge and has a bail amount listed, the bail amount can be applied to the defendant pursuant to said open warrant. Past procedures regarding bail will be applied in that the defendant will be ordered to appear at Utica City Court on the next business day.

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412.5.4 BAIL RECOMMENDATIONS

The need may arise from the District Attorney's Office to reach out to the department to gather information on a person that has been arrested by the agency for the purpose of seeking a bail recommendation. When a request for a bail recommendations is received it should be forwarded to the officer who has the most details of the arrested person and their associated incident/arrest (typically the arresting/charging officer).

A Bail Recommendation Form has been created and is to be used by any officer who is being asked to assist with a Bail Recommendation. This 13 question form is to be answered to the best of officer's ability and is intended to help the ADA recommending bail to make sufficient fact based arguments to a judge to support their bail recommendation.

Bail Recommendation Form

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Foreign Diplomatic and Consular Representatives

413.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Utica Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

413.2 POLICY

The Utica Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

413.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol or, in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571–345–3146 or toll-free at 866–217–2089, or at another current telephone number, and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Consular Notification

413.4 ENFORCEMENT ACTION

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
4. Honorary consular officers

413.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

413.6 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No-for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff ofMissions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)

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Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

414.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

414.2 POLICY

The Utica Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Agency in protecting themselves or others from death or serious injury.

414.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence, such as witnesses/people fleeing, and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

414.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, even individually, or take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action officers should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

414.4.1 INDIVIDUAL OFFICER INTERVENTION

The vast majority of active shooter incidents involve one suspect, a factor that makes individual officer intervention a potentially viable option for saving lives, even if additional resources are not readily available.

In some instances, an individual officer may be present within or nearby the active shooting location, such as a mall or school. Whether on or off duty, in uniform or civilian clothes, he or she may determine that immediate tactical intervention is necessary and reasonable to stop the threat. That decision should be based on the factors noted in this policy and the officer's capability to effectively intervene, based on such factors as:

(a) The officer is armed and in possession of appropriate equipment;

(b) It is reasonable to believe that persons will be killed or injured if immediate response to the threat is not taken;

(c) The size, configuration, and related physical aspects of the incident site allow for movement, stealth, cover, and related tactical needs;

(d) The suspect is accessible; and

(e) The incident site offers opportunities for cover and concealment to assist tactical options, adequate routes for evacuation, or secure locations in which to hide.

As soon as practical, officer(s) shall notify communications that an active shooter situation exists. The officer should provide the following information and updates as available:

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(a) The identity, location, manner of dress, and proposed actions of the officer(s) at the scene;

(b) Information on the suspect to include a physical description, weapons, equipment such as body armor, and current location and actions; and

(c) Available information on persons injured or under threat, their locations, emergency resources required, and recommended points of entry.

When displaying firearms while in plainclothes, officers shall verbally identify themselves as police officers, and conspicuously display their shields and/or other police identification to alert security personnel, arriving officers, or civilians who may be armed.

If armed tactical intervention is not feasible:

(a) Officers should facilitate evacuation by:

1. Locating points of egress from danger zones and directing people to those evacuation points if reasonably safe for them to do so; and

2. Locating and directing persons hiding in unsecure locations (e.g., under desks, inside unlocked rooms) to evacuation points.

(b) If evacuation is not possible, officers should:

1. Help locate and direct persons to safer locations, preferably with thick walls; solid doors with locks; or, in the absence of such locations, rooms that can be barricaded with heavy furniture or objects;

2. Direct individuals to silence all personal electronic devices, take cover, and remain silent, and

3. Take any actions possible to distract, disrupt, divert, or incapacitate the shooter using surprise attacks and any aggressive force possible.

(c) When possible, officers should assist with the injured and direct incoming teams to injured persons.

414.4.2 INCIDENT COMMANDER (IC)

Incident Commander (IC) - The individual who takes charge at the scene, regardless of rank. In many cases, this may be the first individual on the scene and may eventually turn over commander as resources arrive. The (IC) can be one or more officers but is not the official Command Post (CP).

The Incident Commander will make critical decisions that are necessary to aid in minimizing the chaos and the facilitation of the emergency medical response. These decisions include but are not limited to:

(a) Whether or not to send additional officers to neutralize the threat.

(b) Integrate EMS personnel to begin treating victims, with Rescue Task Force Teams.

(c) Assign additional officers to form a perimeter, which is set to keep people out as well as containment.

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(d) Control a main entry point area, which should be used at first to funnel in all assets. Starts a written log, designates and numbers teams.

414.4.3 CONTACT TEAM RESPONSE

A contact team response to an active shooter situation is preferred in nearly all active shooter situations -- irrespective of any initial actions that may have been taken.

Normally, only one contact team shall be deployed at any given time but additional teams may be deployed at the direction of the(IC) to provide tactical advantage. The(IC) shall ensure that each team is aware of the other teams' locations and actions. The mission of the contact team is to locate and stop the threat.

The contact team shall locate the suspect(s) in the most expeditious manner possible in order to stop the threat. In doing so, officers should not stop to render aid or assistance to victims but may, where reasonably possible, inform them that Warm Zone andRescue Task Force Teams are forthcoming and direct them to a safe point of egress or hiding if they are ambulatory and it is deemed safe for them to do so.

When plausible, the team should employ tactical advantages such as avoiding use of the main entrance to provide an element of surprise and to avoid potential booby traps or ambush.

The contact team should not attempt to conduct a thorough clearing of the location but should follow sounds (such as gunfire, yelling, and screaming); observations of victims and bystanders; and related information to help locate the suspects as soon as possible.

Once the suspects have been located and the threat eliminated, the contact team should contact the (IC) for further direction and render first aid as necessary when the primary mission is completed.

All Contact Teams shall be organized under a team leader.

414.4.4 WARM ZONE TEAMS

Warm Zone Teams: Are separate from contact teams, in that their main priority is clearing areas and searching for victims. Establish a Warm Zone and search and secure rooms with a primary and then a secondary search as well as corridors. Locate locations for ingress of EMS and additional resources and egress of victims, maintain Communications with the (IC), establish Collection Points (non injured), establish a Casualty Collection Point (CCP), block the Warm Zone from Hot Zone and when resources are available expands the Warm Zone further into the Hot Zone.

The Warm Zone Team shall be provided a clear communications channel to provide the following types of information:

(a) The team's progress and location.

(b) The location and number of victims and their medical needs.

(c) The estimated number of suspects involved.

(d) The suspects' descriptions and weapons if known.

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The location of any booby traps or explosives. If discovered, the contact team leader shall determine whether to post an officer near it, report it, or mark it for later removal.

All Warm Zone Teams shall be organized under a team leader.

414.4.5 RESCUE TASK FORCE TEAMS

Once the Warm Zone team is deployed and a warm zone has been secured, and officers and resources arrive at the incident scene, the (IC) should ensure that Rescue Task Force Teams are formed to provide first aid and to help evacuate victims. Rescue Task Force Teams generally consist of four to six officers with an attachment of two medical personnel.

Rescue Task Force Teams are deployed in tactical formations consistent with departmental training, providing security to medical personnel during the team's ingress and egress and during actions in the Casualty Collection Point (CCP).

When plausible the Rescue Task Force Team should be provided a status report, be notified (IC) of the location of victims, and determine that rescue efforts may begin. Wounded and injured persons shall be quickly searched, if reasonable, for weapons and removed to the (CCP) for medical aid with cover and movement of such persons provided by team members. If emergency medical personnel are not yet in place, officers should conduct basic first aid until they are relieved by medical personnel.

Rescue and recovery operations shall not cease until the scene has been declared clear and safe.

Officers assigned to the evacuation center shall maintain custody and control of all persons and document their identities until they can be reunited with family or others. Victims and witnesses suffering from emotional and/or physical trauma or shock should be kept under the observation of medical personnel until such time as they may be safely transported to a hospital or home in the care of family or friends.

414.4.6 COMMAND POST

The Command Post (CP) shall ensure that the following actions are accomplished:

(a) Establish Incident Command.

(b) Establish communication.

(c) Identify staging areas for first responders, a second staging area for family members, and a third staging area for evacuation, and a staging area for the media. When dealing with family members in the staging area officers must be cognizant that some of these persons may be armed, particularly those who have family members at the incident scene. These individuals must be restricted to the staging area as they could pose a hazard to themselves, officers, and bystanders and jeopardize tactical operations.

(d) Identify an additional staging area for Command Post, a Tactical Operations Center (TOC) and a quick response team, if employed.

(e) Request mutual aid if necessary.

(f) Organize unified interagency telecommunications.

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(g) Establish traffic control and management.

(h) Contact appropriate aviation resources to control air space for possible medical evacuation resources and to establish restricted air space for law enforcement use only.

(i) Request emergency medical assistance and designate a safe staging area for treatment of the injured and evacuation by EMS or Medevac.

(j) Initiate intelligence gathering on possible suspects.

(k) Select a safe location to place evacuees.

(l) Summon police chaplains and officers to provide information to relatives of victims.

(m) Coordinate with owners or officials of the target location for floor plans, site layout, and a roster (including emergency contact information as available) of employees, students, residents, visitors, or others believed to be on-site.

(n) Assign a recorder to document actions at the command post.

(o) Establish additional perimeters to control access to and egress from the target location, establish security to keep civilians out of the inner perimeter to a designated secure location for identification, processing and debriefing.

When available on the scene, METRO SWAT under the Command of the SWAT Commander (TOC) and any other SWAT teams may be assigned as appropriate to:

(a) contain the location,

(b) assist rescue teams with security,

(c) help locate suspects or relieve the contact team,

(d) help locate and safeguard explosives pending removal, and

(e) provide special weapons and equipment as needed.

414.5 PLANNING

The Uniform Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

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(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

(k) A review of, and coordination with, the emergency response plans filed by the school district (Education Law § 2801-a).

414.6 TRAINING

The Training Director should include rapid response to critical incidents in the training plan that should be held annually. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Utica Police Department relating to immigration and interacting with federal immigration officials.

415.2 POLICY

It is the policy of the Utica Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this agency in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

415.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or New York State constitutions.

415.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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415.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority for Police Officers Policy).

415.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

415.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this agency should be directed to a supervisor. The Agency may provide available support services, such as traffic control or peacekeeping efforts.

415.7 INFORMATION SHARING

No member of this agency will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in agency records

(c) Exchanging such information with any other federal, state, or local government entity

415.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

415.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Division supervisor assigned to oversee the handling of any related case. The Criminal Investigations Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

415.9 TRAINING

The Training Director should ensure officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Utility Service Emergencies

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Agency.

416.2 POLICY

It is the policy of the Utica Police Department to appropriately respond to City emergency utility service requests received by this agency.

416.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Oneida County 9-1-1 Center.

416.3.1 WATER LINES

The City's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the City side of the water meter, public works personnel should be notified as soon as practicable.

416.3.2 ELECTRICAL LINES

When a power line poses a hazard, a member of this agency should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

416.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

416.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this agency should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

416.3.5 TRAFFIC SIGNALS

A member of this agency should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise Oneida County 9-1-1 Center of the problem with the traffic signal. The telecommunicator should make the necessary notification to the appropriate traffic signal maintenance agency as soon as practicable.

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Utility Service Emergencies

In the event of wide spread power outages intersections shall be considered four way stops and every intersection will not be manned by an officer.

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Aircraft Accidents

417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide agency members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Comprehensive Emergency Management Plan and Hazardous Material Response policies.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

417.2 POLICY

It is the policy of the Utica Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

417.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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417.5 NOTIFICATIONS

When an aircraft accident is reported to this agency, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

417.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this agency will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene agency supervisor should ensure the accident is still appropriately investigated and documented.

417.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

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- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

417.8 DOCUMENTATION

All aircraft accidents occurring within the City of Utica shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of UPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

417.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

417.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

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417.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Field Training

418.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures and operations of the Utica Police Department. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO).

418.2 POLICY

It is the policy of the Utica Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs. In addition to FTO training, officer trainees must successfully complete a one-year period of probation commencing on the date of appointment.

418.3 FIELD TRAINING

The Agency shall establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for law enforcement duties and be a minimum of a 12 week cycle on a 4/2 patrol schedule for recruit officers with no prior experience, exceeding the requirements of the Municipal Police Training Council. The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this agency. A field training guide shall be used to identify the specific performance criteria the trainee shall be trained and evaluated under by the FTOs.

To the extent practicable, field training should include procedures for:

(a) Issuance of training materials to each trainee at the beginning of his/her field training.

(b) Daily, weekly and monthly evaluation and documentation of the trainee's performance.

(c) A multiphase structure that includes:

1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Training Director and FTO coordinator.
2. Assignment of the trainee to a variety of shifts and geographical areas.
3. Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.

(d) The trainee's confidential evaluation of his/her assigned FTOs and the field training process.

(e) Retention of all field training documentation in the officer trainee's training file including:

1. All performance evaluations.

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2. A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

418.4 FTO COORDINATOR

The Chief of Police shall delegate certain responsibilities to an FTO coordinator. The Uniform Patrol Division Commander or an authorized designee will serve as the FTO coordinator.

The FTO coordinator shall appoint one sergeant per platoon to assist in the coordination of FTOs and their activities.

The responsibilities of the coordinator include, but are not limited to:

(a) Assignment of trainees to FTOs.

(b) Conducting FTO meetings.

(c) Maintaining and ensuring FTO and trainee performance evaluations are completed.

(d) Maintaining, updating and issuing agency training materials to each FTO and trainee.

(e) Developing ongoing training for FTOs.

(f) Mentoring and supervising individual FTO performance.

(g) Monitoring the overall performance of field training.

(h) Keeping the Squad Commander informed through monthly evaluation reports about the trainees' progress.

(i) Maintaining a liaison with police academy staff on recruit officer performance during academy attendance.

(j) Performing other activities as may be directed by the Uniform Patrol Division Commander.

(k) Recommending and implementing approved changes in policy and procedural guidelines to enhance the FTO Program efficiency and effectiveness.

418.5 FTO SERGEANT

The Field Training Sergeants are assigned as directed by the Chief of Police and are responsible for the coordination and monitoring of Probationary Officers assigned to the Patrol Division. The Field Training Sergeants are also responsible for:

(a) Reviewing all daily, and weekly observation reports and any other reports or information relative to the Probationary Police Officers' status, developing documentation of training efforts and results, maintaining these reports in the FTO Program file.

(b) Keeping Platoon Commanders abreast of Probationary Officers' progress in the program.

(c) Submitting a Sergeants Monthly Observation Report for assigned Probationary Police Officers.

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(d) Meeting with Field Training Officers and Probationary Officers relative to the Daily and Weekly Observation Reports.

(e) Advising the Field Training Coordinator of the status of the Probationary Police Officers assigned to that specific FTO Sergeant.

(f) Assisting the Field Training Coordinator with assignments and rotation of Probationary Police Officers, and

(g) Encouraging and supporting the program, providing suggestions for improvement to the Field Training Coordinator and also acting in a liaison capacity among other supervisors and command officers.

418.6 FTO SELECTION, TRAINING AND RESPONSIBILITIES

418.6.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

(a) Desire to be an FTO.

(b) Experience, which shall include a minimum of four years of patrol experience, two of which shall be with this agency.

(c) Demonstrated ability as a positive role model.

(d) Successful completion of an internal oral interview process.

(e) Evaluation by supervisors and current FTOs.

(f) Possession of, or ability to obtain, agency-approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

418.6.2 TRAINING

An officer selected as an FTO shall successfully complete the Police Field Training Officer Course required by the MPTC, prior to being assigned as an FTO.

All FTOs must complete an FTO update course approved by this agency every three years while assigned to the position of FTO.

418.6.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

418.6.4 RESPONSIBILITIES

The responsibilities of the FTO include, but are not limited to:

(a) Issuing the assigned trainee field training materials in accordance with the Training Policy.

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1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
2. The FTO shall sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of the assigned trainee.

(b) Observing the trainee's daily interaction with the public.

(c) Completing and reviewing daily performance evaluations with the trainee.

(d) Completing and submitting a written evaluation on the performance of the assigned trainee to the FTO coordinator on a daily basis.

(e) Completing a detailed weekly performance evaluation of the assigned trainee at the end of each week.

(f) Completing the FTO call log sheet.

1. The FTO shall ensure to mark the appropriate calls for service their trainee responded to during that tour of duty. This will be a running log for the duration of that trainee's field training period.

(g) Completing a monthly evaluation report of the assigned trainee at the end of each month.

(h) Providing the shift supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

NY State Daily FTO Sheet

FTO Call Log Sheet

418.7 PROBATIONARY POLICE OFFICER'S FTO PROGRAM EVALUATION

Prior to the completion of a probationary police officer's Field Training Officer Program, a meeting will be scheduled between the Field Training Coordinator and designated Field Training Sergeants to evaluate the overall performance of Probationary Police Officers.

Prior to the end of FTO Program the FTO coordinator will evaluate each Probationary Police Officer's field training file to recommend to the Chief of Police either continuation or termination of employment with the Department.

Upon successful completion of the FTO program a probationary police officer will be assigned to the Patrol Division for duty unless otherwise directed by the Chief of Police.

A probationary police officer that does not successfully complete the twelve-week FTO program may be terminated from employment, or;

(a) May have their field training evaluation period extended, as determined by the Chief of Police; to further evaluate the Probationary Officer. This extension of a Probationary Officer's initial twelve-week FTO program is not to exceed an additional twelve-weeks of evaluation.

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Air Support

419.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

419.2 POLICY

It is the policy of the Utica Police Department to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

419.3 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

419.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

(a) When the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.

(b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.

(c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.

(d) Vehicle pursuits.

(e) Pre-planned events or actions that require air support.

(f) Due to a request under an existing mutual aid agreement.

(g) When the Squad Commander or equivalent authority determines a reasonable need exists.

419.3.2 ALLIED AGENCY REQUEST

After consideration and approval of the request for air support, the Squad Commander or the authorized designee will call the closest agency having available and suitable air support and will apprise that agency of the specific details of the incident prompting the request.

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Contacts and Temporary Detentions

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary. For purposes of this policy, consensual encounters include level 1 (request for information) and level 2 (common law right of inquiry) contacts.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be at hand and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

420.2 POLICY

The Utica Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, or a pat-down search shall be left to the officer based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

420.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer’s suspicion.

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Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Utica Police Department to strengthen community involvement, community awareness and problem identification.

420.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

420.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk (CPL § 140.50). The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

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420.4.1 CONSENSUAL PAT-DOWNS

Asking for consent to conduct a pat-down search can elevate an encounter to a level 2 common-law right to inquire encounter. Officers should have a founded suspicion that the person is involved in criminal activity before asking for consent.

420.5 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by agency members.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Intelligence Systems

421.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Utica Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

Inter-jurisdictional Intelligence System – An intelligence system that involves two or more participating agencies representing different governmental units or jurisdictions.

421.2 POLICY

The Utica Police Department recognizes that certain criminal activities, including, but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this agency to collect and share relevant information while respecting the privacy and legal rights of the public.

421.3 CRIMINAL INTELLIGENCE SYSTEMS

No agency member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for agency use.

Any criminal intelligence system approved for agency use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for agency use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

421.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this agency, such as

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open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Clerk may not purge such documents without the approval of the designated supervisor.

421.3.2 STATE-SPECIFIC SYSTEM ENTRIES

Entries into the eJusticeNY Integrated Justice Portal shall comply with system requirements and security provisions (see the Protected Information Policy) (9 NYCRR § 6051.2).

421.4 INFORMATION RECOGNITION

Agency members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Agency supervisors who utilize an authorized criminal intelligence system should work with the Training Director to train members to identify information that may be particularly relevant for inclusion.

421.5 RELEASE OF INFORMATION

Agency members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to agency members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

421.6 GANG INTELLIGENCE INFORMATION

All gang intelligence will be forwarded to the MVCAC and appropriate Gang Intelligence Officers.

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An individual will only be identified as a gang member if the individuals' affiliation is consistent with established gang member criteria. The criteria established for identifying an individual as a gang member is as follows;

(a) A person who is a self-admitted gang member at time of arrest or incarceration or,

(b) The individual is identified as a gang member by 2 independent sources (i.e., School Resource Officer, Confidential Informant, precinct/station personnel etc.) or,

(c) The individual is identified by body markings, scars, tattoos or,

(d) The individuals' actions meet any two (2) of the following;

1. Was involved in activity at a known gang location
2. Possessed gang related documents.
3. Displayed colors associated with a gang.
4. Association with known Gang members.
5. Displayed hand signs associated with a gang.
6. Possessed gang graffiti or was arrested for making gang graffiti.
7. Attends a gang meeting or function.

Criteria for what constitutes a gang is an ongoing organization, association, or group of three or more persons. The group must have a common interest and/or activity characterized by the commission of, or involvement in a pattern of criminal activity or delinquent conduct.

Criminal activity or delinquent conduct is, for the purpose of gang membership, further defined as follows;

(a) Criminal or Delinquent Conduct includes; narcotics distribution, firearms or explosives violations, murder, extortion, obstruction of justice (including witness intimidation and/or tampering) and any other violent offenses such as assault, threats, robbery, and/or carjacking.

(b) Criminal Conduct includes acts committed during incarceration that are often labeled disruptive and that could be punished as crimes.

(c) Delinquent Conduct encompasses any juvenile behavior that would be a crime if committed by an adult.

421.7 TRAINING

The Training Director should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multi-agency criminal intelligence system.

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(c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Squad Commanders

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a Squad Commander and, as needed, an acting Squad Commander for each shift.

422.2 POLICY

Each shift will be directed by a Squad Commander capable of making decisions and managing in a manner consistent with the mission of the Utica Police Department. To accomplish this, a Lieutenant shall be designated as the Squad Commander for each shift.

422.3 DESIGNATION AS ACTING SQUAD COMMANDER

With prior authorization from the Uniform Patrol Division Commander, generally when a Lieutenant is unavailable for duty as Squad Commander, the Senior Sergeant shall be designated as acting Squad Commander in accordance with the terms of applicable collective bargaining agreements and the Temporary Supervisors subsection of the Supervision Staffing Levels Policy.

422.4 SQUAD COMMANDER RESPONSIBILITIES

The Squad Commander shall have overall responsibility and accountability for the operation of this agency on an assigned shift. Duties may include, but are not limited to:

(a) Ensuring at least one uniformed patrol supervisor is deployed during each shift, in addition to the Squad Commander.

(b) Ensuring sufficient members are on-duty to accomplish the mission of the Utica Police Department abiding by minimum staffing guidelines. If necessary hiring overtime to achieve minimum staffing.

(c) Prior to the start of the tour check appropriate locations for special events or concerns and make appropriate arrangements ie barricades, staffing, etc.

(d) Providing command-level oversight of major crime scenes, tactical situations or disasters until relieved by a higher ranking member.

(e) Being aware of the circumstances around prisoners being brought in and released.

(f) Providing job-related training and guidance to subordinates by reviewing incidents in RMS, booking of prisoners, and accident reports.

(g) Acquiring outside resources or providing assistance to other agencies, when applicable.

(h) Handling service inquiries or complaints from the public.

(i) Managing risk exposure.

(j) Ensuring the security of all agency facilities.

(k) Ensuring the proper equipment and vehicles are available for member use.

(l) Representing the Agency at community functions.

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(m) Monitor the activities of the Doorman and Desk Officer.

(n) Stay abreast of activity on the street via the radio and MDT.

(o) If applicable ensure arrangements are made for CAP court.

(p) Ensure any paperwork that is left in the Lieutenant's office is disseminated appropriately.

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Mobile Data Terminal Use

423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between agency members and Oneida County 9-1-1 Center.

423.2 POLICY

Utica Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

423.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

423.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Squad Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks or communications that are directly related to the business, administration or practices of the Agency. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

423.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

423.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Squad Commander or other agency-established protocol, all calls for service assigned by a telecommunicator should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a telecommunicator.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

423.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT.

423.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Squad Commander is notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

423.6 EQUIPMENT CONSIDERATIONS

423.6.1 NON-FUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Oneida County 9-1-1 Center. It shall be the responsibility of the telecommunicator to document all information that will then be transmitted verbally over the police radio. Additionally, our members will notify MIS to ensure follow-up with the Oneida County 9-1-1 Center.

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423.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Public Recording of Law Enforcement Activity

424.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this agency. In addition, this policy provides guidelines for situations where the recordings may be evidence.

424.2 POLICY

The Utica Police Department recognizes the right of persons to lawfully record members of this agency who are performing their official duties. Members of this agency will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers shall exercise restraint and should not resort to highly discretionary arrests for offenses such as obstructing governmental administration, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

424.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects (Civil Rights Law § 79-p).

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officer, him/herself, or others.

424.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

424.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of agency members, such as how and where to file a complaint.

424.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa; Civil Rights Law § 79-p):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious physical injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

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2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a agency-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property Unit Policy.

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Bicycle Patrol

425.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Utica Police Department to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

425.2 POLICY

It is the policy of the Utica Police Department that patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer mobility and agency visibility in the community.

425.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas, and the quiet operation of the patrol bicycle can facilitate a tactical approach to crimes in progress. Patrol bicycles may be deployed to any area, at any hour of the day or night, according to agency needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the bicycle patrol coordinator or the Squad Commander.

425.4 SELECTION

Interested officers who are off probation shall respond accordingly to a canvas for additional bicycle patrol officers. A copy will be forwarded to the bicycle patrol coordinator.

Interested officers shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Special skills or training as it pertains to the assignment

(c) Good physical condition

(d) Willingness to perform duties using the bicycle as a mode of transportation

425.4.1 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Vehicle and Traffic Law § 1231 under normal operation, unless their duties require otherwise (Vehicle and Traffic Law § 1104).

Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety or tactical considerations. Officers must use caution and care when operating bicycles without lighting equipment or when they are operating in violation of the rules of the road.

Officers are exempt from the rules of the road under the following conditions (Vehicle and Traffic Law § 1104):

(a) In response to an emergency call

(b) While engaged in rescue operations

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(c) In the immediate pursuit of an actual or suspected violator of the law

425.5 BICYCLE PATROL COORDINATOR

The Chief of Police shall delegate certain responsibilities to a bicycle patrol coordinator. The coordinator shall be appointed by and directly responsible to the SupportDivision Commander or the authorized designee.

The coordinator may appoint a senior bicycle patrol officer or other designee to assist in the coordination of bicycle patrol officers and their activities.

The responsibilities of the coordinator include, but are not limited to:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining an inventory of patrol bicycles and program equipment.

(c) Inspecting, no less than every three months, bicycles that are not in active service and documenting that they are in serviceable condition.

(d) Scheduling maintenance and repairs.

(e) Coordinating activities with the Uniform Patrol Division.

(f) Other activities as required to maintain the efficient operation of bicycle patrol.

425.6 PATROL BICYCLE

Bicycle patrol officers will be assigned a marked and equipped patrol bicycle, attached gear bag, one battery pack and a charger for that specific tour of duty. If the officer is assigned to an E-Bike, they will be responsible for the attached battery and charger during their assignment.

Patrol bicycles shall be primarily black or white in color with a "Police" decal affixed to each side of the crossbar or the bicycle's gear bag. Every patrol bicycle shall be equipped with:

(a) Front and rear reflectors.

(b) A siren or horn.

(c) At minimum, a steady or flashing red warning light that is visible from the rear of the bicycle (Vehicle and Traffic Law § 1104).

(d) A white head lamp that is visible from the front.

(e) A rear rack and/or gear bag sufficient to carry all necessary equipment to handle routine patrol calls and bicycle repair, including report writing, vehicle storage and citations.

425.6.1 MAINTENANCE

(a) Bicycle patrol officers shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment. If their is equipment missing or not working properly, the officer will notify their supervisor who will notify the bike coordinator.

(b) Officers are responsible for the routine care and maintenance of all assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

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1. Each patrol bicycle will have scheduled maintenance to be performed annually by a repair shop or technician approved by the Agency.

(c) Officers shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of the bicycle patrol coordinator, or in the event of an emergency.

(d) If a needed repair is beyond the ability of the bicycle patrol officer, a vehicle service request will be completed and forwarded to the coordinator for repair by a technician approved by the Agency.

(e) Patrol bicycle batteries shall be plugged in for charging at the end of each tour of duty.

1. During prolonged periods of nonuse, each bicycle patrol officer assigned a patrol bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.

(f) At the end of a patrol bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

425.7 UNIFORMS AND EQUIPMENT

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

The uniform consists of the standard short-sleeve uniform shirt or other agency-approved shirt, with Utica Police Department badge and patches, and agency-approved bicycle patrol pants or shorts and a bicycle helmet. Optional attire may include, but is not limited to, a jacket in colder weather and turtleneck shirts or sweaters when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on their duty belts as they would on regular patrol assignments. Assignment-specific safety equipment should include, but is not limited to, agency-approved helmet, a radio headset and microphone, riding gloves, protective eyewear and approved footwear.

Officers will be responsible for obtaining the necessary forms, citation books and other agency equipment needed while on bicycle patrol.

425.8 TRAINING

Officers must complete the New York State Police Cyclist Certification Program bicycle-training course prior to assignment to bicycle patrol. The initial training shall minimally include:

(a) Bicycle patrol strategies.

(b) Bicycle safety and accident prevention.

(c) Operational tactics and techniques using bicycles.

Bicycle patrol officers will be required to train and qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves.

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Bicycle Patrol

Officers must be trained by a bicycle instructor on the use, maintenance and care of the E-Bikes before using them during their assignment. Prior to training on the E-Bikes, officers will utilize the patrol mountain bikes if called upon for a bike patrol detail.

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Automated License Plate Readers (ALPRs)

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

426.2 POLICY

The policy of the Utica Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this agency. Because such data may contain confidential information, it is not open to public review.

426.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Utica Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

The Management Information Systems Unit (MIS) is responsible for all installation and maintenance of ALPR equipment, as well as ALPR data retention and access. MIS is responsible for the day-to-day operation of the ALPR equipment and data.

426.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Agency members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR will be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this agency shall operate ALPR equipment or access ALPR data without first completing agency-approved training.

(e) No ALPR operator may access confidential agency, state or federal data unless authorized to do so.

(f) Prior to a tour of duty, members using an ALPR shall ensure that an upload of hot list data from the eJusticeNY Integrated Justice Portal has been performed for that day.

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(g) If practicable, the officer should verify an ALPR response through the eJusticeNY Integrated Justice Portal before taking enforcement action that is based solely on an ALPR alert.

426.4.1 INVESTIGATIVE SEARCHES

When members need to search vehicle information in regards to an investigation, the following search criteria must be entered:

INVESTIGATION PURPOSE (all fields required):

- Offense Type
- Case Number
- Reason

VEHICLE DETAILS:

- License Plate
- Plate State
- Vehicle Signature (body, make, color, etc)

Members must select the Offense Type that matches the Case Number and Reason when conducting a search as monthly audits are conducted to ensure FLOCK regulation compliance. Selecting an offense that does not match the case number or reason will flag the search and a subsequent investigation will follow.

426.4.2 MVCAC SEARCHES

MVCAC members, with the exception of PO Manion, should use their DCJS Flock account for LPR searches.

MVCAC members with authorized UPD Flock accounts will be subject to UPD Audits that will be conducted by Capt. Curley. Per section 4.7 of MVCAC Policy 3 (LPR System Use) MVCAC members will respond to all requests from the controlling agency for information relative to an audit or inquiry activity.

426.5 DATA COLLECTION AND RETENTION

MIS is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with agency procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule of 30 days. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence, or printed and added to the case file.

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426.6 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Utica Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system.

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or agency-related civil or administrative action.

(c) Every search is logged and auditable.

(d) Misuse results in disciplinary action and possible termination.

(e) Regular audits are conducted.

(f) We control the data - not the company.

426.7 RELEASING OR SHARING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Support Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

(d) The sharing of ALPR data is subject to the terms of any existing sharing agreement with the regional Crime Analysis Center.

(e) ALPR information shall not be shared with Federal Law Enforcement agencies (i.e. Civil immigration purposes).

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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Homeless Persons

427.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that agency members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the agency member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

427.2 POLICY

It is the policy of the Utica Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Utica Police Department will address the needs of homeless persons in balance with the overall mission of this agency.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

427.3 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall delegate certain responsibilities to the Crisis Response Team who will perform the duties of a liaison to the homeless community. The liaison shall be directly responsible to the Uniform Patrol Division Commander or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

(a) Maintaining and making available to all agency members a list of assistance programs and other resources that are available to homeless persons.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.

(c) Maintaining a list of the areas within and near the jurisdiction of this agency that are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with homelessness, including personal property rights.

(e) Being present during any clean-up operation conducted by this agency that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.

(f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

427.4 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person’s welfare. Officers also will take enforcement action when information supports a

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reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a nonviolent minor offense and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

Officers should provide homeless persons with resources and assistance information whenever it is reasonably apparent that such services may be appropriate.

427.4.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Documenting locations the person may frequent.

(c) Providing victim/witness resources, when appropriate.

(d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.

(e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.

(f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.

(g) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

427.4.2 INCLEMENT WEATHER

Officers encountering homeless persons who are without shelter during freezing weather should direct or transport the person to the nearest shelter, as appropriate (Exec. Order 151 (2016)).

427.5 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under emergency admission (MHL 9.41) when facts and circumstances reasonably indicate such a detention is warranted (see the Emergency Admissions Policy).

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427.6 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

427.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Medical Cannabis

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this agency with guidelines for investigating the acquisition, possession, transfer, transportation, delivery, administration, or use of cannabis under New York's medical cannabis laws (Cannabis Law § 1 et seq).

428.1.1 DEFINITIONS

Definitions related to this policy include (Cannabis Law § 3; 9 NYCRR § 113.1):

Allowable amount - Possession of a 60-day dosage of medical cannabis by a certified patient or designated caregiver. This may include possession of the certified patient's next 60-day supply during the last seven days of any 60-day period (Cannabis Law § 31).

Certified medical use - The acquisition, possession, transportation, or other authorized use of medical cannabis by a certified patient or designated caregiver.

Certified patient - A person residing or receiving treatment in New York for a condition that qualifies the person to receive a certification from an authorized practitioner to use medical cannabis pursuant to Cannabis Law § 30.

Designated caregiver - A person designated by a certified patient in a registry application to assist the certified patient in the acquisition, possession, transportation, or other authorized use of medical cannabis, or an employee of a registered designated caregiver facility.

Licensee or permitee - A person granted a license or a permit to cultivate, process, distribute, deliver, or dispense cannabis, or a cannabis research license, by the Cannabis Control Board.

Registered facility or organization - A designated caregiver facility that is registered with the Office of Cannabis Management, or a business or organization registered by the Cannabis Control Board (Cannabis Law § 32; Cannabis Law § 33; Cannabis Law § 34).

428.2 POLICY

It is the policy of the Utica Police Department to prioritize resources to avoid making arrests related to cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

New York medical cannabis laws are intended to provide protection from prosecution to those who acquire, possess, cultivate, use, or transport cannabis to mitigate the symptoms of medical conditions. However, New York medical cannabis laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of cannabis. The Utica Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under New York law and the resources of the Agency.

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428.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of cannabis generally fall into one of two categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a person claims to be a certified patient.

428.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of cannabis or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use (Penal Law § 222.00 et seq.). A medicinal claim may be raised later, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

428.3.2 INVESTIGATIONS INVOLVING CERTIFIED PATIENTS

Officers shall not take enforcement action against a certified patient or designated caregiver when (Cannabis Law § 30; Cannabis Law § 31):

(a) The certified patient or designated caregiver possesses an allowable amount of cannabis.

1. A designated caregiver may possess the allowable amount of cannabis for up to four certified patients.

(b) The form of medical cannabis that is possessed is in compliance with the recommended amount or limitation set by the medical practitioner who issued the patient's certification for the use of medical cannabis.

(c) The medical cannabis is in the original package that it was dispensed in except for the portion removed for immediate consumption.

Officers should not take enforcement action if the officer can reasonably ascertain that the person is a certified patient or a designated caregiver. The officer should document attempts to verify the existence and validity of a certification issued to the patient or designated caregiver in a written report.

428.3.3 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving cannabis possession, delivery, production, or use:

(a) Because enforcement of medical cannabis laws can be complex, time-consuming, and can call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.

2. The case would benefit from review by a person with expertise in medical cannabis investigations.

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3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Any other relevant factors exist, such as limited available agency resources and time constraints.

(b) Before proceeding with enforcement related to registered organizations or dispensing facilities that supply cannabis for patients, licensees, or permitees, officers should consider conferring with appropriate legal counsel (e.g., to discuss requested enforcement actions such as preliminary injunctions, orders to seal, and temporary restraining orders and associated procedural requirements) (Cannabis Law § 16-a; Cannabis Law § 134; Cannabis Law § 138-b).

(c) The Cannabis Control Board should be contacted should questions arise regarding cannabinoid hemp and hemp extract activity (Cannabis Law, Article 5; Cannabis Law § 109).

(d) Cannabis involved in any way with conduct deemed to be lawful under New York State law is not subject to seizure and does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (Penal Law § 222.05).

(e) Questions regarding the validity of a patient certification, registered facility, or organization, licensee, or permitee should be referred to the New York State Cannabis Control Board (Cannabis Law § 32).

428.3.4 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person:

(a) Consumes cannabis through smoking or vaporization in any location where smoking is prohibited by New York law, including but not limited to (Public Health Law § 1399-o):

1. Places of employment.
2. Places of mass transportation.
3. Child care facilities and all public and private educational institutions.
4. Hospitals and residential health care facilities (unless use is in a designated smoking room for patients of such facilities).
5. Within 100 feet of the entrance, exit, or outdoor area of a public or private elementary or secondary school.

(b) Obtains, possesses, stores, or maintains an amount of cannabis in excess of the amount that the certified patient or designated caregiver is authorized to possess under New York's medical cannabis laws (Penal Law § 179.15).

(c) Sells, trades, delivers, or otherwise provides medical cannabis to another person with knowledge or reasonable grounds to believe that the person is not registered under New York's medical cannabis laws (Penal Law § 179.11).

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(d) Is a medical practitioner who issues a certification with knowledge or reasonable grounds to believe that the person to receive it has no medical need for it or that it is for a purpose other than to treat a condition (Penal Law § 179.10).

(e) Consumes cannabis while in any motor vehicle (9 NYCRR § 113.19)

428.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities pursuant to a valid court order (Cannabis Law § 127).

428.5 PROPERTY UNIT SUPERVISOR RESPONSIBILITIES

The Property Unit supervisor should ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Unit supervisor should as soon as practicable return to the person from whom it was seized any useable cannabis, drug paraphernalia, or other related property.

The Property Unit supervisor should not destroy cannabis that was alleged to be for medical purposes except upon receipt of a court order.

The Property Unit supervisor may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Division supervisor.

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Angel Initiative Program

429.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the screening and intake of persons into the Angel Initiative Program. This program is available to those who request help with their addiction to opiates.

The purpose of this program is to divert opiate addicts away from the criminal justice system and immediately get them access to treatment and help prevent and reduce the number of fatal and nonfatal overdoses in the City of Utica.

429.2 POLICY

It is the policy of the Utica Police Department that any person who enters the police station and requests help with their addiction to opiates will be immediately screened into the ANGEL Initiative program.

If such a person who has requested help with their addiction is in possession of drugs or their drug equipment (needles, etc.), they will not be charged.The officer will immediately notify the Squad Commander that a potential Angel Initiative intake is requesting help with their addiction.

429.3 DEFINITIONS

ANGEL: A member of one of the participating addiction crisis treatment agencies who assists the police department in helping people who are suffering from addiction.

429.4 PARTICIPATING ADDICTION CRISIS TREATMENT CENTERS (ROTATION LIST)

(a) Insight to Helio Health

(b) McPike

(c) ACC/Rescue Mission (will be called for participants who come in between 1600-0800 hours)

429.5 INTAKE/DESK OFFICER RESPONSIBILITIES

INTAKE OFFICER RESPONSIBILITIES

429.6 SQUAD COMMANDER RESPONSIBILITIES

SQUAD COMMANDER RESPONSIBILITIES

429.7 EXCEPTIONS

A person seeking help with their addiction to opiates may be deemed INELIGIBLE to participate in the Angel Initiative Program if:

(a) The subject has an outstanding arrest warrant.

(b) The subject is a registered sex offender and/or has previously been convicted of a felony sex offense.

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(c) The officer or shift supervisor expresses the reasonable belief that the ANGEL could be seriously harmed by the subject.

(d) The subject is under the age of 18 and does not have parent or guardian consent.

(e) If the subject presents with any signs or symptoms of withdrawal or any other clear medical conditions or simply requests at the time of intake, he or she will be immediately transported to the hospital of his/her request via a requested Utica Fire Department transport.

429.8 TRAINING

All members of the department will receive In-service training and refresher training in dealing and with opiate addicts that will voluntarily participate in the Angel Initiative Program and the policy & procedures set forth.

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Medical Aid and Response

430.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

430.2 POLICY

It is the policy of the Utica Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

430.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Oneida County 9-1-1 Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Oneida County 9-1-1 Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Member should not direct EMS personnel regarding whether to transport the person for treatment.

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430.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Persons who require wheelchairs, crutches, or prosthetic appliances will, if necessary, be transported by UFD EMS.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

If a person is in need of a special medication, the transporting officer should bring along such medication and turn it over to the booking officer.

430.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with emergency admission in accordance with the Emergency Admission Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

430.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness,the

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officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

430.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

430.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Headlights, spotlights, and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

430.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

430.9.1 AED USER RESPONSIBILITY

AED's located throughout the building shall be checked monthly to ensure they are functioning properly. Any AED that is not functioning properly will be taken out of service and given to the Logistics and Resources Unit who is responsible for ensuring appropriate maintenance.

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Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Oneida County 9-1-1 Center as soon as possible and request response by EMS.

430.9.2 AED REPORTING

The local emergency medical system will be notified immediately upon the use of an AED (Public Health Law § 3000-b).

Any member using an AED will complete an incident report detailing its use.

430.9.3 AED TRAINING AND MAINTENANCE

The members shall be trained by a nationally recognized organization or the state emergency medical services council in the use of the AED (Public Health Law § 3000-b).

The Logistics and Resources Unit is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

430.10 FIRST AID TRAINING

Subject to available resources, the Training Director should ensure officers receive periodic first aid training appropriate for their position.

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First Amendment Assemblies

431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY

The Utica Police Department respects the rights of people to peaceably assemble. It is the policy of this agency not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

431.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting, disorderly conduct, unlawful assembly, inciting to riot, criminal interference with health care services or religious worship and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed. Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and to prevent the destruction of property. Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe agency members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

431.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions,

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assistance in evaluating agency performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

431.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to:

- Location.
- Number of participants.
- Apparent purpose of the event.
- Leadership (whether it is apparent and/or whether it is effective).
- Any initial indicators of unlawful or disruptive activity.
- Indicators that lawful use of public facilities, streets or walkways will be impacted.
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to Oneida County 9-1-1 Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

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Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

431.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) An established liaison with demonstration leaders and external agencies.

(h) An established liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests, to be coordinated with the District Attorney's Office.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

431.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

All officers providing assistance to this agency through mutual aid agreements, contracts, or related means shall be informed that they are under the direction and control of this department's command and supervisory personnel.

431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

The warning shall consist of:

1. An announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes.
2. A second and a third warning shall be issued at reasonable time intervals before designated actions are taken to disperse the crowd.
3. Where possible, the warnings shall be audio or video recorded and the time and the names of the issuing officers recorded in the IC's event log.

Crowd Dispersal Warning:

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My name is _____. I am _____ (title) with the _____ (department). You are occupying these premises unlawfully and without permission in violation of _____ (state &/or local statute). I am ordering you to leave the premises (give directions). If you do not leave, you will be arrested.

Standardized Warnings

431.7 USE OF FORCE

Use of force is governed by current agency policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this agency shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

Unless exigent circumstances justify immediate action, officers shall not independently make arrests or employ force without command authorization.

431.8 ARRESTS

The Utica Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking, and report writing teams.

(c) Timely access to medical care.

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(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail, and courts (see the Appearance Tickets Policy).

431.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

431.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

431.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include:

(a) Operational plan.

(b) Any incident logs.

(c) Any assignment logs.

(d) Vehicle, fuel, equipment and supply records.

(e) Incident, arrest, use of force, injury and property damage reports.

(f) Photographs, audio/video recordings, Oneida County 9-1-1 Center records/tapes.

(g) Media accounts (print and broadcast media).

431.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

(a) Date, time and description of the event.

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs).

(c) Problems identified.

(d) Significant events.

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(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

431.12 TRAINING

Agency members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Agency should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

432.1 PURPOSE AND SCOPE

This policy provides members of the Utica Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by New York law.

432.2 POLICY

The Utica Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this agency will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

432.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While the following is not intended to be an exhaustive list, members should give consideration to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice; however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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432.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

432.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is an order of protection, restraining or similar order against the person requesting standby assistance, that person should be advised assistance will not be rendered due to the order being in place. Another remedy should be sought such as a third party assisting in retrieving the property. In the event the issuing court authorizes a law enforcement escort for a party in retrieving property, such authorization should be clearly documented and subject to review by a supervisor before law enforcement assistance is rendered.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

All activity relating to property retrievals and requests for same shall be documented in an appropriate report.

432.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal

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property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

432.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

For matters concerning rent administration, housing operations, rent overcharges and security deposits, the member can refer the complainant to the New York State Attorney General's Office.

432.7 TRAINING

Landlord tenant issues are complex and the Agency should develop and implement basic and ongoing training for officers on landlord and tenant rights with a focus on hotel/motel disputes.

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Suspicious Activity Reporting

433.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

433.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

433.2 POLICY

The Utica Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

433.3 RESPONSIBILITIES

The Criminal Investigations Division Commander and the authorized designees will manage suspicious activity leads. Authorized designees should include supervisors who are responsible for agency participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Criminal Investigations Division include but are not limited to:

(a) Remaining familiar with those databases available to the Agency that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative, or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Agency.

(e) Ensuring that information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Agency conducts outreach that is designed to encourage community members to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

433.4 REPORTING AND INVESTIGATION

Any agency member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should document their action in the Records Management System and forward the information to the MVCAC. If, during any investigation an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately and not included in the original incident report.

433.5 HANDLING INFORMATION

The MVCAC will forward appropriate information gained from intelligence gathering, in a timely manner, to:

- Criminal Investigations Division supervisor.
- Other authorized designees.
- The Joint Terrorism Task Force.

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Interactions & Arrests of Transgender, Intersex, Gender Nonconforming Individuals (TIGN)

434.1 PURPOSE AND SCOPE

The purpose of this policy is to establish standards for interactions with transgender, intersex, and gender nonconforming (TIGN) individuals that provide safety and respect for all persons. It also defines certain terms that pertain to processing TIGN individuals and establishes procedures for processing and holding TIGN arrestees.

434.2 POLICY

It is the policy of the Utica Police Department to recognize the rights of all persons and to treat all persons with the dignity and respect due every individual as a human being.

434.3 DEFINITIONS

Gender Identity or Expression: The actual or perceived identity or behavior of a person as being male or female.

Transgender: Refers to any person whose gender identity or expression differs from the one which corresponds to the person's sex at birth. This term includes transsexuals, intersex individuals, and those whose identity is perceived to be gender nonconforming.

Transsexual: A person whose personal sense of their gender conflicts with their anatomical sex at birth.

Sexual Orientation: An individual's enduring romantic, emotional, and/or sexual attraction to individuals of a particular gender.

Intersex: An individual displaying sexual characteristics of both male and female.

Cross-Dresser: A term that refers to individuals whose clothing is typically associated with the clothing of the opposite sex.

434.4 INTERACTIONS WITH TIGN PERSONS

When an individual self-identifies as a transgender person, officers shall not question this identity or ask about the person's surgical status except for compelling and professional reasons that can be clearly articulated.

Officers shall follow the below procedures governing interactions with transgender persons when either of these conditions are met:

1. An individual explicitly informs an officer that they are a transgender person.
2. An officer has good reason to believe that the individual is a transgender. Good reason may be based on apparent intention of gender appearance and presentation, reasonable observation, frisking that inadvertently discloses transgender status, background checks, third-party information, and routine policing procedures.

When coming into contact with a TIGN individual, personnel will do the following:

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(a) Respectfully treat TIGN individuals in a manner appropriate to the individual's gender expression.

(b) Use pronouns as requested by a TIGN individual. Use "she," "her," "hers" for a person who self-identifies as a female. Use "he," "him," "his" for an individual who self-identifies as a male.

(c) When requested, address the TIGN individual by a name based on their gender rather than that which is on their government-issued identification.

(d) If a custodial arrest is made, and the individual has had gender change operative procedures and considers themselves a gender different than at birth, personnel should check for warrants under both genders.

When coming into contact with a TIGN individual, personnel **will not** do the following:

(a) Stop, detain, frisk, or search any person for the purpose of determining that person's gender or in order to call attention to the person's gender expression.

(b) Use language that a reasonable person would consider demeaning or derogatory, specifically language aimed at a person's actual or perceived gender identity or expression or sexual orientation.

(c) Disclose an individual's TIGN identity to other arrestees, the public, or non-department individuals absent a proper law-enforcement purpose.

Responders to domestic-violence situations shall respond to transgender individuals in a manner that is appropriate to their gender identity. When responding to a domestic violence call, officers will not automatically determine the batterer and survivor based on actual or perceived gender identity and/or sexual orientation but rather on an assessment of the particular situation.

434.5 GENDER CLASSIFICATION OF TIGN ARRESTEES

For purposes of departmental records and operations, an arrestee's gender will be classified as it appears on the individual's government-issued identification card. Arrestees who are post-operative gender re-assigned are the exception to the government-issued identification card.

In the event that a government-issued identification is unavailable, the following criteria will be used in determining gender.

- An arrestee who has male genitalia will be classified as a male.
- An arrestee who does not have male genitalia will be classified as a female.

In the event a TIGN individual objects to any questioning regarding this sexual classification, the officer should explain the need for searching prior to transport, and the officer should attempt not to unduly embarrass the individual by using an inappropriate search method or jeopardize the individual's safety by inappropriate placement in the holding facility

In the event that there is uncertainty regarding the appropriate classification of an arrestee's gender, a supervisor will be consulted for further guidance on the appropriate classification.

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434.6 SEARCHING TIGN INDIVIDUALS

Any searches of TIGN individuals should be conducted in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs.

Field searches will be conducted by a member who is the same gender as the arrestee based on the gender guidelines as prescribed in 435.5 of this policy and in accordance with established department search procedures. If or when requested by a TIGN individual, department personnel of the TIGN individual's gender identity or expression will be present to observe the custodial search. When practical, the observing member will be a sworn supervisor.

Requests to remove identity-related items, such as prosthetics, clothing, wigs, and cosmetic items, will be consistent with requirements for the removal of similar items from non-TIGN arrestees.

The possession of a needle that is purported to be for hormonal use will not be presumed to be evidence of criminal misconduct, specifically if the person or arrestee has documentation from a physician for being in the process of a sex modification.

434.7 TRANSPORTING TIGN INDIVIDUALS

Whenever practical, TIGN arrestees will be transported alone.

When requested by a TIGN individual, department personnel of the TIGN individual's gender identity or expression, if available, will be present during the transport.

In situations with multiple TIGN arrestees, mass arrests, where a TIGN individual's gender identity or expression is unavailable, or where individual transport is not practical, TIGN arrestees will be transported by gender classification.

434.8 HOUSING OF TIGN ARRESTEES

In all cases where a TIGN arrestee is turned over to any other authority for processing or holding it is the officer's responsibility to ensure the receiving officer is made aware of the arrestee's status.

TIGN arrestees held in our holding facility will be held separately from and without any other prisoners.

434.9 TRANSGENDER JUVENILES

Transgender juveniles should be treated pursuant to this policy, and afforded the same privileges and protections as other juveniles under local, state or federal law. In addition, officers should interact with and process transgender juveniles in accordance with all applicable departmental policies.

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Alarm Responses and Billing

435.1 PURPOSE

The purpose of this policy is to establish guidelines and procedures for responding to various types of alarm calls and to outline the billing procedures for certain types of avoidable/false alarm.

435.2 POLICY

It will be the policy of the Utica Police Department that officers respond to alarm calls in a manner that minimizes the possibility of hostage situations and/or injury to citizens and officers until such time that the alarm is verified as being false.

435.3 ALARM TYPES

Officers dispatched to alarms shall respond as expeditiously as possible without unnecessarily endangering the officer or public, and without alerting perpetrators.

The following types of alarm calls shall require a response by at least two officers:

(a) Burglary

(b) Robbery

(c) Bank Robbery

(d) Call for Police/Panic

(e) Unknown

The following types of alarm calls shall require a response by at least one officer:

(a) Fire

(b) Medical

(c) Water Flow

(d) Vehicle

435.4 ALARM RESPONSE PROCEDURES

BURGLARY ALARM PROCEDURES

ROBBERY ALARM PROCEDURES

BANK ROBBERY ALARM PROCEDURES

CALL FOR POLICE OR PANIC ALARMS

VEHICLE ALARMS

FIRE ALARMS

WATER FLOW ALARMS

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435.5 ALARM REGISTRATION/REGULATION AND BILLING

At the end of each month, the MIS unit will print the bills for avoidable alarm violators that are over their 2 allowable alarms per calendar year. These bills are sent to the Comptroller's office, which is responsible for the collection of fines. Persons who fail to pay the fine will have that amount added to their city tax bill as per city ordinance.

At the end of each month, the MIS unit will print out a list of locations that have caused avoidable alarm calls, but are not registered with the City. Enforcement of the registration requirement is taken as follows:

1. The list of unregistered violators will be sent to the Records Unit supervisor.
2. The Records Unit will create an entry in RMS under the Investigation Management module for each unregistered violator.
3. The Records Unit will attempt to contact each unregistered violator by phone and make an entry in Investigation Management detailing all actions taken. Violators that are reached will be given 10 business days to register their alarm.
4. Violators that can not be reached by phone after 3 documented attempts will be sent a first class letter from the Records Unit advising them of the requirement to register their alarm, and give them 10 business days to comply.
5. The Records Unit will monitor the alarms section in RMS to ensure compliance and may coordinate with the City Clerk's office to verify registration information.
6. At the end of each month, the Records Unit will send a list of violators who failed to respond to the certified letter within 10 days to the Records Unit Supervisor.
7. When, as often as possible, the department will assign and officer who will be responsible for visiting each location and issuing the owner or other responsible party an appearance ticket for violation of the Utica city ordinance that requires the registration of all alarms. They will document their actions in the related RMS – Investigative Management case and give no further warnings.

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Administration and Maintenance of Intranasal Naloxone

436.1 PURPOSE AND SCOPE

The purpose of this policy is to promote the health, safety and welfare of the public by treating and reducing injuries and fatalities due to opioid-involved overdoses when law enforcement is the first to arrive at the scene of a suspected overdose.

436.2 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. Members of the Utica Police Department will adhere to practices that encourage civilians at the scene of a suspected overdose to request help and freely administer naloxone to a subject.

Under no circumstances will naloxone be confiscated from an individual or will the mere possession of naloxone be used to establish probable cause for an arrest.

436.3 PROGRAM COORDINATOR

The officer assigned to the Logistics and Resources Unit will be the agencies program coordinator and be responsible for maintaining the supply, integrity and expiration dates of the naloxone.

436.4 NALOXONE USE AND REPORTING

436.4.1 DEPLOYMENT

Officers will follow the below operation plan for deploying naloxone:

1. If EMS has not already been dispatched to the scene, officer's will request one when the aided is in a potential overdose state.
2. Officers will determine the need for treatment with naloxone by evaluating the aided according to established training guidelines. Once the assessment of the aided is complete, officers will administer naloxone following the established training guidelines and use universal precautions when evaluating an aided and administering naloxone.
3. Officers will use proper tactics after administering naloxone; aided individuals who are revived may regain consciousness in an agitated state and may exhibit symptoms associated with withdrawal.
4. Officers will remain with the aided while providing resuscitation based on the officers' training and availability of resuscitation equipment until EMS personnel arrive. If available, an additional dose(s) of naloxone may be administered as necessary every 3-5 minutes.
5. Officers should employ rescue breathing techniques, bag-valve ventilation, or chest compressions as trained.

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6. Officers will inform EMS personnel upon their arrival that naloxone has been administered, including the number of doses.

436.4.2 DOCUMENTATION

New York State Department of Health Notification

Officers will be responsible for notifying the New York State Department of Health by going to www.nyoverdose.org/publicsafety and completing the form therein. Officers will send overdose notifications to OverdoseNotificationDistributionList@uticapd.com and their Platoon Supervisors. Street supervisors who are completing the end of shift review will simply ensure said email is sent for each overdose that occurred on their shift.

Overdose Detection Mapping (ODMAP)

All officers are required to call a centralized intake number at the NYS Police Troop D barracks to provide a quick report on all overdose encounters in the field. Whenever an officer is dispatched to an overdose, they must report the following by calling Troop D at 315-366-6000 prior to clearing the call for service:

- Basic case information (i.e. address of overdose, agency case number, age & gender of drug user, admitted to the hospital or not)
- Suspected overdose drug
- If naloxone was administered, and if so, how many doses.
- If overdose was fatal

Officers must ensure Overdose and Naloxone Use are listed in the RMS incident types to include documenting same in the associated Radio Log and/or Officer Narrative.

436.5 MAINTENANCE/REPLACEMENT OF NALOXONE

Naloxone will be carried in a manner within proper storage guidelines. Officers must ensure they are carrying a non expired/non-damaged single dose of naloxone either on their person or in their duty bag prior to starting their tour.

Used, lost, expired or damaged naloxone can be replaced by obtaining another dose from the supply left in the Sergeant's workstation. Damaged or expired naloxone should be stored in the Squad Commander's office until it can be given to the program coordinator. Damaged or expired naloxone will be disposed of during semi-annual burns, used for training purposes or returned to the distributor.

436.6 TRAINING

Prior to being equipped with naloxone, officers will complete an approved training program in accordance with the approved DCJS training curriculum.

Updated training should be conducted, as necessary, to include any changes to naloxone administration protocol and reporting.

The training director will maintain naloxone training records for all officers.

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Body-Worn Cameras

437.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this agency and for the access, use, and retention of agency BWC media.

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

437.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by agency BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Agency to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

437.2 POLICY

It is the policy of the Agency to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and agency accountability and transparency while also protecting the privacy of members of the public.

437.3 RESPONSIBILITIES

437.3.1 BWC COORDINATOR RESPONSIBILITIES

The members of MIS are delegated certain responsibilities.

Their responsibilities include:

(a) Serving as a liaison between the Agency and the BWC manufacturer/distributor and any third-party media storage vendor.

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(b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Agency and recording the date each BWC is placed into or taken out of service.

(c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.

1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.

(d) Managing BWC media systems so that:

1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned agency duties.

2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.

(e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.

(f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems.

(g) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.

(h) Coordinating with the Records Clerk to (see the Records Unit and Records Maintenance and Release policies):

1. Determine and apply proper retention periods to BWC media.

2. Develop procedures for the appropriate release of BWC media.

(i) Develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property Unit Policy).

437.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order.

Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

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Members shall report any malfunction or damage to MIS or the on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

Any member assigned to a non-uniformed position (investigator) may carry a BWC at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members must wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

437.4 BWC USE

The following guidelines apply to the use of BWCs:

(a) Only agency-issued BWCs should be used without the express consent of the Chief of Police or the authorized designee.

(b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.

(c) The use of agency-issued BWCs shall be strictly limited to agency-related activities.

(d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.

(e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

437.4.1 PROHIBITIONS

BWCs should not be used to record:

(a) Routine administrative activities of the Agency that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Agency has a duty to keep secure (i.e., criminal justice information).

(b) Areas within the agency facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.

(c) Conversations of other members without their knowledge.

(d) When a member is taking an authorized break or otherwise engaged in personal activities.

(e) In a courtroom unless responding to a call for service or emergency situation.

(f) Interactions with undercover officers or confidential informants.

(g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

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437.5 ACTIVATION OF BWC

Members shall activate their BWC upon being dispatched to a call for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function (i.e. search warrant execution, ERPO siezure) has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

437.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

437.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate agency interest in recording the event. Members may also mute or deactivate their BWC:

(a) To protect the privacy of a victim or witness.

(b) When an individual wishes to provide information anonymously.

(c) To avoid recording a confidential informant or undercover officer.

(d) When discussing case tactics or strategy.

(e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when

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circumstances change so that the privacy concern no longer outweighs the agency's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

437.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and telecommunicators approved by the Chief of Police or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

(a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.

(b) To assist with situational awareness or tactical decisions during a significant incident.

(c) When requested by the member.

437.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC will have their BWC number in the report and should document:

(a) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.

(b) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.

(c) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

(d) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

437.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Agency.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

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437.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

(a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.

(b) When a member has sustained a serious injury or a line-of-duty death has occurred.

(c) When a firearm discharge or use of force incident has occurred.

(d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

437.7 BWC MEDIA

All BWC media is the sole property of the Agency. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Agency and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

437.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate agency-related purposes in accordance with the following guidelines:

(a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.

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(b) Members may review their own BWC media for agency-related purposes.

(c) Investigators may review BWC media pertaining to their assigned cases.

(d) A member testifying regarding a agency-related event may review the pertinent BWC media before testifying.

(e) Supervisors are permitted to access and view BWC media of their subordinates.

1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.

2. Supervisors should conduct periodic documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with agency procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.

3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.

(f) The Training Director is permitted to access and view BWC media for training purposes.

1. The Training Director should conduct a quarterly review of a random sampling of BWC media to evaluate agency performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.

2. The Training Director may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Director should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

(g) The Records Clerk may access BWC media when necessary to conduct agency-related duties.

(h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

(i) The Accreditation Program Manager may access BWC footage for the sole purpose of obtaining proofs of compliance.

(j) Professional Standards may access BWC footage for any incident under investigation by their office or when directed by the Chief of Police.

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437.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

(a) A private residence.

(b) A facility that offers health care, mental health or substance abuse treatment, or social services.

(c) A school building.

(d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be forwarded to the office of the Chief of Police.

Only the Professional Standards Unit, designated CID supervisor, Patrol Captain or Patrol Lieutenant, or any other person designated by the Chief of Police, are authorized to duplicate and forward any BWC recordings to a requesting agency, outside entity, officer, or third party when approved to do so by the Chief of Police or his designee.

For accountability and tracking purposes, all BWC recordings that are duplicated and disseminated to any outside entity, the authorized person who is making and disseminating this duplication must notify the Professional Standards Unit via email with the following information:

(a) Reason for the duplication

(b) Date and time of the duplication

(c) Case/RMS number related to the BWC footage being duplicated

(d) Name of entity and name and title of the authorized person accepting the duplication on behalf of that entity.

437.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws and established retention schedules.

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

437.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established agency procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property Unit Policy).

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437.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

(a) Proper use of the BWC device and accessories.

(b) When BWC activation is required, permitted, and prohibited.

(c) How to respond to an individual's request to stop recording.

(d) Proper use of the BWC media systems, including uploading and tagging procedures.

(e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

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Immigration Application

438.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Utica Police Department relating to immigration and interacting with federal immigration officials.

Nothing in the following policy shall preclude a Utica Police Officer from rendering immediate emergency assistance to a member of any federal, state, or local agency.

438.2 POLICY

It is the policy of the Utica Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this agency in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

438.3 DEFINITIONS

CBP: Means United States Customs and Border Protection, a federal law enforcement agency responsible for detecting and preventing the illegal entry of persons and goods in the United States

ICE: Means United States Immigration and Customs Enforcement, a federal law enforcement agency responsible for enforcing federal laws governing border control, customs, trade, and immigration.

Immigration Detainer or Immigration Warrant: Means a civil detainer issued pursuant to Code of Federal Regulations Title 8 Section 287.7 (8 C.F.R. § 287.7) by an authorized immigration officer, or any similar request from CBP or ICE for detention of a person suspected of violating civil immigration law.

Immigration Detainer (Form I-247) will be accompanied by a Warrant for Arrest of Alien (Form I-200). The I-200 is an immigration warrant signed by a Supervisory Detention and Deportation Officer. This form is utilized when there is probable cause to believe that a violation of the Immigration and Nationality Act (INA) has occurred and the alien is subject to arrest based on a specific violation of the INA. This is an administrative/civil arrest.

Judicial Warrant: Means a warrant based on probable cause and issued by an Article III federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant. A judicial warrant does not include a civil immigration detainer or warrant, administrative warrant, or other document signed by CBP, ICE, or other non-judicial immigration officials.

438.4 POLICE ACTIVITY

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being

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addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation.

While it may be necessary to determine the identity of a victim or witness, officers shall treat all individuals equally and not in any way that would violate the United States or New York State constitutions.

Officers will not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance unless there is a specific and articulable need to do so to investigate criminal activity.

Officers will not inquire about or request proof of immigration status or citizenship when providing any police services or benefits unless one or more of the following conditions exist:

- The provision of such police service or benefit is contingent upon one's immigration or citizenship status
- Such inquiry is required by federal, state or local laws
- There is a specific and articulable need to do so to investigate criminal activity

Officers will not request immigration documents but may accept and review them if voluntarily offered by an individual in response to a request for proof of identity during the course of an investigation, traffic stop, detention, and arrest.

If provided immigration documents for identification purposes, officers will not contact CBP, ICE, or other federal immigration authorities regarding the individual unless necessary to investigate criminal activity.

Officers will not utilize Utica Police resources to create any registry based solely on actual or suspected immigration or citizenship status.

Any contact or requests for assistance to CBP or ICE and requests from CBP or ICE for assistance must be authorized by a supervisor.

438.5 DETENTION

Officers shall not stop, question, interrogate, detain, or arrest any individual, for any length of time, or turn over such individual to CBP or ICE based solely on actual or suspected immigration or citizenship status, any actual or suspected civil violation of federal immigration laws, or for a federal civil warrant such as a civil immigration detainer/warrant, or for an administrative warrant.

Officers shall not delay release of a prisoner from police custody, solely because of an individual's immigration or citizenship status, any actual or suspected civil violation of federal immigration laws, or for a federal civil warrant such as a civil immigration detainer/warrant, or for an administrative warrant, or any other kind of federal immigration authorities' request without a judicial warrant.

Individuals in police custody shall be subject to the same standard booking, processing, release, and transfer procedures, policies, and practices regardless of actual or suspected citizenship or immigration status.

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Immigration Application

Officers may detain and turn over to CBP or ICE a person named in a judicial warrant or federal criminal arrest warrant.

If an officer has facts that establish probable cause to believe that an individual already lawfully detained by the Utica Police has committed a federal crime (federal crimes are mostly compiled within United States Code Title 18 and Title 26 however additional federal crimes are contained amongst other titles in USC), has committed a criminal immigration offense, is named in a judicial warrant or federal criminal arrest warrant, the officer may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person pursuant to US Code Title 8 section 1357. Furthermore, when the aforesaid parameters exist, officers may provide CBP or ICE access to an individual in custody or use the Utica Police facilities to question or interview such individual.

Officers may assist CBP, ICE, and other federal law enforcement officials in making a lawful warrantless arrest for a federal crime.

An officer shall notify a supervisor as soon as practicable whenever an individual is being detained or their detention is continuing for any reasoning related to a criminal immigration offense.

- Should a biometric submission such as an arrest fingerprint submission by our agency confirm that an individual in police custody is in violation of United States Codes which result in contact from CBP or ICE affirming that the individual in police custody is now the subject of a federal criminal investigation prompting CBP or ICE to lodge a civil immigration detainer (I-247) for the individual, so that said individual can be held giving CBP/ICE custody while awaiting the issuance of a judicial warrant, the officer receiving said correspondence shall immediately notify a supervisor at which time the supervisor may hold the individual in police custody for a reasonable amount of time (up to 4 hours, under normal facts and circumstances) regardless of the fact that the reason for the individual originally being detained has since been vacated. This continued detention is supported by case law established by US 2nd District Court Jimenez v City of Cohoes.
- The following is a common scenario to offer clarity: When an individual is arrested and booked for a crime, if applicable biometrics will be obtained and submitted via the E-Justice NY Integrated Justice Portal, if said biometrics match to a known previously removed alien, CBP or ICE will be alerted that the arresting agency has JOHN DOE in custody as JOHN DOE is in violation of 8 USC 1326 Re-Entry After Removal which is a federal crime - felony. CBP/ICE will subsequently prepare an immigration detainer (I-247), lodge the immigration detainer with said arresting agency, and contact the arresting agency to coordinate, specifically if the arrestee is to be released after arrest processing or is released after arraignment, CBP/ICE will request that the arresting agency detain/hold the individual while CBP/ICE responds to take said individual into custody as said individual is the subject of a federal criminal investigation in regards to a violation of 8 USC 1326 Re-Entry After Removal (federal crime – felony) and probable cause exists for their arrest pursuant to said violation of 8 USC 1326 Re-Entry After Removal (federal crime – felony).

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- The above scenario can be confusing but it's a common occurrence as CBP/ICE cannot obtain a judicial arrest warrant for an individual for felony re-entry pursuant to said violation of 8 USC 1326 Re-Entry After Removal if CBP/ICE doesn't know the person is in the continental United States.

438.6 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the individual has committed a federal crime, has committed a criminal immigration offense, is named in a judicial warrant or federal criminal arrest warrant, the supervisor shall determine whether it is appropriate to continue the detention for the purpose of lawfully arresting the individual and/or transferring the individual to the appropriate federal authorities (see the Law Enforcement Authority for Police Officer Policy).

438.7 ARREST NOTIFICATION

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility who will otherwise be released and any required notification shall authorized by a supervisor.

No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

438.8 FEDERAL REQUESTS FOR ASSISTANCE

Should any federal, state, or local agency request assistance from this agency where officer safety is a concern, the requested officers shall immediately render such emergency assistance in accordance with the the agency's established policy.

Non-emergent requests by federal immigration officials for assistance from this agency should be directed to a supervisor.

438.9 INFORMATION SHARING

No member of this agency will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual pursuant to US Code Title 8 section 1373:

- Sending public and non-public information to, or requesting or receiving such information from federal immigration officials
- Maintaining such information in agency records
- Exchanging such information with any other federal, state or local government entity

The ICE Syracuse-Sub Office covers Oneida County and falls under the command of the ICE Buffalo Field Office, their 24/7 duty phone # 315-530-8132. Please attempt to call numerous times, if there is no answer, please contact Senior Deportation & Detention Officer Jake Bell at 315-679-8464 or (jake.m.bell@ice.dhs.gov). Said phone numbers are for law enforcement use only, not for public dissemination.

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If an individual believes their family member has been arrested by ICE, have them or an Officer call the ICE Syracuse Sub-Office at 315-937-2909 during normal business hours. There is also an online detainee locator system (https://locator.ice.gov/odls/#/search). The person inquiring would need the alien's "A-Number" also known as an alien number or file number and their country of birth.If they do not have the A-number, they can search by First, Last, County of Birth, and DOB.If ICE has processed the person in question and turned them over to the Buffalo Federal Detention Facility (located in Batavia, New York) the detainee will show in the online detainee locator system. ICE typically gives a notification to a friend, family member, or the local police agency when they make an arrest of an individual to avoid missing person reports.

438.10 IMMIGRANT STATUS

If, during the course of performing any general police activity, an officer encounters an individual who is a known legally documented immigrant however unable to provide immigration status documentation, or is seeking or could appropriately seek asylum as a refugee, then any such individual should be directed to The Center at 201 Bleecker Street (phone # 315-738-1083) to apply for or secure copies of the needed documentation for such immigration status.

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Division supervisor assigned to oversee the handling of any related case. The Criminal Investigations Division supervisor should:

- Consult with the assigned investigator to determine the current stats of any related case and whether further documentation is warranted.
- Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification of declaration has not already been completed and whether a certification or declaration is warranted.
- Address the request and complete the certification or declaration, if appropriate, in a timely manner.
    - The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

438.11 TRAINING

The Training Director should ensure officers receive training on this policy.

Training should include:

- Identifying civil versus criminal immigration violations.

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- Factors that may be considered in determining whether a criminal immigration-offense has been committed.

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Chapter 5 - Traffic Operations

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Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Utica Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Agency will be driven by such factors as the location and/or number of traffic accidents, citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of agency members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for agency members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

Agency members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

The Agency may use speed measuring devices in traffic enforcement operations. Members must be properly trained in the use and operation of such devices. The Agency will ensure that all such

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equipment is properly calibrated and that all necessary records are maintained so as to ensure that speed measurements are legally admissible.

500.3.1 EMERGENCY AND NON-EMERGENCY TRAFFIC ESCORTS

The department may provide planned and unplanned, non-emergency escorts when, in the opinion of a supervisor, the circumstances surrounding the request warrant an escort and sufficient manpower is available. The supervisor shall be responsible for the management of these escorts and shall have the responsibility to terminate them when necessary.

All planned non-emergency escorts, such as over-size vehicles, visiting dignitaries and sports teams, or hazardous materials, shall be coordinated through the Traffic Services Unit. Requests for escorts of hazardous cargo shall be coordinated with the assistance of the fire department, as necessary.

Officers receiving requests for medical emergency escorts, for the purpose of transporting ill or injured persons, shall summon emergency medical service personnel. Officers shall not transport ill or injured persons unless there are life threatening exigent circumstances present, and a supervisor shall be notified of such emergency escort as soon as practicable.

500.3.2 SPECIAL EVENTS

Special events are those activities at which a large volume of vehicular and/ or pedestrian traffic is anticipated or occurs. Special events may include The Boilermaker Road Race, fireworks displays, assemblies, parades, sporting events, roadway maintenance activities and picketing.

The department shall provide that degree of traffic direction and control service in support of special events, as is necessary. The primary task of department personnel conducting traffic direction and control in support of a special event is to assist motorists and pedestrians in the vicinity of the event.

The Traffic Unit shall be responsible for preparing traffic control plans for special events considering the following factors:

(a) Ingress and egress of vehicle and pedestrian traffic.

(b) Availability and adequacy of parking areas.

(c) Public transportation.

(d) Emergency vehicles access.

(e) Alternate routes for through traffic.

(f) Use of temporary traffic control devices.

500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This agency does not establish ticket quotas. The number

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of arrests or tickets issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Traffic enforcement should be focused on the reduction of traffic accidents, improving traffic flow and increasing public safety.

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

500.4.2 TICKETS

Tickets should be issued when a member believes it is appropriate. When issuing a ticket for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with:

(a) An explanation of the violation or charge.

(b) The court appearance procedure, including the optional or mandatory appearance by the motorist.

(c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.4.3 PHYSICAL ARREST

Officers should exercise discretion in determining whether a physical arrest is appropriate for criminal traffic offenses (see the Appearance Tickets Policy for additional guidance).

500.5 SUSPENDED OR REVOKED LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic ticket or make an arrest as appropriate.

An officer shall tow a vehicle for aggravated unlicensed operation of a motor vehicle in the first or second degree if (Vehicle and Traffic Law § 511-b):

(a) The driver is the registered owner of the vehicle.

(b) The vehicle is not properly registered.

(c) Proof of financial security is not produced.

(d) The driver is not the registered owner of the vehicle, and no other licensed driver authorized to drive the vehicle is present.

If the driver is not the owner, the Agency is required to notify the owner (Vehicle and Traffic Law § 511-c).

500.6 TRAFFIC PROCEDURES

Officers shall adhere to the following procedures when stopping a traffic law violator:

(a) Officers shall not differentiate between resident and non-resident violators when determining appropriate enforcement action.

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(b) If an officer encounters an individual claiming diplomatic/consular immunity they shall contact their immediate supervisor and follow the procedures set forth in the Foreign Diplomatic and Consular Representatives Policy.

(c) Officers shall, if necessary, contact a Juvenile Aid Investigator when dealing with a juvenile violator.

TRAFFIC STOPS

ROAD CHECKS OR TRAFFIC CHECKPOINTS

TRAFFIC CONTROL AND DIRECTION

500.7 HIGH-VISIBILITY VESTS

The Agency has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of agency members who may be exposed to hazards presented by passing traffic or by maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

500.7.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the agency member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

500.7.2 CARE AND STORAGE

High-visibility vests are issued to every department member and shall be maintained by the individual officer. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each member shall ensure that a serviceable high-visibility vest is in their personal gear.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Logistics and Resources Unit should be promptly notified whenever the supply of vests needs replenishing.

500.8 EQUIPMENT MAINTENANCE PROCEDURES

The Traffic Unit is responsible for the care, maintenance and record management of all traffic related equipment.

(a) Radar/Lidar - Programed maintenance of the speed measurement devices shall be the responsibility of the Traffic Unit. SMD’s shall be calibrated, inspected, and repaired

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when necessary and records of such maintenance will be maintained, for presentation to the City of Utica Court, when necessary. The Traffic Unit will ensure that SMD's are calibrated and examined for damage as required pursuant to NYS DCJS, Office of Public speed measurement standards.

1. The specification manuals for each make, model and type of equipment, shall be maintained by the Traffic Unit as long as the department utilizes the equipment.

(b) Data Master - The DMT shall be kept in a well ventilated, climate controlled room free for many chemical or solvent vapors. The DMT shall be kept cleaned by using a damp cloth. The DMT shall be plugged into a surge protector and not directly into the wall outlet. The DMT shall be connected to a telephone jack as well. In the event of an electrical storm it shall be the responsibility of the squad commander to make sure the DMT is unplugged and plugged in upon completion of the storm. It is the responsibility of the breath analysis supervisor to ensure that the remote bi-annual certifications are performed on the DMT. The breath analysis supervisor will transport the DMT to DCJS, 4 Tower Plaza, Albany, N.Y. once a year for its annual certification. The breath analysis supervisor will check the solution every thirty days, plus or minus two days, and ensure that the correct solution is ordered.

(c) The Traffic Unit will be responsible for the annual calibration of all Alco-Sensors.

500.9 ANNUAL TRAFFIC ANALYSIS

The Mohawk Valley Crime Analysis Center will conduct an annual analysis of traffic enforcement activities to evaluate and identify the following:

(a) Problem locations.

(b) Causative factors.

(c) Date, day of the week and time of day for accidents or violations.

(d) Seasonal traffic problems.

The Mohawk Valley Crime Analysis Center shall be responsible for conducting an annual analysis of traffic accidents.

The Traffic Unit shall be responsible for conducting an annual analysis of traffic enforcement activities. The analysis should, to the greatest degree possible, evaluate volume and type of citizen complaints, and the effectiveness of the department's selective enforcement activities.

The command officer responsible for any selective traffic enforcement program, such as Stop DWI, occupant restraint (seat belt), Aggressive Driver, Child Safety, Commercial Vehicle, etc. shall be responsible for conducting an annual analysis of their particular selective traffic enforcement activities.

Traffic enforcement statistical data may be obtained from several sources to include:

(a) Utica Police Traffic Enforcement Section.

(b) Mohawk Valley Crime Analysis Center

(c) New York State Department of Motor Vehicles.

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(d) New York State Department of Transportation.

(e) City of Utica Department of Public Works.

(f) City of Utica Traffic Violations Bureau.

(g) City of Utica Court.

Analysis reports shall be submitted by the Mohawk Valley Crime Analysis Center, through the chain of command, by January 31st of each year. Patrol Division Commanders shall review and distribute reports to platoon roll calls for review by uniform bureau supervisory personnel and officers.

The Uniform Patrol Commander shall review traffic enforcement analysis reports, evaluate the department's traffic enforcement activities and make recommendations to the Chief of Police, as may be necessary.

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Traffic Accidents

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

501.2 POLICY

It is the policy of the Utica Police Department to respond to traffic accidents and render or summon aid to injured victims as needed. The Agency will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, traffic accident reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this agency and there is:
    1. Serious physical injury.
    2. A fatality.
    3. A City vehicle involved.
    4. A City official or employee involved.
    5. Involvement of an on- or off-duty member of this agency.

(b) Is within another jurisdiction and there is:
    1. A City of Utica vehicle involved.
    2. A City of Utica official involved.
    3. Involvement of an on-duty member of this agency.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control.

(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).

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(f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic accident involves a serious physical injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Squad Commander. The Squad Commander or any supervisor may assign the appropriate personnel to investigate the incident. The Squad Commander will ensure notification is made to the Duty Commander in accordance with the Duty Command Call Back Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a serious physical injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with CID, agency chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

An accident report shall be taken when:

(a) A fatality, any injury (including complaint of pain), property damage in excess of $1000 to any vehicle or hit-and-run is involved.

(b) An accident involves a commercial vehicle that has been towed (Vehicle and Traffic Law § 603).

(c) An on-duty member of the City of Utica is involved.

(d) The accident results in any damage to any City-owned or leased vehicle.

(e) The accident involves any other public agency driver or vehicle.

(f) There is damage to public property.

(g) There is damage to any vehicle to the extent that towing is required.

(h) Prosecution or follow-up investigation is contemplated.

(i) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property unless it involves an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 CITY VEHICLE INVOLVED

If an employee is involved in an accident with a department vehicle, an officer at least one rank higher than the involved officer or employee, will be sent to the scene.

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The higher-ranking officer is responsible for:

(a) Conducting a thorough investigation, including documentation of all injuries to all parties involved, however slight.

(b) Insuring that the accident scene and vehicles are photographed,

(c) Insuring that a motor vehicle accident report (Form MV 104) is completed in all incidents when personal injury occurs or other than departmental vehicles is involved.

(d) Completing a narrative report, which will be directed through the chain of command, to the involved employee's Division Commander, and is to include observations and conclusions from the investigation relative to the contributing factors and fault associated with the accident,

(e) Verifying the status of the involved employee's drivers license and including this finding in the narrative report,

(f) Ensure that the employee completes all required reports and that they are included with the investigating officer's report.

The employee/officer involved in the accident is responsible for:

(a) Completing a narrative report directed to the investigating officer, describing the accident.

(b) Completing a report of a motor vehicle accident (form MV 104) if the accident results in death or personal injury, or results in property damage to anyone involved in excess of $1,000.00, except as provided for in the following:

1. Pursuant to Vehicle and Traffic Law section 605(A) (1), when a police officer is involved in a motor vehicle accident with a departmentally owned vehicle while on-duty, and the police accident report is filed by this department, the police officer will not be required to complete the civilian accident report (MV 104). However, in the event that a police officer is involved in an accident with a departmentally owned vehicle while on- duty, and the police accident report is filed by an agency that is not the owner of the vehicle, the police officer involved in the accident will complete a civilian accident report.

Any time there is a collision involving a service member, copies of all reports will be forwarded to the Professional Standards Unit upon completion.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property, does not involve another vehicle or if the vehicles involved are all city owned.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

Members will not investigate an accident in which he/she is involved.

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501.5.3 INJURED AND KILLED ANIMALS

Agency members should refer to the Animal Control Policy when a traffic accident involves the disposition of an injured animal. The driver of the striking vehicle is required to notify the owner of the animal if it is a horse, dog, cat or animal classified as cattle. If the driver cannot find the owner than he/she is required to notify an officer and provide license, insurance and the vehicle license number (Vehicle and Traffic Law § 601).

In the event a deer, moose or bear is unintentionally killed in a traffic accident, a member may issue a permit to the driver permitting him/her to possess the carcass and transfer it to a designated person. If the driver declines possession, the member may issue the permit to another requesting party (Environmental Conservation Law § 11-0915).

501.6 INVESTIGATION

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum (Vehicle and Traffic Law § 603-a):

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

501.6.1 ACCIDENTS INVOLVING SERIOUS INJURY OR DEATH

An officer investigating an accident involving a serious injury or death should request a preliminary breath test from any driver involved in the accident if there are reasonable grounds to believe that the driver committed a serious traffic violation as provided in Vehicle and Traffic Law § 603-a. The result of such test or the driver's refusal of such test shall be included in the accident investigation report (Vehicle and Traffic Law § 603-a).

In the event of a positive result from such test, officers shall proceed as provided in the Impaired Driving Policy.

FATAL, SERIOUS INJURY, AND HIGH VALUE PROPERTY DAMAGE MOTOR VEHICLE COLLISIONS (COLLISION RECONSTRUCTION)

Accident Interim Report

CSU_CRU-1 Summary Report

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a traffic summons or arrest the offending driver, as appropriate.

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More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Agency members shall utilize forms approved by the New York State Department of Motor Vehicles (DMV) (i.e., NY MV-104A and any required addendums) as required for the reporting of traffic accidents. All such reports shall be forwarded to the Patrol Division for approval and filing.

For all accidents involving a fatality, the Early Notification of a Fatal Accident form (MV-104EN) will be completed and submitted by the Collision Reconstruction Unit within 24 hours of the fatality. The Report for Motor Vehicle Accident form (MV-104D) will be submitted by the officer completing the Tracs Accident Report. Both forms shall be submitted to the DMV.

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

501.8.2 OTHER UNIT RESPONSIBILITIES

The Mohawk Valley Crime Analysis Center will ensure the monthly and quarterly reports on traffic accident information and statistics are forwarded to the Uniform Patrol Division Commander or other persons as required.

MIS will ensure investigative reports should be forwarded to the Commissioner of Motor Vehicles within five business days of completion (Vehicle and Traffic Law § 603-a).

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Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing.

502.2 POLICY

The Utica Police Department will tow vehicles when appropriate and in accordance with the law.

502.3 OFFICER RESPONSIBILITIES

OFFICER RESPONSIBILITIES

502.4 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Agency members may assist by communicating requests through Oneida County 9-1-1 Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle will be towed at the direction of the agency member using next available rotation tow service vendor (Vehicle and Traffic Law § 1204).

Vehicles that are not the property of the City should not be driven by agency members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

502.5 TOWING PROCEDURES

TOWING PROCEDURES

502.6 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

502.7 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner after it has been processed for evidence by an evidence technician rather than have it towed, so long as the vehicle is not needed for evidence.

IMPOUNDED AS EVIDENCE

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502.8 RECORDS

Records Unit members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

A vehicle towed after an arrest or upon the issuance of a summons or an appearance ticket for the crime of aggravated unlicensed operation of a motor vehicle shall be entered into the New York Statewide Police Information Network (NYSPIN) (Vehicle and Traffic Law § 511-b).

502.8.1 VEHICLE STORAGE REPORT

Agency members towing a vehicle shall complete a vehicle impound inventory report. The report should be submitted to the Records Unit as soon as practicable after the vehicle is towed.

502.8.2 NOTICE OF TOW

Upon the towing of any vehicle for any reason, it shall be the responsibility of the officer to attempt to notify the registered owner.

502.8.3 REPORT OF VEHICLES TO NYSPIN / E-JUSTICE

If the vehicle has been reported stolen, the officer ordering the tow shall ensure the theft, recovery or impound is reported to NYSPIN. The report shall, if possible, include (Vehicle and Traffic Law § 424):

(a) The VIN.

(b) The date of theft, recovery and impound of the vehicle.

(c) The license plate number.

(d) The name, address and telephone number of the location where the vehicle is being stored.

(e) The location of the theft and location of the recovery.

Whenever an officer tows an unoccupied vehicle, it is his/her responsibility to make the proper entry into the e-Justice system so that the vehicle is not mistakenly entered as a stolen (file 1) at a later time. If the owner of the vehicle is notified the e-Justice entry does not have to be made. The officer shall complete a narrative entry in RMS under the corresponding incident number.

When private tow service operators submit repossession paperwork at the desk, it is the desk officer’s responsibility to make the proper e-Justice entry.

All e-Justice entries will be copied and pasted as a supplemental narrative in RMS in the associated incident number.

502.9 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Agency. A rotation or other system established by the Agency for tow services should be followed.

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502.10 VEHICLE INVENTORY

The contents of all vehicles towed at the request of agency members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory. Visible damage present on the vehicle shall also be noted.

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.

(c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(d) Closed containers located either within the vehicle or any of the vehicle's compartments will be opened for inventory purposes if the container can be opened without damaging it.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report.

When practicable and appropriate, cash, jewelry or other small valuables located during the inventory process should be removed from the vehicle and given to the owner, or booked into property for safekeeping, in accordance with the Property Unit Policy. A copy of the Property Unit property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of agency members and protecting the Agency against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

502.11 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the agency member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

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Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Agency in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those agency members who play a role in the detection and investigation of driving while impaired (DWI).

503.2 POLICY

The Utica Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of New York's impaired driving laws.

503.3 INVESTIGATIONS

Officers should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All officers are expected to enforce these laws with due diligence.

The district attorney will develop, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum (Vehicle and Traffic Law § 603-a; Vehicle and Traffic Law § 1194):

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in New York or another jurisdiction.

(g) The reasons for the stop and all present charges.

(h) Whether the subject consumed alcohol after the stop.

(i) Chemical test information.

503.4 FIELD TESTS

Officers shall use standardized FSTs and any approved alternate tests when investigating violations of DWI laws.

503.5 DRUG RECOGNITION EXPERTS (DRE)

DRE's should be contacted when an officer reasonably believes that an operator of a motor vehicle has a level of impairment that is not consistent with their BAC, or when there is evidence

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of ingestion of drugs, or to assist in collision reconstruction investigations, or other criminal investigations as deemed necessary by a supervisor.

If no DRE is on duty and available at the time of the initial investigation and it has been deemed that a DRE is needed to assist with the investigation it will be the responsibility of the street supervisor or squad commander to call in an off duty DRE of this agency.If no DRE of this agency is available a call for the request of a response from a DRE from another agency can be made only after receiving approval first by the Duty Captain.

503.6 CHEMICAL TESTS

A person implies consent under New York law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle and Traffic Law § 1194):

(a) The arresting officer has probable cause to believe the person was driving a motor vehicle while under the influence of alcohol or drugs, including consideration of the results of a portable breath test (PBT), as provided in Vehicle and Traffic Law § 1192.

(b) An officer has stopped a person under the age of 21 and has probable cause to believe the person was operating a motor vehicle after having consumed alcohol.

    1. A person under 21 years of age is presumed to have consumed alcohol only if his/her blood alcohol content is 0.02 percent or more but less than 0.07 percent by weight (Vehicle and Traffic Law § 1192-a).

If a person withdraws this implied consent, the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample. If a person is unable to withdraw consent (e.g., the person is unconscious) that person is deemed to have consented.

Chemical testing shall be completed within two hours of arrest, administration of a PBT, or determination that a person under the age of 21 has operated a vehicle after having consumed alcohol. However, if the person consents to the chemical testing within the two-hour period, the time restriction does not apply and the test may be administered outside of the two-hour period.

503.6.1 STATUTORY NOTIFICATIONS

Officers shall inform a person who is arrested or who submitted to a PBT that resulted in the presence of alcohol that their driving privilege shall be immediately suspended and subsequently revoked for refusal to submit to a chemical test, or any portion thereof, whether or not the person is found guilty. Persons under 21 years of age shall be informed that their driving privilege shall be revoked for refusal to submit to a chemical test, or any portion thereof, whether or not the person is found guilty (Vehicle and Traffic Law § 1194).

503.6.2 BREATH SAMPLES

The Patrol Support Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

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Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Support Lieutenant.

503.6.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples. The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.6.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.6.5 GENERAL TESTING REQUIREMENTS

Requirements for testing include:

(a) Only a New York State-certified breath test operator will administer a test to obtain a breath sample.

(b) Testing shall be done in accordance with the operator's training and New York State Department of Health rules and regulations, as applicable.

(c) Testing equipment must be certified.

(d) All testing and results will be documented in the appropriate report.

503.7 REFUSALS

When an arrestee refuses to provide a chemical sample, officers shall:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle and Traffic Law § 1194).

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

(d) Provide the refusal report to the court upon arraignment (15 NYCRR § 139.3).

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503.7.1 OFFICER RESPONSIBILITIES UPON REFUSAL

Upon a person's refusal to submit to chemical testing, no test shall be given unless a court order is authorized and obtained. The officer shall prepare a written report on the form prescribed by the New York State Department of Motor Vehicles (DMV) (Vehicle and Traffic Law § 1194; 15 NYCRR § 139.2).

If the person is under 21 and alleged to have operated a vehicle after having consumed alcohol, the court or the officer shall provide the person with an administrative hearing date, a waiver form and any other information the DMV may require (Vehicle and Traffic Law § 1194).

503.7.2 CHEMICAL TESTS WITHOUT CONSENT

A chemical sample may be obtained from a person who refuses a chemical test when a court order has been obtained (Vehicle and Traffic Law § 1194).

503.7.3 FORCED SAMPLES

If an arrestee indicates by word or action that he/she will physically resist a court-ordered test, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the court-ordered test is taken in a medically approved manner.

(e) Ensure that the test is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances and approved in the court order:

1. Unless otherwise provided in the court order, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary and approved in the court order to overcome the resistance may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection sample are documented in the related report.

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If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.8 ARREST AND INVESTIGATION

503.8.1 ARREST AUTHORITY

In addition to arrest authority under CPL § 140.10, an officer may arrest for a DWI violation coupled within an accident regardless of whether the DWI violation occurred in the officer's presence (Vehicle and Traffic Law § 1194).

A person under the age of 21 alleged to have operated a vehicle after having consumed alcohol in violation of Vehicle and Traffic Law § 1192-a shall not be arrested but may be temporarily detained solely for the purpose of administering chemical tests and released to a responsible third party (Vehicle and Traffic Law § 1194) (see the Temporary Custody of Juveniles Policy).

503.8.2 RIGHT TO ATTORNEY CONTACTS

The arrestee has no absolute right to consult with an attorney prior to conducting FSTs or a chemical test. However, the officer shall allow the arrestee to consult with an attorney if requested and the attorney is present or can be readily reached by phone as long as it does not hinder the investigation. Officers shall not intentionally prevent an arrestee from communication with an attorney. Officers who are aware that an attorney is attempting to communicate with an arrestee shall inform the arrestee of that fact. Officers should document all of the above information in the related case report.

503.8.3 CHILD PROTECTIVE SERVICES

If the person arrested for an aggravated DWI violation is the parent, custodian or legal guardian of an occupant of the vehicle who is 15 years of age or younger, the officer shall contact the Office of Children and Family Services, Child Protective Services (CPS) and file an appropriate report (Vehicle and Traffic Law § 1192). Officers shall also make other such reports as required by the Child Abuse Policy.

503.9 RECORDS UNIT RESPONSIBILITIES

The arresting officer will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office and the DMV.

503.10 ADMINISTRATIVE HEARINGS

Any officer who receives notice of required attendance at a DWI refusal hearing or an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

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Traffic and Parking Tickets

504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic and parking tickets.

504.2 POLICY

It is the policy of the Utica Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic ticket, parking ticket, or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

504.3 RESPONSIBILITIES

T-SLED's and Parking tickets shall be written using RMS/TRACS.If an officer is not equipped with a computer or other circumstances exist which prevent them from using RMS/TRACS to complete a T-SLED or Parking ticket they must use a hard copy.

Any time an officer uses a hard copy of either a T-SLED or Parking ticket they shall place the remaining copies in the designated area in the patrol cage.

504.3.1 VERBAL WARNINGS

Verbal warnings may be issued when the agency member believes it is appropriate.

504.4 TRAFFIC TICKETS

504.4.1 VOIDING

Voiding a traffic ticket may occur when the ticket has not been completed or when it is completed but not issued. Any supervisor wih access to TRACS can void or delete the ticket with a valid explanation. The ticket and copies shall then be forwarded to the Records Unit.

The following must be done if the ticket has been transmitted and still needs to be voided:

1. A supervisor must review and approve all documents and the RMS entries made by the officer.
2. The officer must complete the NYS DMV Report of Lost or Voided Tickets form located in the Utica Intranet. The form must be signed by the issuing officer along with the signature of the reviewing supervisor. The form must then be forwarded to one of the following:
    - Fax: 518-473-6597
    - Email: tsleddocs@dmv.ny.gov
3. A copy of the ticket and the void form will be stapled and placed in the Utica City Court bin.
4. The defendant will be notified that the ticket was voided.
5. The officer will document the reason for the void in RMS.

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6. The original void form must be sent to Records with the RMS number referenced on the top of the page.

504.4.2 DISMISSAL

Members of this agency do not have the authority to dismiss a traffic ticket once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a traffic ticket shall be referred to the District Attorney's Office. Parking ticket dismissals will be referred to corporation counsel.

Should a member determine during a court proceeding that a traffic ticket should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the ticket. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Uniform Patrol Division Commander for review.

504.4.3 JUVENILE TICKETS

Completion of traffic ticket forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency and the type of offense should be considered before issuing a juvenile a ticket.

504.5 PARKING TICKET APPEALS

Parking tickets may be appealed in accordance with local and state law.

504.6 ELECTRONIC TICKET SYSTEM PROCEDURES

504.6.1 ELECTRONIC TICKET SYSTEMS ADMINISTRATOR

An electronic ticket system administrator should be appointed by the Chief of Police.

504.6.2 DUTIES OF THE ADMINISTRATOR

The electronic ticket system administrator is responsible for:

- Coordinating routine and periodic software updates of the ticketing software.
- Updating the system databases including, but not limited to, all violation codes in use, bail schedule and court appearance information.
- Completing routine maintenance and damage repair of devices.
- Overseeing the periodic upgrade and replacement of devices as wear and system requirements mandate.
- Monitoring data transfers from the ticketing devices to the Utica Police Department servers, to the courts of jurisdiction for the issued ticket and to any state-mandated receiver. This includes the timely transmittal of the data as per the defined schedule.
- Reviewing data on common user error and providing feedback for use at briefings.
- Analyzing data on common system errors and providing feedback to the system vendor for correction.

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504.6.3 VOIDING AN ELECTRONIC TICKET

If a member generates a ticket in error, the member will follow the software procedure for completing a voided ticket and then contact the electronic ticket system administrator, within the designated time period, for voiding the ticket in the system. When the electronic ticket system administrator receives a request for deletion, the administrator will validate the request with the member's supervisor and complete the void process.

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for agency members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Utica Police Department.

505.2 POLICY

It is the policy of the Utica Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

505.3 RESPONSIBILITIES

When an on-duty member of this agency sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the telecommunicator should be advised of the location of the disabled vehicle and the need for assistance. The telecommunicator should then assign another agency member to respond as soon as practicable.

505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by agency members will be contingent on the time of day, the location, the availability of agency resources and the vulnerability of the disabled motorist.

505.4.1 MECHANICAL REPAIRS

Agency members shall not make mechanical repairs to a disabled vehicle.

505.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this agency by pushing or pulling a vehicle is prohibited.

505.4.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The agency member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 POLICY

It is the policy of the Utica Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine whether additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Squad Commander. This shall include incidents where the information available indicates the circumstances warrant the intervention of a specialized unit and/or personnel with specialized training.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

(d) If circumstances prohibit an officer from completing a preliminary investigation, this shall be indicated in the appropriate report and a supervisor or Squad Commander shall be notified.

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(e) Any required follow-up investigation shall be assigned by the supervisor of the initial reporting officer. Felony investigations or misdemeanor crimes, at the discretion of the Chief of Police or their Designee, shall be assigned by a CID supervisor.

600.3.2 SCENE/INCIDENT PROCESSING RESPONSIBILITIES

The following scene processing actions should be carried out, depending upon the nature and seriousness of the scene/incident, by the investigating member or other assigned personnel. The assigned member will use the agency-provided equipment for:

- Scene photography.
- Scene sketch.
- The collecting, documenting, tagging, cataloging and safekeeping of evidence.
- Processing of latent fingerprint evidence (Only to be completed by trained Evidence Techs).

When collecting items of evidentiary value from a crime scene, members should adhere to the following to ensure a proper chain-of-custody record:

- Evidence should be collected and stored in the proper packaging material.
- The officer collecting the evidence shall note the time collected and their initials on the packaging material and lock that item in the trunk of the vehicle while processing the rest of the scene.
- If for any reason another member is tasked with collecting that piece of evidence already packaged, the member who initially packaged it will initial and time stamp the packaging with the time it was handed over. The member receiving the item will then initial the packaged evidence and mark the time it was received.
- The member who transports the evidence to the station is responsible for entering that item into the property tab in RMS. All items of evidence collection or transfer shall be noted in the property tab.
- All members shall include in their final narrative the times that each piece of evidence was collected or transferred.

When handling and preserving items of evidence, members will ensure that items are properly marked or labeled, including:

- Marking the evidence for later identification and ensuring it is sealed in an appropriate container using a "legal seal." When, due to the nature of the evidence it is not possible to mark the actual item for identification, officers shall place the evidence into an appropriate container, Label the container for identification, and affix a "legal seal." Officers shall be guided in the marking and packaging of evidence by the procedures established by the Crime Scene Unit.
- A description of the item along with any relevant item number and case/incident number.
- The source from which the item was obtained or seized.

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- The date, time and location where the item was obtained or seized.
- The name of the member collecting the item.

When there are multiple items of evidentiary value at a crime scene, each item will be packaged and labeled separately to avoid cross-contamination.

Refer to Policy 802.4 Property Handling for further guidance on processing and packaging items of evidentiary value.

All items of evidence will be securely stored, with their location documented in all relevant reports. Whenever an item of evidence is removed from secure storage for any reason, the member and/or evidence custodian shall ensure that the following information is documented:

- The date and time of the transfer.
- The name of the member/other receiving the evidence.
- The reason for the transfer.
- The name and location where the evidence was transferred.
- Any examinations performed.

Members processing the scene of an incident for evidence must have proper training commensurate to the special duties performed.

600.3.3 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any physical attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.3.4 CASE MANAGEMENT AND TRACKING

The Utica Police Department shall use a case management and tracking system that, at a minimum, includes:

(a) The lead investigator.

(b) The date of assignment.

(c) A schedule of supervisory review.

(d) The current case status (e.g., open, closed, suspended).

(e) The method of closure (e.g., closed by investigation, closed by arrest, other).

Once the case is reviewed by the patrol supervisor, he/she makes the decision, based on solvability factors, and/or other factors that might be present, if the case is to be assigned to an officer for further investigation.

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If the case is not going to be assigned for further investigation, the supervisor will close out the case in RMS appropriately. There will be no need for the opening of an Investigation Management entry in RMS.

If the supervisor decides that the case is going to be assigned for further investigation the supervisor will mark the incident "assigned for investigation" in RMS.

Additionally, upon deciding that a case will be assigned for investigation, a supervisor will then create an entry in RMS under the Investigation Management tab. The Investigation Management entry will be related to the RMS incident via the "Incidents" tab. This entry will be monitored by patrol supervisors to ensure that the appropriate police action is being taken by the officer assigned to the case throughout their investigation.

Case Follow-Up:

Actions Tab under Investigation Management in RMS:

This tab is designed for an officer to document investigative steps he/she took during the course of the investigation. It is there to document these actions for the purpose of later completing a thorough narrative. It is also there so other officers or a supervisor can check the status of an active case. The "Actions" tab should be utilized rather than numerous supplemental narratives in RMS. This helps to eliminate several reports and generates one comprehensive report (narrative).

Once the officer or supervisor decides it is time to close the case, the supervisor will close out the case in both: the Incident tab and RMS Investigation Management tab.

INVESTIGATOR CASE RECORDS PROCEDURES

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

During every custodial interview of an individual suspected or involved of a crime, members of the Criminal Investigation Division will provide Miranda warnings to that party. The Utica Police Department provides its members with a pre-printed, Oneida County District Attorney approved, double sided card that they can read verbatim to the subject advising of them of their Miranda rights as well as questions pertaining to their understanding of them. Once that card is read and the warnings are accepted or declined the interview may proceed or be terminated immediately.

Furthermore, each encounter and interview will be memorialized via a form of video recording unless extenuating circumstances prevent such recording.

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The offering of the warning will be documented in the officer's report as well as made part of the discovery process to the District Attorney's Office.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual shall be recorded (audio and video) in its entirety (including the administration of Miranda rights) when the interrogation takes place at any Utica Police Department facility unless (CPL § 60.45):

(a) Recording equipment is not available because it is in use or because of the location at which the interrogation takes place, such as a hospital, then a Body Worn Camera will be utilized.

(b) Recording would jeopardize the safety of any person or reveal the identity of a confidential informant.

(c) Exigent circumstances prevent the recording of the interrogation.

Interrogations, other than routine field interrogations, shall be conducted in the interview/interrogation rooms in CID. Upon completion of interrogations/appearance ticket issuance, persons to be booked shall be removed from CID as soon as possible.

Any defendant who becomes violent at any time while in the custody of members of the Department shall be immediately returned to the booking area, holding cell or the cellblock. A Subject Resistance Report shall be completed if the defendant becomes violent, even if no new charges are filed.

If any interrogation involving a qualifying felony is not recorded, the reason for not making a video-recording should be documented.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete, and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable. Timely notice of intent to use any statement must be made to the defendant who has been arraigned (CPL § 710.30).

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

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1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.6.1 NOTICE TO PROSECUTION OF ELECTRONIC RECORDINGS

The lead investigator should promptly notify the prosecutor’s office, in writing, when there is a reasonable belief that an electronic recording of a 9-1-1 call, dispatch recording, Mobile Audio/Video (MAV), body-worn video, or other audio or video recording was made or received in connection with a criminal investigation (CPL § 245.55). The notification should be retained in the case file.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this agency. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using agency equipment.

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Information obtained via the internet should not be archived or stored in any manner other than agency-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any agency computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered. If possible, screen shots should be secured of the evidence.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 IDENTITY THEFT

A report should be taken any time a person living within the jurisdiction of the Utica Police Department reports that he/she has been a victim of identity theft. This includes:

(a) Taking a report, even if the location of the crime is outside the jurisdiction of this agency or has not been determined.

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Agency members should encourage the individual to review the material and should assist with any questions.

A report should also be taken if a person living outside agency jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Utica to facilitate the crime) (CPL § 20.40; CPL § 20.50).

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A member investigating a case of identity theft should ensure that the case is referred to the appropriate agency if it is determined that this agency should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for agency use and are specific to this type of investigation.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 SHIELD LAW PROTECTIONS

The Shield Law prohibits New York law enforcement from cooperating with an out-of-state investigation regarding reproductive or gender-affirming health care if the care was lawfully provided in New York. Members who receive a warrant originating outside of New York related to health care protected under The Shield Law should forward it to a supervisor (Executive Law § 837-x).

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims (Executive Law § 838-a).

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Article 130 of the Penal Law.

601.2 POLICY

It is the policy of the Utica Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations (Executive Law § 838-a).

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates, and support for the victim.

(f) Participate in or coordinate with other multidisciplinary investigative teams as applicable.

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Oneida County 9-1-1 Center, should be the health and safety of the victim, the preservation of

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evidence and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Interviews of juvenile victims should be conducted at the Oneida County Child Advocacy Center (Executive Law § 642-a).

All victims of sex offenses and/or incest should be interviewed in a private setting that provides for sight and sound separation from outside of the room. Only those persons relevant to the investigation should be allowed in the room, as provided by law (Executive Law § 642(2-a)).

No opinion of whether the case is unfounded should be included in a report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; CPL § 160.45).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.5.1 SEXUAL ASSAULT VICTIM'S RIGHTS

Prior to the initial victim interview, or at the time a sexual offense evidence kit is collected, whichever is sooner, officers shall (Public Health Law § 2805-i; Executive Law § 838-a):

(a) Provide the victim with a copy of the victim's bill of rights handout created by the Department of Health;

(b) Offer to explain those rights or provide reasonable assistance to the victim with understanding the rights;

(c) If a sexual offense evidence kit is collected, provide contact information for the crime victim liaison and the qualified investigator (if one has been assigned), to whom the victim could inquire about the status of testing.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

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Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence shall submit all sexual offense evidence kits to an appropriate forensic laboratory for testing within 10 days of receipt (Executive Law § 838-a).

601.6.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

The Utica Police Department may temporarily delay the release of DNA match information that has been requested by a victim upon consultation with the prosecutor's office if all of the following circumstances are met (Public Health Law § 2805-i):

(a) The information would be released prior to the arrest of a suspect.

(b) The member documents the reason releasing information would compromise the investigation in a report.

(c) The member provides written notification to the victim that releasing the information may compromise the investigation.

601.6.3 REPORTING REQUIREMENTS

A Criminal Investigations Division supervisor shall ensure that a quarterly report is submitted to the Division of Criminal Justice Services containing the number of (Executive Law § 838-a):

(a) Sexual offense kits received.

(b) Sexual offense kits submitted for testing and how much time it took to submit each kit.

(c) Sexual offense kits in the agency's possession that have not been submitted for testing.

601.6.4 RETRIEVAL OF BIOLOGICAL EVIDENCE FROM HOSPITALS

Biological evidence collected during sexual assault investigations shall be retrieved from the hospital collecting such evidence no later than 10 days after being notified that the evidence is available for release, as required by law (Public Health Law § 2805-i).

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601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of a Criminal Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires a Criminal Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads or in safeguarding the public through the urging of preventive measures. A Criminal Investigations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.9 TRAINING

Subject to available resources, periodic training will be provided to:

(a) Members who are first responders. This includes, but is not limited to:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.
5. Training on crimes involving sexual assault as required by the Municipal Police Training Council (Executive Law § 840)

(b) Qualified investigators, who should receive advanced training on additional topics. This includes, but is not limited to:

1. Interviewing sexual assault victims.
2. Multidisciplinary response team.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (VICAP).
6. Techniques for communicating with victims to minimize trauma.

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Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The agency member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Agency and the District Attorney's Office.

Property subject to forfeiture - Property subject to forfeiture may include the proceeds or an instrumentality of a felony offense that has resulted in a conviction (CPLR § 1310; Penal Law § 480.05)

Seizure - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Utica Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person’s due process rights.

It is the policy of the Utica Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

Property subject to forfeiture may be seized by court order or when it could otherwise be legally seized as evidence of an offense.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure of property subject to forfeiture is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure as evidence.

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602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized.

(b) Forward the original seizure forms and related reports to the District Attorney's Office as soon as practical.

The officer will book seized property as evidence with the notation in the comment section of the property module, “safekeeping.” Property seized subject to forfeiture should receive its own property number.

602.5 FORFEITURE REVIEWER

The SID Supervisor will act as a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Agency on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly the forfeiture laws of CPLR § 1310 et seq. and Penal Law § 480.00 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Agency and the District Attorney's Office and ensuring prompt legal review of all seizures.

(c) Serving as claiming agent under the forfeiture laws of CPLR § 1310 et seq.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that seizure forms are available and appropriate for agency use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(f) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be

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developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Written Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(g) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is turned over to the District Attorney's Office for disbursement.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(h) Ensuring that the process of selling or adding forfeited property to Agency inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.

(i) Upon completion of any forfeiture process, ensuring that no property is retained by the Utica Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures (CPLR § 1349; General Municipal Law § 6-v).

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

602.6 DISPOSITION OF FORFEITED PROPERTY

No member of this agency may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No agency member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction or request of, or by agreement with, the Utica Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Utica Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty).

Agent of the Police - A non-law enforcement person who actively participates in various police operations i.e., controlled buys, underage tobacco/alcohol sales stings, etc.

603.2 POLICY

The Utica Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of the Utica Police Department to limit the use of informants to cases of criminal conduct or conduct that is a threat to the community and to insure the anonymity and confidentiality of informants.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from their supervisor. The officer shall compile sufficient information by researching police records and through personal experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility. Officers shall also consider the following:

1. Risks involved in utilizing an informant.
2. Nature or seriousness of the crime.
3. Ability of the police to control the informant.
4. Potential value of information

Members of this agency should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of juveniles as an agent of the police or an informant must first have the CI-1 form signed by a parent or legal guardian, as well as a supervisor.

603.3.3 INFORMANT IDENTITY

All informants will be treated as confidential sources and disclosure of true identity will be avoided whenever possible. There needs to be a complete understanding between the Investigator and

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the Assistant District Attorney prior to any judicial proceeding as to the question of disclosing an informant's identity, which would allow prosecution without disclosure.

It is obvious that the disclosure of an informant's identity would jeopardize our ability to obtain and use future confidential sources. Utmost consideration must be given to the personal safety of the confidential informant. It may be necessary to have a case dismissed rather than divulge a source's true identity. The decision to disclose the informant's identity will be made by the Investigator in consultation with the CID Commander and the prosecuting attorney.

603.3.4 CONTROLLED BUYS

Informants acting as agents of the police shall be searched for contraband prior to and at the completion of any controlled buy. This situation requires the physical presence of two Investigators, one of whom is of the same sex as the source.

603.4 USE OF PAID INFORMANTS

The Utica Police Department maintains a fund to pay sources of information (Informants). The funds will be maintained by the Criminal Investigations Division Commander or his designee in a locked safe accessible to only the CID Commander or his designee.

USE OF PAID INFORMANTS

CI-1 Form

CI-2 Form

CI-3 Form

603.4.1 PAYMENT

Informants paid in excess of six hundred dollars ($600) or more during the calendar tax year (beginning January 1st and ending December 31st) will be required to fill out IRS form **W-9- Request for Taxpayer Identification Number and Certification** and return same to the City of Utica Office of the Comptroller. The informant will later receive the appropriate IRS form 1099 outlining income received during the specified calendar tax year.

IRS W-9 Letter

W-9

603.5 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Special Investigations Unit supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) The use of violence by the informant shall not be condoned.

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(c) Unlawful techniques cannot be used to gain information.

(d) Informants must not self-initiate plans to commit crimes nor solicit persons to act in an illegal manner.

(e) Informants shall be told they are not acting as police officers, employees or agents of the Utica Police Department, and that they shall not represent themselves as such.

(f) The relationship between agency members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(g) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Special Investigations Unit supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.
2. Officers should not meet with informants of the opposite gender unless accompanied by an officer of the same gender as the informant, unless otherwise approved by the Special Investigations Unit supervisor.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.5.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Agency and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

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(d) The informant appears to be using his/her affiliation with this agency to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.6 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of agency members or the reliability of the informant.

Officers will document all contacts with informants including notations of date, time, location, who was present etc. Informant files shall be maintained in a secure area within the Special Investigations Unit. The Special Investigations Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Special Investigations Unit supervisor or their authorized designees.

The Criminal Investigations Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Special Investigations Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.6.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

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(h) Places frequented

(i) Name of the officer initiating use of the informant

(j) Update on active or inactive status of informant

603.6.2 RECORD RETENTION AND PURGING

Informant files will be kept for a minimum of six (6) years. Informant files kept in excess of six years will be evaluated for activity and efficacy by the Special Investigation Unit supervisor on a yearly basis. The files of inactive informants will be purged from the file system with approval of the Criminal Investigation Division Commander or his designee.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this agency employ eyewitness identification techniques.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification/Show Up - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Utica Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Division supervisor with consultation from the Oneida County District Attorney's Office based on best practice standards shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

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(d) If applicable, the names of all individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

UPD Photo Array Form

604.4.1 STATE PROTOCOL
The Criminal Investigations Division supervisor should confirm that the process and forms used for eyewitness identifications comply with the protocols established by the Division of Criminal Justice (Executive Law § 837).

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (CPL § 60.25; CPL § 60.30; Family Court Act § 343.3; Family Court Act § 343.4). Techniques to achieve

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this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

604.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

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(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow-up, if necessary.

604.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

A 710.30 notice for identification must also be completed and submitted with all other pertinent discovery materials, or within 15 days after arraignment and before trial. This notification of identification can be found in the Utica Intranet.

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Brady Information

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* Information** - Information known or possessed by the Utica Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Utica Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Utica Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Agency will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. Immediately upon the filing of any accusatory instrument or the commencement of any criminal action, the officer assigned the incident will notify the District Attorney's office by creating and sharing a case file within evidence.com in order to file all discoverable materials. The officer will as soon as practicable create a case file in evidence.com which contains at minimum, the Case ID, Description, Incident Report and/or Booking Report. The officer will then share the created case file with the Oneida County District Attorney's office by following the procedures outlined in \\updfs1\upd_files\AXON. It is the responsibility of the officer to provide the District Attorney's Office with all discovery materials in their possession within 7 days of the filing of the accusatory instrument or commencement of the criminal action. All known discovery materials must be added to the case file in evidence.com within the above referenced 7 day time frame.A thirty day exception exists if materials are voluminous or not in the actual possession of the People. A written notification must be sent to the defendant by the prosecution. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

When making a warrant arrest and submitting all applicable discovery documentation, the arresting officer must reference the original RMS number that the warrant was issued upon. In

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addition, any new discovery created during the warrant arrest should be added to the original Axon case file and the Axon share should be updated.

If information is believed to be privileged or confidential (e.g., informant, attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo or email to an appropriate prosecutor. A copy of the memo or email should be retained in the agency case file.

605.4 BRADY PROCESS

The Chief of Police shall direct the Office of Professional Standards to coordinate requests for *Brady* information.

The responsibilities of the coordinator, the Office of Professional Standards, include but are not limited to:

(a) Working with the appropriate prosecutors' offices and the Corporation Counsel's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.

1. Updating this list whenever potential *Brady* information concerning any agency member becomes known to the Agency or is placed into a personnel or internal affairs file.

605.5 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply (CPL § 245.20):

(a) The coordinator should notify the prosecuting attorney and agency member whose file contains the potential *Brady* information.

(b) The coordinator should seek appropriate counsel to review the file and determine whether any further court review would be appropriate before sensitive, confidential, or immaterial information within the file is released.

(a) The Office of Professional Standards shall accompany all relevant personnel files during any court hearing and address any issues or questions raised by the court in determining whether any information contained in the files is discoverable to the criminal defendant (CPL § 245.70).

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(b) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

(c) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the coordinator should notify the prosecutor of that fact in all future cases involving that member.

(d) If no court review is requested or pending, the coordinator should work with the appropriate counsel to determine which records should be disclosed to the prosecutor.

605.6 INVESTIGATING BRADY ISSUES

If the Agency receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.7 TRAINING

Agency personnel should receive periodic training on the requirements of this policy.

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Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY

A UAS may be utilized to enhance the agency's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Crime Scene Unit supervisor will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for agency operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and agency-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

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Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this agency. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Utica Police Department to balance the safety needs of the public, the safety of agency members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 SWAT COMMANDER

The SWAT Commander (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form for an operation that was deemed to possibly a high risk operation and submit it, along with the warrant affidavit, to the appropriate supervisor for classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the SWAT Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the SWAT Commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution (CPL § 690.35).

1. No-knock warrant applications shall be consistent with the requirements of state law (CPL § 690.35).

(b) A clear explanation of the affiant's training, experience, and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

(i) If an "all persons present" endorsement is requested, the affidavit shall describe the type of premises (e.g., private or public access), the anticipated number and behavior of the persons expected at the time of warrant execution, and whether persons with no connection to the suspected activity may be present (CPL § 690.15).

607.7 HIGH-RISK WARRANT SERVICE

The SWAT Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

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(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

Search and Seizure Receipt

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The SWAT Commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the SWAT Commander. The SWAT Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The SWAT Commander should ensure that members of the Utica Police Department are utilized appropriately. Any concerns regarding the requested use of Utica Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the SWAT Commander is unavailable, the Duty Commander should assume this role.

If officers intend to serve a warrant outside Utica Police Department jurisdiction, the SWAT Commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Utica Police Department when assisting outside agencies or serving a warrant outside Utica Police Department jurisdiction.

607.11 ORDER TO PRODUCE POLICY

A New York State order to produce (OTP) is a court order that instructs a jail or law enforcement agency to bring an inmate to court at a specific time and date. It can be used for a case where the inmate is already in custody or for a case they are not currently booked on. Criminal Procedure Law (CPL) § 560.10 covers orders to produce defendants confined in institutions within the state.

ORDER TO PRODUCE

607.12 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.13 TRAINING

The Training Director should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.14 DUE DILIGENCE

Officers and Warrants Unit personnel should exercise due diligence in serving a warrant. This includes making timely and reasonable efforts to locate a suspect (e.g., conducting neighborhood checks, examining previous criminal or field contact records) and attempt service. If contact is not

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initially successful, officers should continue to undertake reasonable efforts to locate the suspect and conduct reasonable additional attempts of service at varying times and days.

The date, time, and circumstances of each attempt to locate the suspect and/or serve the warrant shall be documented.

607.15 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

607.16 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

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Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Utica Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 SWAT COMMANDER

The SWAT Commander will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Team Commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Commander will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

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(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

(i) If the operation is for a long term or ongoing investigation, the lead investigator will enter the address of where the warrant is to be served into the Secure Automated Fast Event Tracking Network (SAFETNet), a statewide deconfliction mapping application.

Warrant Service Risk Assessment Matrix

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the SWAT Commander.

The supervisor and SWAT Commander shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the SWAT Commander, after consultation with the involved supervisor, determines that the operation is high risk, the SWAT Commander should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

  (a) Metro Special Weapons and Tactics Team (Metro SWAT)

  (b) Additional personnel

  (c) Outside agency assistance

  (d) Special equipment

  (e) Medical personnel

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(f) Persons trained in negotiation

(g) Additional surveillance

(h) Canines

(i) Property Unit or analytical personnel to assist with cataloguing seizures

(j) Forensic specialists

(k) Specialized mapping for larger or complex locations

(b) Contact the appropriate agency members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The lead investigator, if applicable, shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The SWAT Commander should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present,

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information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing and approving reports, including After Action Reports.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

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(b) All participants should be provided a copy of the operations plan and search warrant, if applicable.

(c) The SWAT Commander shall ensure that all participants are visually identifiable as law enforcement officers.

    (a) Exceptions may be made by the SWAT Commander for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

    (a) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 METRO SWAT PARTICIPATION

If the SWAT Commander determines that Metro SWAT participation is appropriate, he/she shall develop a written plan. The Metro SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the Metro SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many applicable participants as possible.

608.11 TRAINING

The Training Director should ensure officers who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Aids for Detecting Deception

609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide sworn officers and investigators with guidelines for the use of polygraph and voice stress analysis examinations.

609.2 POLICY

It is the policy of the Utica Police Department to utilize polygraph and/or voice stress analysis examinations, when appropriate, to detect deception in the course of background, criminal and professional standards investigations. Members of this agency recognize that the polygraph and voice stress analysis examinations are investigative tools to be utilized as a supplement to a thorough investigation. They shall not be utilized as a substitute for a complete and thorough investigation or proper interview.

609.3 DEFINITIONS

Computer Voice Stress Analyzer (CVSA): A psychological stress evaluator that detects, measures and charts the stress in a person's voice by live or tape analysis following preformatted questions.

Overt Interviews Live: Interviews by the CVSA examiner with the examinee. These interviews are conducted with the examinee's prior knowledge and permission that certain questions may be recorded live and captured by tape. An overt examination shall cease immediately if requested by the subject.

Overt Interview Audio: An audiotape analysis by the CVSA examiner is performed where investigators have obtained voluntary interviews from a person. The interviews are designed to capture a yes or no response to preformatted questions. The CVSA examiner will then analyze this taped interview.

Cold Call: An examination by another CVSA operator (who is unfamiliar with the case) who is asked to evaluate the results of the examination based strictly on the assessment of the charts that were generated from the initial examination.

Polygraph: A machine designed to detect and record changes in physiological characteristics, such as a person's pulse and breathing rates, used especially as a lie detector.

609.4 CVSA EXAMINATION

Examinations will only be conducted and interpreted by trained qualified examiners. Examinations may be used in conjunction with an investigation by this agency or in response to a request of another Law Enforcement agency.

Requests for voice stress examinations shall be directed through the chain of command to the Criminal Investigations Division Commander, or designee, for approval and scheduling. Voice stress examinations may be requested when all known investigative leads have failed to eliminate

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suspicion of individuals among logical suspects, or when a statement by a suspect or victim contradicts all or most of the evidence.

Call back of an examiner may be authorized by the Chief, Deputy Chief, or the Commanding officer of the Criminal Investigation Division.

609.5 REQUESTING MEMBER'S RESPONSIBILITIES

Any member requesting the assistance of a qualified CVSA operator will either complete an investigation prior to an examination being scheduled, or consult with the examiner during the course of the investigation. Members are responsible for providing the examiner with all pertinent information concerning the case and for reviewing, clarifying or elaborating on that information as the examiner may deem necessary. This includes but is not limited to the following:

- Information that supports the use of an examination
- Background information on the subject to be examined
- Any statements made by the subject, complainant, or witnesses to include alibis

609.6 EXAMINER'S RESPONSIBILITIES

Certifications shall be kept current and proficiency in the use of equipment and examination procedures will be maintained.

No individual, other than the examiner and the examinee will be present inside the examination room during the course of an examination. **NOTE: The only exception to this would be in an extreme situation in which an interpreter is used.**

All charts, examination reports, consent forms, audio or videotapes will be kept in a secured location, only accessible by the examiners and retained according to the current New York State Records Retention and Disposition Schedule.

Requests made for a CSVA examination by an outside agency conducting a criminal Investigation must be authorized by the Commanding officer of the Criminal Investigative Division or his designee, prior to an exam being conducted. Requests for examinations based on employee related investigations from an outside agency will not be authorized.

If a criminal action has commenced (arrest or Grand Jury), requests for a voice stress examination must be approved by the Commander of the Criminal Investigative Division and the District Attorney's office.

EXAMINER'S PROCEDURES, REQUIREMENTS AND RESPONSIBILITIES

609.7 POLYGRAPH EXAMINATIONS

All polygraph testing for the Utica Police Department will be outsourced and used for hiring purposes for potential candidates or for the use of an internal investigation. If the Chief of Police or his designee require a polygraph be done for an internal investigation, the results of the polygraph shall not be the sole basis for the disciplinary action against a member.

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Aids for Detecting Deception

The Chief of Police or his designee may also request that civilians making allegations against a member of the department submit to a polygraph/CVSA examination. The purpose of such examination shall be to determine if the person is being deceitful or concealing information relevant to the investigation.

The Utica Police Department does not own a polygraph machine therefore, any qualified member of this agency wishing to use another entity's polygraph machine will forward a request through their chain of command to the Chief of Police. This request will be reviewed and forwarded to the designated agency/entity for consideration.

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Forensic Genetic Genealogy

610.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

610.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

610.2 POLICY

The Utica Police Department's use of FGG will be in coordination with prosecutors, the Medical Examiner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the

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integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

610.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

(a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:

1. The perpetrator of an unsolved violent felony.
2. The unidentified human remains of a suspected homicide victim.

(b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).

(c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

610.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Medical Examiner.

610.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Agency in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Agency.

610.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

(a) Eliminate an individual as a potential suspect in the case.

(b) Link an individual to the case as a potential suspect.

(c) Identify human remains.

610.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

610.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

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(a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

(b) If applicable, consult with the Medical Examiner for an amendment to a certificate of death.

610.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for agency records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Agency.

610.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the property clerk and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property Unit Policy for guidelines regarding biological evidence, including DNA samples.

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Facial Recognition Technology Use

611.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by an officer to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software

611.1.1 DEFINITIONS

Definitions related to this policy include:

Facial recognition technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Probe image - A search image submitted to FRT for comparison with images contained within an image database.

611.2 POLICY

It is the policy of the Utica Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

611.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Agency.

611.4 FRT COORDINATOR

The Criminal Investigations Division Commander shall serve as the Department's Facial Recognition Technology (FRT) Coordinator and act as the primary liaison with the Mohawk Valley Crime Analysis Center (MVCAC) to ensure compliance with all applicable federal, state, and local laws, regulations, policies, and recognized best practices governing the use of Facial Recognition Technology.

The Utica Police Department does not own, operate, or maintain any facial recognition software. Accordingly, the Department shall adhere to all established policies, procedures, and guidelines set forth by MVCAC when requesting or utilizing FRT services. All FRT requests shall be submitted through MVCAC in accordance with its governing standards.

611.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

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(a) Unknown suspects where attempts at identification through other means have been exhausted or ineffective

(b) Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material)

(c) Deceased individuals

(d) Individuals who are incapacitated or do not know their identities

(e) Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided)

(f) Suspects in unsolved crimes

(g) Missing or endangered persons

(h) Unknown individuals pursuant to any other legitimate law enforcement purpose

611.6 ACCESS TO FRT

Request for the use of FRT will be made though the MVCAC.

The request should, at a minimum, include the following:

(a) The nature of the investigation

(b) The reason an officer believes that FRT use is necessary

(c) An explanation of how FRT may assist with the development of investigative leads

(d) A case identification number

611.7 FRT SEARCHES

An officer may submit a probe image for comparison with images available within the agency FRT image database consistent with agency procedures.

FRT searches shall only be conducted using lawfully obtained probe images.

Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by an officer trained in FRT.

611.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

611.7.2 FRT SEARCH DOCUMENTATION

The investigating officer shall document all FRT searches in the appropriate agency report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

(a) The requesting officer's name and position.

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(b) Confirmation that the search was pre-approved pursuant to agency procedures.

(c) The purpose of the search.

(d) The search parameters, if any.

(e) The date and time of the search.

(f) A list of any image databases searched.

(g) The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.

(h) The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

611.8 PRIVACY CONSIDERATIONS

The Agency shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the officer shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

611.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

(a) For the arrest of individuals based solely on FRT results.

(b) For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.

(c) For any non-law enforcement purpose.

(d) As the sole basis for identification to establish probable cause in a criminal investigation.

(e) To harass or intimidate any individual or group.

(f) In any other manner that would violate applicable law, regulation, or policy.

No officer shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

611.10 RELEASE OF FRT DATA

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

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611.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

611.12 TRAINING

Officers whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following:

(a) Capabilities and limitations of FRT

(b) FRT system functions and interpretation of results

(c) Data security and privacy concerns

(d) Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests)

(e) Digital media handling and protections

(f) Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching)

(g) Principles of comparison

(h) Cognitive bias, confirmation bias, implicit bias, and automation bias

(i) Applicable policy, procedure, and federal and state law requirements

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Chapter 7 - Equipment

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Agency-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of agency-owned property and the role of the Agency when personal property, the property of another person or agency-owned property is damaged or lost.

700.2 POLICY

Members of the Utica Police Department shall properly care for agency property assigned or entrusted to them. Agency-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

700.3 AGENCY-ISSUED PROPERTY

The Chief of Police shall approve all authorized agency property and may delegate responsibility for the issuance, management and accountability for agency property to the respective Division Commander.

All property and equipment issued by the Agency shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Agency, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor or a member of the Logistics and Resources Unit.

700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use and replacement of agency property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of agency property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any agency-issued property or equipment.

1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
2. A review by command staff should determine whether additional action is appropriate.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

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(c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, agency property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Agency property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or appropriate Division Commander. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Agency will not replace or repair personal items (e.g., jewelry, expensive watches, exotic equipment, cell phones, etc.) that are lost or damaged while on-duty.

700.5 DAMAGE TO PROPERTY OF ANOTHER PERSON

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person while performing any law enforcement function shall promptly report the damage through his/her chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Utica or of another person while performing their duties within the jurisdiction of this agency. It shall be the responsibility of the agency member present or the member responsible for the property to report the damage as follows:

(a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Agency or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2 POLICY

The Utica Police Department allows members to utilize agency-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Agency and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through agency PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for agency-related business or when the use reasonably implicates work-related misconduct.

701.4 AGENCY-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Agency may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Agency-issued or funded PCDs may not be used for personal business either on- or off-duty unless

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authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Agency and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Agency accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any agency business-related communication.

(e) The device shall not be utilized to record or disclose any agency business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Agency, without the express authorization of the Chief of Police or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Agency with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Utica Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct agency business:

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(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official agency business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official agency business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

701.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other agency communications network.

701.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD (Vehicle and Traffic Law § 1225-c; Vehicle and Traffic Law § 1225-d).

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Personal Communication Devices

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that agency vehicles are appropriately maintained.

702.2 POLICY

The Utica Police Department will service agency vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining agency vehicles so that they are properly equipped, properly maintained by identifying and reporting any deficiencies, properly refueled and present a clean appearance.

702.4 DEFECTIVE VEHICLES

When a member determines that a police vehicle requires a mechanical repair or adjustment, the member shall complete a Fleet Maintenance Vehicle Repair Request form which is located on the Intranet. The officer shall then notify a supervisor when a vehicle has been removed from service.

Documents describing the correction of the safety issue shall be promptly filed with the vehicle history.

702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the agency armory prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all agency vehicles.

702.5.1 PATROL VEHICLES

Officers will ensure that the following equipment, at a minimum, is in the vehicle:

- Hazard flares (at least ten)
- At least five paper and five plastic evidence bags

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- Six sharps containers
- At least ten pairs of latex gloves
- Two bottles of hand sanitizer
- One grab-it tool
- Two biohazard protection kits
- Two white evidence marking chalk
- Police Line tape
- Fire extinguisher
- One gas card
- One shotgun
- Ten rounds of segmenting shotgun slugs.
- One "Go Bag" containing equipment for the sole purpose of engaging active shooter situations. Each bag contains:
    - 2 chest seals
    - 1 SWAT T Tourniquet
    - 1 Soft T tourniquet
    - 2 loaded pistol magazines
    - 10 12GA shotgun rounds
    - 2 flexible handcuffs
- Chest plates
- Helmet

Upon completing the check a vehicle inspection form shall be completed.

Whenever the inventory of emergency equipment in patrol vehicles is found deficient at inspection, or is used during th course of duty, the officer assigned to that unit must replenish the equipment. A supervisor will be notified if the needed replacement equipment is unavailable.

702.6 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than one-quarter tank of fuel. Patrol vehicles should not be retired at the end of shift with less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.7 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Agency.

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Vehicle Maintenance

Patrol officers shall obtain clearance from a supervisor before going to the car wash. Only one patrol vehicle should be at the car wash at a time unless otherwise approved by a supervisor.

Members using a vehicle shall remove any trash or debris at the end of their shifts.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure agency vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of agency vehicles and shall not be construed to create or imply any contractual obligation by the City of Utica to provide assigned take-home vehicles.

703.2 POLICY

The Utica Police Department provides vehicles for agency-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Agency, requirements for tactical deployments and other considerations. Vehicles assigned to general patrol duties will be equipped with emergency lighting and be conspicuously marked with the agency name.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Squad Commander shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members requiring a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall request a vehicle from the Squad Commander. If it is for an extended training or other engagement the travel car will be utilized and coordinated through the LRU.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this agency should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All agency vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 AXON CAR CAMERA/ALPR (AXON FLEET 3 SYSTEM)

Members assigned to vehicles equipped with the Axon Fleet 3 System will log onto the Axon Fleet Dashboard using the members evidence.com credentials prior to starting their tour. The Axon Fleet Dashboard shall remain active through that members entire shift. If two officers have been assigned to a vehicle equipped with the Axon Fleet 3 System, both officers will log onto to the Axon Fleet Dashboard.

The Axon Car Fleet 3 System is not an alternative to the use of the Axon BWC. All policies and procedures regarding the AXON BWC must still be adhered to.

The Axon Fleet 3 System also acts as an Automated License Plate Reader which will automatically activate once logged into the Axon Fleet Dashboard. All policies and procedures outlined in the Automated License Plate Reader policy must be adhered to.

The Axon Fleet 3 System is equipped with a rear camera to monitor subjects in the back seat. During the course of a prisoner transport or a "courtesy ride", the rear camera must be recording throughout the duration of the transport.

Any malfunctions with any of the equipment associated with the Axon Fleet 3 System will be reported by filling out an MIS Service Request located in the Utica Intranet.

703.3.6 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Oneida County 9-1-1 Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.7 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

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Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that system is not functioning properly at any time during the shift he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.8 KEYS

Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.9 AUTHORIZED PASSENGERS

Members operating agency vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

703.3.10 ALCOHOL

Members who have consumed alcohol are prohibited from operating any agency vehicle. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.11 PARKING

Except when responding to an emergency or when urgent agency-related business requires otherwise, members driving agency vehicles should obey all parking regulations at all times.

Spare agency vehicles should be parked in assigned locations. Members shall not park privately owned vehicles in locations assigned to agency vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.12 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.13 CIVILIAN MEMBER USE

Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Agency vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other agency members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where agency vehicles must be used by members to commute to and from a work assignment. Members may take home agency vehicles only with prior approval from their respective Division Commander and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the agency.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Utica City limits.

(d) Off-street parking will be available at the member's residence.

(e) The vehicle will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status.

Agency members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

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(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
3. When the member has received permission from the Chief of Police or Division Commanders.
4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All agency identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate agency facility, at the discretion of the Agency, when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Agency shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Agency.

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(i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Utica Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions, Law Enforcement Authority for Police Officers and Law Enforcement Authority for Peace Officers policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed and appropriately attired and shall carry their agency-issued identification. Officers should also ensure that agency radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Agency. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the agency supervisor in charge of vehicle maintenance.

(d) The Agency shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair request explaining the service or repair.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Squad Commander on the shift assignment roster.

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703.6 SPECIAL PURPOSE VEHICLES

The Support Division Commander or the authorized designee shall ensure that procedures are established governing the use of all special purpose vehicles. Special purpose vehicles may include, but are not limited to, vehicles used for:

- Metro Special Weapons and Tactics Team
- Mobile Command
- All terrain or off-road access (UTV)

The procedures document should minimally include, for each vehicle:

- The purpose of use
- Who may authorize use
- Operation instructions
- Conditions for use
- Limitations on use
- Operator qualification and training
- A list of authorized operators
- Who is responsible for the condition and maintenance
- An inventory of equipment required
- Operational readiness inspection intervals

Procedures for special purpose vehicles are as follows:

MOTORCYCLES

PRISONER TRANSPORT VEHICLE

CRIME SCENE UNIT TRUCK

CANINE PATROL

SWAT VAN

ANIMAL CONTROL / PARKING ENFORCEMENT VEHICLES

MOBILE COMMAND CENTER (MCC)

ARMADILLO

UTILITY TERRAIN VEHICLE (UTV)

BEARCAT

MOBILE SUPPORT BUS

SWAT TRUCK

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A list of authorized operators of each special purpose vehicle and an equipment list of items in each, will be kept by the agencies Program Manager. The Program Manager will coordinate with the supervisor responsible for each vehicle annually to update the lists.

703.7 DAMAGE, ABUSE AND MISUSE

When any agency vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any agency vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered and documented in memorandum format, which shall be forwarded to the Squad Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating agency vehicles on a toll road shall adhere to the following:

(a) Members operating agency vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit for reimbursement from the City for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

703.9 ATTIRE AND APPEARANCE

When operating any agency vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Agency.

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Cash Handling, Security and Fiscal Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines for the overall fiscal management of the Agency and to ensure agency members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property Unit and Informants policies.

704.2 POLICY

It is the policy of the Utica Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of agency operations and ensure the public trust.

704.3 FISCAL MANAGEMENT

704.3.1 SUPPORT DIVISION COMMANDER RESPONSIBILITIES

The Support Division Commander is responsible for directing the position or person responsible for managing fiscal issues for the agency, hereafter referred to as the budgets and grants officer, including managing the agency budget; overseeing revenues, disbursements and balances of accounts; and conducting and/or directing regular and unscheduled audits.

704.3.2 FISCAL MANAGEMENT SYSTEM

The agency's fiscal management system tracks all budget lines for all accounts and finances of the agency, including confidential funds. The fiscal manager will ensure that the following reports are prepared on a quarterly basis in order to provide the Chief of Police with the fiscal status of the agency at any time:

(a) Initial appropriations for accounts and programs

(b) Balances at the beginning of each period

(c) Expenditures and encumbrances during the period

(d) Unencumbered balances

704.4 PETTY CASH FUNDS

The Support Division Commander will serve as the fund manager responsible for maintaining and managing petty cash funds.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

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704.5 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Transactions should include the filing of an appropriate receipt or invoice and will be accompanied by a narrative, explaining the reason for the expenditure.

704.6 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties (e.g., Records Unit, property clerks, the Special Investigations Unit supervisor, those who accept payment for agency services) will discharge those duties in accordance with the procedures established for those tasks (see the Property Unit, Records Unit and Informants policies).

704.7 OTHER CASH HANDLING

Members who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property Unit Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

704.8 AUDITS

The fiscal manager shall ensure that an annual independent audit is conducted of the accounts and finances of the Agency by Professional Standards. All agency funds shall be open for inspection and audit by auditors at any time. Members of the Agency shall cooperate fully and provide assistance in support of any audit.

Audits shall include a review of procedures in place to manage the funds.

704.8.1 PETTY CASH AUDITS

Each member overseeing a petty cash fund shall perform an annual audit. This audit requires that the fund manager and at least one member of the Professional Standards Unit, review the transaction ledger and verify the accuracy of the accounting. The member overseeing the petty cash fund and the participating member shall sign or otherwise validate the ledger, attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the fiscal manager and the Chief of Police.

Transference of fund management to another member shall require completion of a separate petty cash audit and involve a command staff member.

704.9 INVENTORY CONTROL OF PROPERTY, EQUIPMENT AND OTHER ASSETS

Members overseeing a fiscal responsibility for the acquisition, management or distribution of any capital or major items of equipment; the issue of any equipment and supplies; or the assignment

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of control numbers and proper markings are responsible for compliance with inventory control procedures. Such members are also responsible for ensuring:

(a) Required inventory verification in compliance with a process authorized by the fiscal manager.

(b) Appropriate documentation in compliance with a process authorized by the fiscal manager and inclusion in inventory of items purchased or obtained for use by the Agency.

(c) Appropriate documentation and deletion from inventory of items properly authorized for disposal by the Corporation Counsel.

(d) Reporting and disposition of damaged, excess and surplus property in compliance with a process authorized by the fiscal manager.

(e) Maintenance of complete records for all agency property, equipment and other assets.

704.10 PURCHASING

All purchasing of agency supplies and equipment will be in compliance with the City purchasing manual and in compliance with a process authorized by the fiscal manager.

Small-item or emergency purchases or rental of equipment during periods when normal purchasing procedures cannot be followed will be in compliance with a process authorized by the fiscal manager.

All purchases for the City made by an employee will require submission of a receipt and appropriate documentation necessary for reimbursement and will be in compliance with a process authorized by the fiscal manager.

704.11 PROPERTY DISPOSAL

The fiscal manager is responsible for prompt deposit of revenue to the Comptroller's Office anytime the disposal of property generates income (i.e. scrap metal disposal).

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Agency as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Utica Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 12 NYCRR § 800.3, Labor Law § 27-a and 29 CFR 1910.95.

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 12 NYCRR § 800.3, Labor Law § 27-a and 29 CFR 1910.95.

705.6 HEAD AND BODY PROTECTION

Members who control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided.

705.7 RESPIRATORY PROTECTION

The Support Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; 12 NYCRR § 800.3; Labor Law § 27-a):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; 12 NYCRR § 800.3; Labor Law § 27-a):

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(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; 12 NYCRR § 800.3; Labor Law § 27-a).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

705.7.3 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; 12 NYCRR § 800.3; Labor Law § 27-a).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; 12 NYCRR § 800.3; Labor Law § 27-a):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.4 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; 12 NYCRR § 800.3; Labor Law § 27-a):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

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(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Swat Commanderis responsible for securing records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

    (a) These records shall be turned over to the Logistics and Resources Unit and maintained in a separate confidential medical file.

The records shall be maintained in accordance with the agency records retention schedule, 29 CFR 1910.1020, 12 NYCRR § 800.3 and Labor Law § 27-a.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; 12 NYCRR § 800.3; Labor Law § 27-a).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; 12 NYCRR § 800.3; Labor Law § 27-a).

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Utica Police Department. It addresses the collection and dissemination of crime analysis data that is useful to long-range planning and that can assist in identifying enforcement priorities, strategies and tactics.

800.1.1 DEFINITIONS

Police Information – means data (or information) that is obtained by personnel during the course of routine police duties. This information may or may not be corroborated and may pertain to incidents of a non-criminal nature such as public events, demonstrations, business information etc. It may also include information pertaining to criminal activity such as weapons possession and other indicators of criminal activity.

Criminal Intelligence Information – means police information and other information that is not normally available to personnel through routine police functions. Criminal intelligence information is such information that has been obtained, evaluated, collated and analyzed and subsequently found to be relevant to the identification of, or the on-going criminal activity of an individual, group of individuals, or organization which is reasonably suspected of involvement in criminal activity or public disorder.

Tip Information - a submission that contains limited information, possibly from an unidentified source, which indicates that person/s known or unknown, may be involved in criminal activity, but the validity cannot be determined.

Validation of Information - means the procedures governing the periodic review of criminal intelligence information to assure its continuing compliance with system submission criteria established by program policy.

Strategic Intelligence – Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short- and long-term investigative goals.

Tactical Intelligence – Information regarding a specific criminal event that can be used immediately by operational units to further a criminal investigation, plan tactical operations and provide for officer safety.

Participating Agency – means any local, county, state, federal, or other governmental unit, which exercises law enforcement or criminal investigation authority that is authorized to submit and receive criminal intelligence information.

Mohawk Valley Crime Analysis Center (MVCAC) -Located within the physical confines of the Utica Police Department. The MVCAC partners with federal, state, local and tribal law enforcement and criminal justice agencies in the Mohawk Valley to assist them in making optimal decisions involving response to crime problems, clearance and prevention, demonstrating professionalism,

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strong partnerships, and a measurable impact that is valued by public safety partners. The center is staffed by representatives from local and state law enforcement agencies, New York National Guard, and civilian analysts. It is overseen by an New York State Division of Criminal Justice Services (DCJS) Director.

800.2 POLICY

It is the policy of the Utica Police Department to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the resources of this agency.

Members are responsible for knowing and sharing with the community the crime prevention role and community relations objectives of the Agency as well as the agency's crime prevention activities.

800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports.
- Parole and probation records.
- Activity records from Oneida County 9-1-1 Center.
- New York State Division of Criminal Justice Services' Regional Crime Analysis Centers

800.4 INTELLIGENCE INFORMATION

All members of the department are responsible for gathering intelligence information regarding criminal activities, including but not limited to drug trafficking, gambling, extortion, smuggling, bribery, corruption involving public officials, loan sharking, and vice.

Criminal intelligence information will be forwarded to the MVCAC for evaluation and analysis, where it will be determined if the information relates to an ongoing investigation and incorporated into any applicable ongoing investigations.

(a) Tip Information Analysis – unconfirmed information labeled as "tips" received by or delivered to MVCAC personnel will be evaluated for possible investigative leads, development and further investigation. Tips will be forwarded based on information contained within them (e.g. drugs, guns) to the necessary division or agency based on content.

Criminal Intelligence information that is received or obtained will be documented and include the following information:

(a) The type of suspected illegal activity and the location, names, and addresses of the suspects involved.

(b) The complainant's name, address, and telephone number (if available).

(c) The reliability of the source (if applicable).

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(d) Any other information that can be provided.

Members shall collect process and maintain criminal information concerning an individual only if there is reasonable suspicion that an individual is involved in criminal conduct or activity and the information is relevant to such activity.

Members shall not collect and maintain criminal information about the political, religious, social views, associations, or activities of any individual or group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity, and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity. Reasonable suspicion is established when information exists which established sufficient facts to give a trained law enforcement officer a basis to believe that there is a reasonable possibility that an individual or organization is involved in a legally definable criminal activity or enterprise.

No member of the department shall gather, or cause to be gathered, collected and included, information that if gathered and included, would be a violation of any Federal, State, local law or ordinance, for any intelligence project in which the department operates or participates.

Departmental intelligence information will be disseminated only to authorized persons. No information will be disseminated to anyone without the approval of a supervisor or officer authorized to release such information.

Members of the department shall disseminate criminal intelligence information only to authorized recipient’s who have a need to know and a right to know the information in the performance of a law enforcement activity.

No member of the department shall participate, or provide information to any inter-jurisdictional intelligence system or intelligence project unless authorized to do so by the Chief of Police.

800.5 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

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800.6 CRIME ANALYSIS DISSEMINATION

Information developed through crime analysis should be disseminated to the appropriate divisions or members on a timely basis. Information that is relevant to the operational or tactical plans of specific line members should be sent directly to them. Information relevant to the development of agency strategic plans should be provided to the appropriate command staff members.

Members should only share information with, and disseminate information from, the Mohawk Valley Crime Analysis Center pursuant to the terms of the Crime Analysis Center sharing agreement.

When information pertains to tactical and strategic plans, it should be provided to all affected members.

MVCAC personnel will disseminate a cancellation notification regarding intelligence information within the department or to agencies when they are no longer required for investigative purposes.

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Oneida County 9-1-1 Center and Radio Usage

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Oneida County 9-1-1 Center. It addresses the immediate information needs of the Agency in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the Utica Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Agency provides two-way radio capability for continuous communication between Oneida County 9-1-1 Center and agency members in the field.

801.3 RADIO USAGE PROCEDURES

RADIO FREQUENCIES AND USAGE

TALK GROUPS

PORTABLE RADIO USAGE

RADIO COMMUNICATIONS

801.4 ONEIDA COUNTY 9-1-1 CENTER POLICIES

The Oneida County 911 Center's Standard Operating Policy and Procedure has been attached for the Utica Police Department (OG-203). Also attached is the Oneida County 911 Center's Standard Operating Policy and Procedure (OG-100) for all 911 calls received in the county.

OG-100 Call Taking Procedures

OG-203 Utica PD

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Property Unit

802.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

802.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property Unit, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Agency or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Agency for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

802.2 POLICY

It is the policy of the Utica Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

802.3 PROPERTY UNIT SECURITY

The Property Unit shall maintain secure storage and control of all property in the custody of this agency. A property clerk shall be appointed by and will be directly responsible to the Support Division Commander or the authorized designee. The property clerk is responsible for the security of the Property Unit.

802.3.1 REFUSAL OF PROPERTY

The property clerk has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the property clerk refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor via email of the reason for refusal and the action required for acceptance into the Property Unit. Once the correction has been made by the submitting officer an email to the refusing officer will be completed so that the property/evidence may be properly secured and stored within the Property Unit.

802.3.2 KEY CONTROL

Property Unit keys should be maintained by the property clerk and members assigned to the Property Unit. Property Unit keys shall not be loaned to anyone and shall be maintained in a secure

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manner. If a Property Unit key is lost, all access points shall be re-keyed and new keys issued as necessary. After-hours access to the Property Unit can be achieved by calling the property clerk or the Crime Scene Unit supervisor.

802.3.3 ACCESS

Only authorized members assigned to the Property Unit shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be approved by the Support Division Commander and accompanied by the property clerk.

802.4 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the property clerk and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

802.4.1 TEMPORARY PROPERTY STORAGE LOCKERS

Temporary property storage lockers are located in the Patrol Cage behind a locked door. The property room manager (or Crime Scene Unit in the property room manager's absence) shall empty the lockers on a daily basis and secure all property in the property room.

802.4.2 PROCESSING AND PACKAGING

All property must be processed by the responsible member prior to the member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

(a) A property entry shall be completed describing each item. List all known information, including:

1. The serial number.
1. The owner's name.
2. The finder's name.
3. Other identifying information or markings.

(b) Each item shall be marked with the member's initials and the date processed using a method that will not damage, deface, degrade or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member's initials and date.

(c) Property shall be packaged in a container suitable for its size.

(d) A property label shall be completed and attached to the property or container in which the property is stored.

(e) The case number shall be indicated on the property tag and the container.

(f) The property shall be placed in a temporary property locker. To avoid tampering or cross-contamination with other evidence, evidence lockers shall be closed and locked

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by the submitting officer once all items have been properly packed and placed inside. Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry.

802.4.3 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the packaging.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the packaging.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary. Cash shall be further secured in a safe or locked cabinet.

Explosives and fireworks - Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

The property clerk is responsible for transporting to the New York State Police, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Sharps containers should be used to package knives. Firearms shall be further secured within the evidence room by means of a locked cabinet or a cable and lock.

Government property - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the New York State Department of Motor Vehicles. No formal property processing is required.

City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required.

If no responsible City personnel can be located, the property should be held for safekeeping.

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High value items - Evidence or property reasonably believed to be of extraordinary value such as jewelry, precious gems and metals, artwork, historic artifacts, coins and stamps should be locked within a safe or cabinet within the property storage area.

Sharps - Syringe tubes should be used to package syringes and needles.

802.4.4 CONTROLLED SUBSTANCES

(a) Controlled substances shall not be packaged with other property, but shall be processed separately by being logged in the narcotics property book.

(b) The member processing controlled substances shall place the evidence in the designated controlled substances locker, accompanied by a copy of the narcotics property book entry.

(c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the result of the test shall be included in the crime report.

1. The member shall package controlled substances as follows:

    (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.

    (b) Seal and initial the property envelope and cover the initials with cellophane tape.

    (c) Weigh the property envelope to obtain the Gross Package Weight (GPW).

    (d) Write the GPW and then initial and date both the outside of the package and the property form.

(d) When the quantity of controlled substances exceeds the available safe storage capacity as determined by the property clerk, the quantity shall be photographed and weighed.

1. A representative sample of sufficient quantity to allow scientific analysis of the controlled substances should be taken as allowed by state law and placed in a separate package or container.

2. Excess quantities should be stored or disposed of as required by law or directed by court order.

3. For cases involving the sale or possession of controlled substances, a qualitative and quantitative analysis, including weight, shall be performed within 45 days after receipt (CPL § 715.50).

(e) Cannabis with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The property clerk shall monitor stored cannabis for growth of mold.

(f) All controlled substances shall be further secured in a safe, locked cabinet, or secondary secure storage.

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802.4.5 BALLISTICS PROCESSING

The property clerk shall coordinate with a trained firearms instructor for test-firing and ballistics information to be collected from seized and recovered firearms or ammunition when there is a reasonable belief they are associated with a crime, as well as abandoned or discarded firearms, and ammunition associated with an unlawful discharge of a firearm. The property clerk should provide the Records Clerk with enough information to meet reporting and data-sharing requirements required by Executive Law § 230.

802.5 RECORDING OF PROPERTY

The property clerk receiving custody of property shall ensure a property label for each item or group of items is created. The property label will be the tracking record of the property in the Property Unit. The property clerk will record in the computerized tracking system, the date and time the property was received and where the property will be stored.

A unique property number shall be obtained for each item or group of items from the property log. This number shall be recorded on the property form, property tag and the property label. The property log shall document the following:

(a) Property number

(b) Case number

(c) Property tag number

(d) Item description

(e) Item storage location

(f) Receipt

Any change in the location of property held by the Utica Police Department shall be noted in the computer system.

802.6 PROPERTY CONTROL

The property clerk temporarily relinquishing custody of property to another person shall document in the computer system, the date and time the property was released, the name of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the Property Unit or released to another authorized person or entity.

The return of the property to the Property Unit should be recorded in the computer system, indicating the date, the time, the name of the person who returned the property and the name of the person to whom the property was returned.

802.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry in the computer system shall be completed to maintain the chain of custody. No evidence is to be released without authorization from the Property Clerk.

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The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted in the computer system, stating the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the property clerk at least one day prior to the court date.

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the Crime Scene Unit. This request may be submitted any time after the property has been processed.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Crime Scene Unit personnel transporting items of evidence for laboratory analysis must complete a lab submission form along with the required information in the computer system to include the date, time and location.The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item, the member will obtain a receipt with the signature of the person accepting responsibility for the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be returned to the Records Unit for filing with the case.

The items to be shipped will be brought down to Property Room and prepared for shipping under the overhead camera by the submitting officer. The Logistics and Resources Unit will provide a shipping label to be affixed to the outside of the box and the officer shipping the evidence will bring the item to appropriate shipping company ensuring to get a receipt

802.6.3 PICK UP OF EVIDENCE

Police transported evidence will be inventoried by the transporting officer in the presence of a laboratory representative. A receipt signed by both the laboratory representative and the transporting officer will be completed upon the transfer of custody of the evidence. This receipt will list the evidence received, date, time and case numbers, both UPD and laboratory. The receipt will be later scanned into RMS under the case number for each item.

The evidence will be transported to headquarters and turned over to the Property Clerk or a member of the CSU, should the Property Clerk be unavailable. The evidence will be placed into property by the Property Clerk or a member of the CSU, with the RMS activity upon the return to Headquarters.

802.6.4 RECEIVING OF SHIPPED EVIDENCE

Packages of evidence that are shipped to the Utica Police Department shall be addressed in the name of the Crime Scene Unit Supervisor. This request shall be made to the shipping laboratory prior to any submissions. Shipped evidence will be delivered to the Crime Scene Unit and placed in a secured cabinet that is located in the evidence lab within the CSU.

In the event that no member of the Crime Scene Unit is available at the time of delivery, the shipped evidence that is being received will be signed for by either the Logistics & Resources Unit or by the Officer at the complaint desk. The received shipped evidence will then be placed into a secure locker inside the property closet in the cage area. An email will be sent by the officer who

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signs for the received shipped evidence to both the Crime Scene Unit and Property Clerk advising them of evidence being received and of its location within the property closet inside the cage.

The Property Clerk will be notified of the shipped evidence and, as soon as possible, take possession of the shipped evidence. In the event the Property Clerk is off for an extended period of time (3 consecutive days or more) the Crime Scene Unit will be responsible for taking possession and inventorying of the shipped evidence, however, in the event that critical or urgent shipped evidence is received, the CSU can immediately take possession and enter the evidence into RMS/ Property.

The shipped evidence will be brought into the Property Room and opened under the overhead camera system. The integrity of the inner packaging, that contains the evidence, shall be examined for any anomalies and if any are discovered, they will be documented with written notes and photographs. The opening of the package should be done in the property room or CSU. The contents of the package will be inventoried against the shipping log and included receipts. If any items are discovered to be missing or damaged, the Property Clerk will immediately notify the Crime Scene Unit Supervisor and Professional Standards Unit, who will commence an investigation into the missing or damaged items.

If the package is inventoried and all items are present the Property Clerk will categorize the evidence into two classifications, Narcotic and Non-Narcotic evidence.

- All narcotic evidence will be secured and the SIU shall be notified to respond to the property room as soon as possible. Once an officer from the SIU meets with the Property Clerk they will conduct an inventory of the shipment of narcotics, update its activity in RMS and secure them.
- All non-narcotic evidence that has a valid Utica Police Department property sticker affixed shall have its activity status updated in RMS to reflect "from outside agency" and placed in a bin for long term storage by the Property Clerk.
- Any non-narcotic evidence that does not have a Utica Police Department property sticker or is evidence that was created by the returning laboratory will be entered into RMS by a member of the CSU. The Property Clerk will be allowed to make these property entries with permission from the CSU supervisor.

802.6.5 CONTROLLED SUBSTANCES

The property clerk will be responsible for the storage, control and destruction of all controlled substances coming into the custody of this agency. The heat seal will be verified every time controlled substances are checked in or out of the Property Unit and any discrepancies noted on the outside of the package. Any discrepancies should be immediately reported to the Support Division Commander.

802.6.6 UNCLAIMED MONEY

The property clerk shall monitor all money that is presumed to have been abandoned. The property clerk will turn over such money in compliance with existing laws to the comptroller's office.

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802.7 RELEASE OF PROPERTY

The property clerk, using the established guidelines, shall authorize the release of all property coming into the care and custody of the Agency. If there are any extenuating circumstances then clarification can be sought from a Supervisor.

When a request by a crime victim is made to return stolen property owned by the victim, Property Unit members shall notify the ADA assigned to the case so notifications to the defendant or his/her counsel can be made. Property Unit members will make the property available to the defense counsel and/or the prosecutor for examination (Penal Law § 450.10).

Release of property shall be made upon receipt of authorization from the District Attorneys' office, listing the name of the person to whom the property is to be released. The authorization must conform to the items listed as in property or must specify the specific items to be released. Release of all property shall be documented in the computer system.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Property Unit members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented in the computer system.

A property clerk shall release such property when the owner presents proper identification and proof of ownership has been received. The signature of the person receiving the property shall be recorded on the property receipt form.

802.7.1 DISCREPANCIES

The Squad Commander shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The Squad Commander will interview the person claiming the shortage. The Squad Commander shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

802.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this agency, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this agency should be contacted.

802.7.3 RELEASE OF FIREARMS

Neither a firearm, ammunition, nor a license to carry concealed weapons or firearms may be released until it has been verified that the person receiving the firearm is not prohibited from receiving or possessing the firearm or ammunition under federal or state law (18 USC § 922(d)).

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802.7.4 RELEASE OF WEAPONS, FIREARMS, AND LICENSES IN FAMILY OFFENSE MATTERS

Weapons, firearms, and licenses seized pursuant to CPL § 140.10 shall be returned to the lawful owner not less than 120 hours after seizure as long as there is no court order or pending criminal charge or conviction that would prevent the owner from possessing the firearm, weapon, or license, and upon a written finding that there is no legal impediment to the owner's possession as provided in CPL § 140.10.

802.7.5 RELEASE OF PROHIBITED ITEMS IN EXTREME RISK PROTECTION ORDER MATTERS

Prohibited items (e.g., firearms, shotguns, rifles) that were surrendered or seized pursuant to an extreme risk protection order or temporary extreme risk protection order should be released to the person or lawful owner upon court order (CPLR § 6343; CPLR § 6344).

The Agency should release a prohibited item to a person upon demonstration that ownership has been legally transferred to the person and that he/she is permitted by federal and state law to own or possess the item.

802.8 DESTRUCTION OR DISPOSAL OF PROPERTY

As authorized, the property clerk shall approve the destruction or disposal of all property held by this agency.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws. The disposition of all property shall be entered in the computer system.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess, including firearms or weapons declared a nuisance one year after its surrender to the Agency (Penal Law § 400.05)
- Controlled substances declared by law to be illegal to possess without a legal prescription
- Unlawful fireworks (Penal Law § 405.05)
- Unauthorized recordings (Penal Law § 420.00)
- Stolen property (Penal Law § 450.10)
- Prohibited items from an extreme risk protection order after a minimum of two years after surrender or seizure unless otherwise released according to this policy (Penal Law § 400.05; CPLR § 6343; CPLR § 6344).
- Prohibited items from a family offense pursuant to CPL § 140.10 after a minimum of two years (CPL § 140.10; Penal Law § 400.05).

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802.8.1 BIOLOGICAL EVIDENCE

The property clerk shall ensure that no biological evidence held by this agency is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Criminal Investigations Division Commander

Biological evidence shall be retained for a minimum period established by law, the statute of limitations, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this agency within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Division Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Criminal Investigations Division Commander should be consulted and the sexual assault victim should be notified.

802.8.2 EVIDENCE FROM SEXUAL ASSAULT CASES

Evidence from a sexual assault case should not be disposed of prior to expiration of the statute of limitations or the storage period established by law, whichever time period is greater (Public Health Law § 2805-i).

If the Utica Police Department has possession of the sexual assault evidence, then the Property Clerk, or an assigned member, shall make a reasonable effort to notify the victim 90 days before the retention period is set to expire that (Executive Law § 838-b):

(a) The evidence will be discarded in compliance with state and local health codes on a date set forth in the notice.

(b) The victim's clothes and personal effects will be returned to the victim upon request.

802.8.3 CANNABIS

At the first sign of mold growth, stored cannabis shall be photographed showing the mold growth. As soon as practicable, the property clerk shall make efforts to lawfully destroy the contaminated cannabis, in compliance with this policy. The property clerk should consult with the member

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assigned to the case investigation for authorization to destroy the remaining cannabis, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

802.8.4 MEDICAL CANNABIS

The investigating member should advise the property clerk and the prosecutor if the party from whom the cannabis was seized holds a valid medical permit to possess cannabis or claims that the possession of the cannabis is for medical purposes.

The property clerk shall store cannabis, drug paraphernalia, or other related property that is seized from a person engaged in or assisting with the use of medical cannabis in a manner that is consistent with the provisions of the Medical Cannabis Policy.

Cannabis that is infected with mold shall not be returned. This includes cannabis seized from a person who holds a valid medical permit to possess cannabis or who claims that possession of the cannabis is for medical purposes.

802.9 INSPECTION OF THE PROPERTY UNIT

The Support Division Commander shall ensure that periodic, unannounced inspections of the Property Unit operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Support Division Commander also shall ensure that an audit is conducted annually, or as directed by the Chief of Police. Inspections and audits shall be conducted by a member of this agency who is not routinely or directly connected with the Property Unit operations.

Whenever there is a change of assignment for any member with authorized access to the Property Unit, an audit of all property shall be conducted by a person who is not associated with the Property Unit or its function. This is to ensure that all property is accounted for and the records are correct.

802.9.1 STATE-SPECIFIC AUDIT AND INVENTORY REQUIREMENTS

Audits shall minimally include five percent of the total Property Unit inventory or 50 items, whichever is less.

An inventory shall minimally include ten percent of the total Property Unit inventory or 100 items, whichever is less.

All audits and inventories in the Property Unit shall include a sampling of money, firearms, controlled substances and high-value items.

The inventory and the audit are not to be conducted within four months of each other and will not include the same items unless total available sample size dictates otherwise.

A report shall be completed identifying the items that were inventoried or audited.

802.10 TRAINING

All members assigned the duties of a property clerk shall successfully complete a course in Property Unit management within one year of being assigned such duties.

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The Training Director is responsible for scheduling the training and maintaining records of the training.

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Records Unit

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Utica Police Department Records Unit. The policy addresses agency file access and internal requests for case reports.

803.2 POLICY

It is the policy of the Utica Police Department to maintain agency records securely, professionally and efficiently.

803.3 RESPONSIBILITIES

803.3.1 RECORDS CLERK

The Chief of Police shall appoint and delegate certain responsibilities to a police officer assigned as a Records Clerk. The Records Clerk shall be directly responsible to the Support Division Commander or the authorized designee.

The responsibilities of the Records Clerk include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Unit.

(b) Scheduling and maintaining Records Unit time records.

(c) Supervising, training and evaluating Records Unit staff.

(d) Maintaining and updating a Records Unit procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides.
2. Cases involving agency members or public officials.
3. Any case where restricted access is prudent.

(h) When the Agency has received an extreme risk protection order (temporary or final) (CPLR § 6342; CPLR § 6344) (see the Extreme Risk Protection Order Policy):

1. Filing with the court a copy of receipts for prohibited items that were surrendered or seized by officers.
2. Mailing or serving a copy of the receipt to the person from whom a prohibited item was taken, and to the owner of the item if different, when the person was not present to receive the receipt.
3. Reporting the results of any court-ordered background investigations to the court and, with appropriate redactions, to each party.

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803.3.2 RECORDS UNIT

The responsibilities of the Records Unit include but are not limited to:

(a) Maintaining a records management system for all calls for service, case reports, traffic accident reports, and arrest records.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
2. Additionally, all calls for service should include information about the nature of the call, the date and time of the call, the names of involved persons, and any action taken.
3. A record of the arrest of any person by the Agency will be maintained, and include descriptive information such as name, date of birth, sex, address, Social Security number, agency arrest history, physical description, and information pertinent to the arrest.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Agency with access to case reports when needed for investigation or court proceedings.

(d) Maintaining records of all activities as part of the agencys records keeping procedures. Such information is used for a variety of purposes both internally and externally.

(e) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.

(f) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(g) Identifying missing case reports and notifying the responsible member's supervisor.

(h) Participating in and maintaining compliance with the state fingerprint/criminal history records system and Uniform Crime Reporting System or the National Incident Based Reporting System.

(i) All monies received by the Records Unit is recorded by staff and then turned over to the City Comptrollers Office. The Records clerk submits a report to the Chief of Police and the Budget office on a monthly basis.

(j) Ensuring that arrest-related death reports are submitted to the DCJS (Executive Law § 837-v).

(k) Ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) by providing requested crime data to the requesting college/university.

(l) Submitting ballistics reports and entering data sharing information within required time frames (Executive Law § 230).

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803.4 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police agency case, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit.

The Utica Police Department maintains and has access to an up-to-date record system for warrants that is available at all times.

The Records Clerk is responsible for maintaining a record of all legal process handled by the Agency. Information to be maintained for each item of legal process includes:

- Date and time received
- Type of legal process (civil or criminal)
- Nature of document
- Source of document
- Name of plaintiff, complainant, defendant or respondent
- Name of officer assigned for service
- Date of assignment
- Court docket number
- Date service due

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

The Records Unit will maintain juvenile arrest and disposition records separate from adult arrest records. Juvenile records may not be made available to the public (Family Court Act § 381.3). The Records Clerk is responsible for the collection, dissemination and retention of juvenile records.

803.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting agency member shall first obtain authorization from the Records Clerk. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

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803.5 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

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Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of agency records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The Utica Police Department is committed to providing public access to records in a manner that is consistent with the New York State Freedom of Information Law (Public Officers Law § 85 et seq.).

804.3 RECORDS ACCESS OFFICER

The Chief of Police shall designate a Records Access Officer. The responsibilities of the Records Access Officer include, but are not limited to:

(a) Managing the records management system for the Agency, including the retention, archiving, release, and destruction of agency public records.

(b) Maintaining and updating, and ensuring compliance with the agency records retention schedule in accordance with Schedule LGS-1 for city, town, village, and county agencies, including:

1. Identifying the minimum length of time the Agency must keep records.
2. Identifying the agency division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of agency public records as reasonably necessary for the protection of such records, including (Public Officers Law § 87):

1. The times and places records are available.
2. The person/locations where records may be obtained.
3. Maintaining and ensuring the availability of a current schedule of fees as allowed by law.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Preparing and maintaining a record that identifies the name, public office address, title, and salary of every officer or employee of the Agency (Public Officers Law § 87(3)).

(g) Preparing and maintaining a detailed list of the subject matter of all records in the possession of the Agency whether or not available to the public. The list shall be reviewed and updated annually, and the date of the most recent update shall be conspicuously indicated on the list (Public Officers Law § 87(3)).

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804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any agency member who receives a request for any record shall route the request to the Records Access Officer or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (Public Officers Law § 87; Public Officers Law § 89):

(a) A request for records shall be in writing and reasonably describe the records requested.

1. Requests shall also be accepted by electronic mail and responded to by electronic mail provided that the written request does not seek a response in some other form.

(b) The Agency is not required to create records that do not exist.

(c) A request for records shall be responded to within five business days of receipt of the request by:

1. Making the record available.

2. Denying the request by written notice that includes the reason for denial.

   (a) Notice shall be promptly provided to the appropriate parties (e.g., the requester, presiding judge) when the basis of denial is that disclosure would interfere with a judicial proceeding or law enforcement investigation (Public Officers Law § 87).

3. Furnishing a written acknowledgement of the request and providing a reasonable date the request will be granted or denied, including, where appropriate, that access will be determined in accordance with Public Officers Law § 89(5).

   (a) If a request is to be granted in whole or in part and circumstances prevent disclosure of the record within 20 business days from the date of acknowledgement, the Agency shall provide the requester a written statement of the reason for the inability to grant the request and a certain date within a reasonable period when the request will be granted in whole or in part.

(d) Requests that are not complied with in the described time limitations will be considered a denial and subject to an appeal.

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the agency-approved media storage system

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and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) Records shall be provided on the medium requested by the requester if the Agency can reasonably make a copy or a copy can be made by engaging an outside professional service.

(g) Upon request, certification shall be provided in the following circumstances:

1. The Agency ensures that the copy of the record is correct.
2. The Agency does not have possession of the record.
3. The record cannot be found after a diligent search.

804.4.2 APPEAL OF DENIALS

When a record request is denied, the requester may appeal the determination to the Chief of Police within 30 days. The notice of the appeal shall be routed to the Records Access Officer and the Chief of Police. The Agency shall have the burden of proving that the denial was subject to one of the exemptions pursuant to Public Officers Law § 87(2).

A detailed written response to the appeal shall be provided to the requester within 10 business days explaining the reasons for further denial or that access will be provided to the record. A copy of the appeal and written determination shall be immediately forwarded to the Committee on Open Government (Public Officers Law § 89(4)).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include (Public Officers Law § 87(2); Public Officers Law § 89(2)):

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any agency record, including motor vehicle accident reports, are restricted except as authorized by the Agency, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Information in personnel or similar files that would be an unwarranted invasion of personal privacy.

(c) Records that if disclosed would constitute an unwarranted invasion of personal privacy.

(d) Records that are compiled for law enforcement purposes and which, if disclosed, would:

1. Interfere with law enforcement investigations or judicial proceedings.
2. Deprive a person of a right to a fair trial or impartial adjudication.
3. Identify a confidential source or disclose confidential information relating to a criminal investigation.

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4. Reveal criminal investigative techniques or procedures (except routine techniques and procedures).

(e) Identities of victims of sex offenses (Civil Rights Law § 50-b).

(f) Records relating to a case involving a youth who has been adjudicated a youthful offender (CPL § 720.35).

(g) Records relating to the arrest and disposition of juvenile delinquents (Family Court Act § 381.3).

(h) Interagency or intra-agency memoranda that are not statistical or factual tabulations or data; instructions to members that affect the public; final agency policy or determinations; or external audits, including but not limited to audits performed by the comptroller and the federal government.

(i) Records that would jeopardize the security of the agency computer systems.

(j) Records that would endanger the life or safety of any person.

(k) Records that would impair present or imminent contract awards or collective bargaining negotiations.

(l) Recordings of calls made to the E911 system (County Law § 308).

(m) Protected criminal history records.

(n) The addresses, personal telephone numbers, personal cell phone numbers, and personal email addresses of a member, unless required to do so under Article 14 of the Public Employees Fair Employment Act or compelled to do so by lawful process (e.g., a subpoena) (Civil Service Law § 209-a).

(o) Protected personal information contained in disciplinary records (Public Officers Law § 87(4-a); Public Officers Law § 87(4-b); Public Officers Law § 89(2-b); Public Officers Law § 89(2-c)).

(p) Any other information that may be specifically exempted from disclosure by state or federal statute.

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Records Access Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, Corporation Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Agency so that a timely response can be prepared.

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804.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the agency name and to whom the record was released. Each audio/video recording released should include the agency name and to whom the record was released.

804.8 SECURITY BREACHES

Members who become aware that any Utica Police Department system containing private information may have been breached should notify the Records Clerk as soon as practicable.

The Records Clerk should provide notice in the form, manner, and to all entities as required by federal, state, and local law.

Notice should be given as soon as reasonably practicable.

Any determination to delay notification (e.g., notification will impede a criminal investigation, measures are being taken to determine the scope of the breach and restore the integrity of the system) and any determination that notice of the breach is not required (e.g., the exposure was an inadvertent disclosure by authorized persons and the Agency determines that the exposure will not result in misuse or harm) should be documented. Such documentation should be retained in accordance with the records retention schedule and provided to the state attorney general when required by state or local law.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Clerk should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

804.9 SEALED RECORDS

Sealed records orders received by the Agency shall be reviewed for appropriate action by the Records Access Officer. The Records Access Officer shall seal such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once sealed, members shall respond to any inquiry as though the record did not exist.

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Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Utica Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Agency and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Utica Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Utica Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Agency to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, New York State Department of Motor Vehicles (DMV) records and New York State Division of Criminal Justice Services (DCJS)/eJusticeNY Integrated Justice Portal.

(b) Follow procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Utica Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Clerk for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Agency may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other agency members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Agency to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

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(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve domestic animals.

806.2 POLICY

It is the policy of the Utica Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

(a) Basic domestic animal control services to include control of stray or lost domestic animals, responding to domestic animal complaints and assuring compliance with licensing requirements.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

(d) Completing, forwarding and following-up on all necessary dog seizure and disposition reports.

The ACO (Animal Control Officer) does not provide wildlife services, thus all referrals will be made through Oneida County Dispatch. The ACO also does not provide services regarding stray or feral cats, unless they are injured or being abused. If responding to a call involving a stray or feral cat, the ACO will refer the caller to the local humane society, the SPCA or any other wildlife service.

An ACO generally works during the day, Monday through Friday, however is available after hours in an on-call capacity. If an emergency call (e.g. animal cruelty in progress, rabid animal, abandoned animal) is received after hours, the officer will notify their supervisor who will determine if the ACO is to be notified.

If a call for service is received during the ACO's regular tour of duty, they will be dispatched to handle the call if available. If the ACO is not available, a patrol car will be dispatched.

806.4 ANIMAL CONTROL OFFICER'S VEHICLE AND EQUIPMENT

The ACO is issued Unit 16 or Unit 69 as his/her duty vehicle. The vehicle is equipped with wig-wags and rear flashing lights for traffic purposes only. Unit 16 and Unit 69 are not emergency response vehicles and shall not be utilized in such a manner. The ACO is issued a portable handset and charger. Equipment and forms needed to complete his daily activities:

(a) Catch pole(s)

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(b) Cat tongs
(c) Pole net
(d) Throw net
(e) Dog muzzle
(f) Bite gloves
(g) Animal trap(s)
(h) Transfer cage(s)
(i) Cat carrier(s)
(j) Leash
(k) Dog collar
(l) Latex gloves
(m) Carcass bags
(n) Reflective vest
(o) Flat head shovel
(p) Tote(s)

806.5 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.
(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
(c) An animal is creating a traffic hazard.
(d) An animal is seriously injured.
(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
    1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
    2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

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3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.6 ANIMAL CRUELTY COMPLAINTS

When a complaint for animal cruelty is received, the ACO or Police Officer responding should conduct an preliminary investigation into the matter. Any misdemeanor crimes will be investigated by a patrol officer while any felonies will be turned over the Criminal Investigations Division.

806.7 ANIMAL BITE REPORTS

Any member or ACO investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. An attempt to identify and notify the owner of the final disposition of the animal should be made.

ACO’s will folllow up with any bite report completed by an officer.

806.8 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter). Officers will not transport stray dogs anywhere in a police vehicle. The officer will utilize either Unit 16 or 69 to transport the dog.

806.9 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Squad Commander will be contacted and the SPCA will be notified.

806.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

806.11 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity. The preliminary investigation should be handled on the initial call by a police officer or ACO. If it is determined that the animal may have died due to abuse, or under suspicious circumstances, the investigation will be handled by the responding police officer. If it is determined that the case meets the elements of felony level "Aggravated Animal Cruelty", then the investigation will be turned over to the Criminal Investigations Division.

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Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by an ACO. If an ACO is not on duty, DPW will be notified. If a DPW employee is not available, the on-call ACO will be contacted to respond.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.12 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the ACO should be contacted whether on or off-duty to be consulted. The ACO will make the determination whether or not veterinary care will be provided and it will be the sole responsibility of the ACO to contact a veterinarian service.

If a domestic dog or cat are injured and the owner requests the service of an ACO, the ACO will advise the owner to bring the animal to their veterinarian.

806.13 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed (Agriculture and Markets Law § 374). A badly injured animal shall only be euthanized with the approval of a supervisor. A narrative explaining the circumstances will be completed by the member who used the firearm.

A dog, cat or ferret may be destroyed if it is exhibiting the signs of rabies and cannot be safely captured, and the New York State Commissioner of Health has certified the existence of rabies in that county (Public Health Law § 2143).

806.14 DOG CONTROL AND DOG SHELTER

DOG CONTROL PROGRAM

MUNICIPAL DOG SHELTER PROGRAM

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Medication Drop Box

807.1 PURPOSE AND SCOPE

The purpose of this policy is to provide those members responsible for the Medication Drop Box with guidance on how to care for, secure and collect medication disposed of by the public.

807.2 POLICY

The Utica Police Department provides a Medication Drop Box that will allow the public to safely and anonymously dispose of prescription medications. These prescription medications are not considered evidence; therefore no itemized inventory is required.

807.3 MEDICATION DROP BOX

The Medication Drop Box will be located in the lobby of the Department allowing the public access when a desk officer is available or the Squad Commander is present.

Instructions will be remain posted next to the drop box for public view.

Access to the contents within the drop box are limited to the Chief of police or his designee and the Property Clerk.

807.4 COLLECTION

The desk officer or Squad Commander should be aware of citizens using the medication drop box and be prepared to assist them with following the proper collection guidelines.

The medication drop box program is open to the public. The public can anonymously dispose of prescription medications, medicated ointments, over the counter (OTC) medications and inhalers. Hazardous materials and needles are not accepted. Pharmacies and medical providers are not allowed to take part in the program.

This is an anonymous program, and absent any other law enforcement or officer safety need, the person should not be questioned as to their identity.

807.5 SECURING AND STORING

SECURING AND STORAGE

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CJIS Access, Maintenance, and Security

808.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of agency systems that access, process, store, or transmit Criminal Justice Information.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access, process, store, or transmit CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within agency systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

808.2 POLICY

It is the policy of the Utica Police Department to maintain the security, confidentiality, and integrity of its information systems that access, process, store, or transmit CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

808.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Utica Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the agency's use, maintenance, and security of systems that access CJI as described in this policy.

808.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

(a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain agency compliance with FBI CJIS Security Policy requirements and the New York State Division of Criminal Justice Services Audit and Compliance Unit.

(b) Managing member accounts with access to CJI, including:

1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.

2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts, validating new passwords against known compromised or commonly used passwords).

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3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or agency requirements, including:

1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Configuring remote access systems and devices only with the explicit authorization of the Chief of Police or the authorized designee, including:

1. Routing through authorized and managed access control points (e.g., firewalls, secure gateways).
2. Mandatory multi-factor authentication for users.
3. Use of automated mechanisms to monitor and control remote access methods.
4. Mandatory encryption (e.g., VPN, Transport Layer Security).
5. Required logging of all remote access activity.

(e) Monitoring agency systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(f) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of agency facilities
2. Physical security of hardware within agency facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(g) Implementing and carrying out the agency Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Making the appropriate notifications outside of the Agency (see the Records Maintenance and Release Policy for additional guidance).

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3. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(h) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(i) Developing and updating agency information security and privacy literacy training and incident response training as required by policy.

(j) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

(k) Managing the development, documentation, and dissemination of applicable policies and procedures for the following:

1. Access control
2. Awareness and training
3. Auditing and accountability
4. Assessment, authorization, and monitoring
5. Configuration management
6. Contingency planning
7. Identification and authentication
8. Incident response
9. Maintenance
10. Media protection
11. Physical and environmental protection
12. Planning
13. Personnel security
14. Risk assessment
15. System and services acquisition
16. Systems and communications protection
17. System and information integrity
18. Supply chain risk management

(l) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

808.4 MEMBER RESPONSIBILITIES

All members of the Agency shall be committed to detecting information security incidents and making the appropriate notifications.

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Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

808.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

808.6 MEMBER ACCOUNTS

Agency accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

(a) The account has expired.

(b) The account is no longer associated with a member.

(c) The account is found to be in violation of this policy.

(d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

808.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned agency tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

808.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the agency mission and law enforcement needs.

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808.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on agency systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall only be conducted by authorized members and shall be documented.

808.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from agency control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

808.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of agency CJI systems shall be protected through the implementation of appropriate controls such as:

(a) Flaw remediation.

(b) System monitoring.

(c) Security alerts, advisories, and directives.

(d) Software, firmware, and information integrity controls.

(e) Spam protection.

808.9 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

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Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The agency's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

808.10 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Chapter 9 - Custody

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Adult Temporary Custody

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Utica Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Lockup - A place where individuals 18 years of age and over are temporarily detained while awaiting disposition of their cases in the courts, before arraignment in court, or for a brief period after arraignment or sentence while awaiting transfer to another correctional facility.

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Agency.

Safety checks - Direct, visual observation by a member of this agency shall be performed at 15 minute intervals, unless the person is in direct view, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The period an adult is in custody at the Utica Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Utica Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Agency. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

All individuals should be processed as expeditiously as possible to avoid unnecessary delays.

BOOKING PROCEDURES

VIRTUAL COURT ARRAIGNMENT PROCEDURES

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Utica Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

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(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, which may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Emergency Admissions Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed (9 NYCRR § 7504.1).

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Agency unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized agency member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

All persons in custody are to be secured to the holding area bench. Anytime a person in custody is unsecured from the bench, said person will be escorted by an officer or matron to the intended destination. A person in custody shall never trail or follow the escorting officer or matron.

At least one female agency member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (9 NYCRR § 7504.1).

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Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

All entries, updates or modifications to a prisoner's activity under the tracking module in RMS for their respective booking file are to be done by use of the electronic scanner. Manual entries, updates or modifications may only be made to a prisoner's tracking module when the electronic scanner is not functioning properly. In the event the electronic scanner is found to not be functioning properly the supervisor in the squad commander's office shall be notified and the proper repair request located on the Utica Intranet shall be completed by the booking officer.

900.3.3 SUPERVISION OF FEMALES

Supervision of females in custody shall be accomplished by an assigned female agency member. Females in custody shall not be placed in or removed from a detention area unless an assigned female member is present. An assigned female member shall retain the key for the detention area for females and no male person shall be permitted to enter an area where female prisoners are detained unless accompanied by the female member (9 NYCRR § 7504.1).

900.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Squad Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, a constant watch of the individual will be initiated.

The officer should promptly notify the Squad Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Squad Commander shall determine

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whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Squad Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

(c) Ensure males and females are separated by sight and sound when in cells.

(d) Ensure restrained individuals are not placed in cells with unrestrained individuals.

(e) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested, therefore officers should reference the consular notification requirements using the following link:

Consular Notification

Agency members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

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(b) Forward any communication from the individual to his/her consular officers without delay.

900.4.3 BOOKING

Adults who are arrested and taken into temporary custody should be processed in a designated area. Processing should include fingerprinting and photographing. The Agency participates in the State Automated Biometric Identification System (SABIS) and shall use Livescan or Cardscan for the automated submission of fingerprints.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Utica Police Department, the custody shall be promptly and properly documented in a computer generated custody log, including (9 NYCRR § 7504.1):

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Agency.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

1. The use of closed circuit television to visually monitor an area in which prisoners are detained is approved only as an adjunct to actual physical supervisory visits by police department personnel and shall not be considered as a substitute for such visits.

(e) Any medical and other screening requested and completed.

(f) Time and type of prescribed medication dispensed to the individual.

(g) Any emergency situations or unusual incidents.

(h) Any other information that may be required by other authorities, such as compliance inspectors.

1. This includes the condition of individuals in custody during safety checks (e.g., awake, sleeping) and signatures of the members conducting the safety check.

(i) Date and time of release from the Utica Police Department.

The Squad Commander should check the log to approve and ensure the temporary custody checks are in compliance and should also check the log when the individual is released from custody or transferred to another facility.

The Squad Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

The standard Office of Mental Health Suicide Prevention Screening form (Form 330 ADM) will be completed if a prisoner is going to be placed in a cell.

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900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits (9 NYCRR § 7510.1).

(g) There is privacy during religious advisor visits.

(h) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(i) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(j) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(k) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 VISITS

Visits to prisoners by a family member, relative or other person may be permitted at the discretion of, and in accordance with regulations established by the officials in charge.

900.5.4 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to agency members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured,become ill or in need of mental health services, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

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Those who require medication while in temporary custody will be administered medication that is prescribed to them and is accompanied with explicit instructions. If it is an immediate requirement (i.e. insulin) the person shall be transported via ambulance to a medical facility.

900.5.5 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Squad Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.6 TELEPHONE CALLS

Every individual in temporary custody shall be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival (9 NYCRR § 7502.1).

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Agency should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

(d) In instances when a prisoner is charged as a result of a domestic violence dispute, the doorman/matron will advise the prisoner that they are not to use the phone to call the victim of the dispute. They will also be advised that failure to adhere to this rule will result in the termination of their phone privileges for the duration of their stay.

(e) Prisoners will not be permitted to use the telephone immediately prior to their leaving the facility for transport to court or another facility. This provision will aid in preventing a prisoner from coordinating with others to affect an escape, etc.

(f) Prisoners who violate any jail rules or criminal statutes such as criminal mischief or aggravated harassment may be subject to termination of telephone privileges and/or criminal charges as appropriate. The doorman/matron will report any such prisoner action to the Squad Commander as soon as possible.

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900.5.7 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.8 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor (9 NYCRR § 7504.1).

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.9 FOOD

Individuals in custody during any of the usual three daily meal hours shall be allowed to eat a meal. It shall be documented when an individual was either provided a meal or refused a meal (9 NYCRR § 7505.1).

If a situation arises where a person in custody has special dietary needs established by their religion or for a medical reason, the booking officer will notify the Squad Commander and accommodations will be made. Such special diets shall conform as closely as possible to the foods served to other individuals in custody.

900.5.10 SANITATION AND MAINTENANCE

The Uniform Patrol Division Commander will ensure (9 NYCRR § 7506.1):

(a) Janitorial and maintenance services are regularly provided so that satisfactory conditions exist at all times.

(b) Disposable blankets are available and not routinely left in the cells.

(c) Cell benches are checked regularly (e.g., for damage, attempts to conceal contraband items).

(d) Toilet tissue is available at no cost, and is not routinely left in cells.

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(e) Paper drinking cups are made available at no cost if drinking fountains are not available, and are not routinely left in cells.

(f) Locks on cell doors and security doors, locking devices, and the security aspects of detention-type windows and screens are checked regularly to ensure that they are in proper condition.

(g) Menstrual products are supplied to individuals in custody at no cost, and are stored, dispensed, and disposed of in a sanitary manner (Correction Law § 625).

All checks will be completed by the booking officer on a regular basis using the cell block checklist. Any deficiencies will be noted. The completed checklists will be kept in the Patrol folder under UPD Files.

Cell Inspection Form

900.5.11 RECORD OF DETENTIONS

The Uniform Patrol Division Commander will ensure Record of Detentions forms are maintained and a report of the total number of male and female prisoners is forwarded to the New York State Commission of Correction (SCOC) on or before February 1 of each year (9 NYCRR § 7509.1).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Utica Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 DISCIPLINE

Minor matters of discipline, where no danger of safety, property or life exists, shall be handled in such a manner as to attract as little attention as possible to the incident.

Officers shall not strike or lay hands on a prisoner unless it be in self-defense, to prevent escape or serious injury to person or property, to quell a disturbance, or to effect detention. In such cases, only the amount of physical force necessary to accomplish the desired result is authorized.

900.8 USE OF CHEMICAL AGENTS

The use of chemical agents such as tear gas to control or reduce a prisoner to submission shall be used only when other restraint methods or efforts to subdue have no proven effective. Authority

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shall first be obtained from a supervisory or command officer and the chemical agent shall be used only by staff personnel who have been trained in its use.

900.9 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return (9 NYCRR § 7502.1). If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Agency shall maintain a copy of the property receipt.

The Squad Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Squad Commander shall attempt to prove or disprove the claim.

900.10 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy) and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed (9 NYCRR § 7502.1).

(b) A supply of disposable type fiber or paper footwear to replace shoes may be kept available for issue as required (9 NYCRR § 7502.1).

(c) The individual shall constantly be monitored by a video system that records the cell block hallway, the holding bench and cage.

(d) The individual shall have constant auditory access to agency members.

(e) The individual's initial placement into and removal from a locked enclosure shall be logged.

(f) Safety checks by agency members shall occur no less than every 15 minutes (9 NYCRR § 7504.1).

1. Safety checks should be at varying times.
2. All safety checks shall be logged.

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3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

900.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Uniform Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Utica Police Department. The procedures should include:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Squad Commander, the Chief of Police and the Criminal Investigations Division Commander.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the Corporation Counsel.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

(h) Reporting any of the following to the SCOC in the manner designated by the SCOC within 24 hours of occurrence at 518-485-2466 (9 NYCRR § 7508.1; 9 NYCRR § 7508.2):

  (a) Injuries or illnesses requiring hospitalization of a person in custody.

  (b) Civil or natural emergencies or disturbances.

  (c) The death of a person in custody shall be reported within six hours of pronouncement of death. In addition, a report of the death will be sent to the New York State Division of Criminal Justice Services via the eJusticeNY portal.

(i) Immediate notification to the Attorney General's office if a death occurs while a person is in temporary custody.

900.12 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

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(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Utica Police Department unless escorted by a member of the Agency.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The agency member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred if a member of the same sex is not working two members will complete the transfer.

900.12.1 ESCAPE FROM CUSTODY

The arresting/transporting officer is responsible for the safety and custody of the prisoner. Once a prisoner is taken into custody, the arresting/transporting officer will make every reasonable effort to ensure the prisoner does not escape. If a prisoner escapes from custody, the arresting/transporting officer will immediately:

(a) Notify the dispatcher of the escape, providing the location and a description of the escapee, and any other pertinent information that would aid in recapture.

(b) Notify the officer's immediate supervisor.

(c) Request additional units to assist in the search for the escapee.

(d) Call in a general message as soon as possible and have communications notify adjoining agencies.

If the escape occurs in another jurisdiction, the transporting officer will immediately notify the responsible law enforcement agency in that jurisdiction and his/her commanding officer.

Upon notification that an escape from custody has occurred, a supervisor will respond to the scene and take charge of the investigation.

The supervisor will review the circumstances of the escape, and make sure all appropriate actions are being taken.

The supervisor will determine when the search for escapee will be terminated and units involved in search returned to service.

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The supervisor will insure that the officer responsible for the escape has completed all appropriate reports and a case has been completed.

In all instances of a prisoner escape, the Duty Captain will be notified immediately.

When a person has been arrested who has a prior history of escape, or has demonstrated by word or action, that they are a potential escape risk, the following additional security precautions will be taken:

(a) Leg restraint/ankle restraints will be utilized to inhibit the person's ability to flee.

(b) The arresting or booking officer shall notify, in advance when practical, the appropriate authority that will be assuming custody of the prisoner that said prisoner is considered a security hazard and/or an escape risk.

900.13 ASSIGNED ADMINISTRATOR

The Uniform Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire and life-safety

(h) Disaster plans

(i) Building and safety code compliance

(j) Construction standards, variances and special measures for facilities that are not of fire-resistant construction (9 NYCRR § 7511.1; 9 NYCRR § 7504.1; 9 NYCRR § 7512.1)

1. Plans and specifications for the construction or renovation of detention facilities must be submitted for review to the State Commission of Correction.

2. Approval of the commission must be obtained before a construction or renovation project is advertised for bids. If it is not contemplated that a bidding procedure is to be followed, approval must be obtained before any construction or renovation is undertaken.

900.14 TRAINING

Agency members should be trained and familiar with this policy and any supplemental procedures.

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900.15 VARIANCES TO STATE LOCKUP STANDARDS

The Chief of Police should apply to the commission for a variance if a requirement cannot be met under any of the following circumstances:

(a) Compliance with a specific rule or regulation cannot be achieved by the effective date of such rule or regulation.

(b) Due to a temporary condition or situation, compliance with a specific rule or regulation cannot be achieved.

(c) Compliance is to be achieved in a manner other than that which is specified in a rule or regulation until such time as compliance with such specific rule or regulation can be achieved.

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Temporary Custody of Juveniles

901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Utica Police Department (34 USC § 11133).

901.1.1 DEFINITIONS

Definitions related to this policy include (Family Court Act § 301.2; CPL § 1.20):

Adolescent offender - A juvenile delinquent 16 or 17 years of age who is in custody for a felony.

Juvenile non-offender - An abused, neglected, dependent, or noncitizen juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile delinquent -

- A juvenile 12 to 17 years of age who is alleged to have committed a crime that would subject an adult to arrest (a non-status offense) or 16 to 17 years old alleged to have committed a violation where such violation occurred in conjunction with the alleged criminal act.
- A juvenile 7 to 11 years of age alleged to have committed a serious, qualifying crime listed in Family Court Act § 301.2 (e.g., aggravated criminally negligent homicide, vehicular manslaughter, manslaughter in the first degree, murder in the first or second degree or aggravated murder).

It also includes an offense under Penal Law § 265.05 for unlawful possession of a weapon by persons under 16 (28 CFR 31.303).

Juvenile offender - A juvenile delinquent 13 to 15 years of age who is in custody for a serious violent offense listed in Penal Law § 10.00 or CPL § 1.20.

Non-secure custody - When a juvenile is held in the presence of an officer or other agency member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct visual observation by a member of this agency performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

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Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact (34 USC § 11103).

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

901.2 POLICY

The Utica Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Agency. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Utica Police Department. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Emergency Admissions Policy).

1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.

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(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Agency unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Utica Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Agency without authorization of the arresting officer's supervisor or the Squad Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. A juvenile should not be held beyond six hours from the time of his/her entry into the Agency (34 USC § 11133).

901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Utica Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

A child taken into custody due to an emergency removal without a court order under Family Court Act § 1024 or Social Services Law § 417 shall be taken as soon as practicable to an approved facility. Every reasonable effort to inform the parent or other person legally responsible for the child's care shall be made.

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by a court appearance ticket or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

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901.4.3 CUSTODY OF JUVENILES - STATE REQUIREMENTS

Juveniles should be held in non-secure custody while at the Utica Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

A member serving as a peace officer or a police officer may take a juvenile into custody under the same circumstances for which an adult may be arrested for a crime (Family Court Act § 305.2).

Upon arrest, every reasonable effort should be made to give notice and location of the juvenile in custody to a parent or other person legally responsible for the child, or when neither are available, to the person with whom the child resides, as soon as practicable (Family Court Act § 305.2; CPL § 120.90; CPL § 140.20; CPL § 140.27).

After providing notice, juveniles should generally be released to the custody of a parent or other legally responsible person upon the issuance of an appearance ticket to the child and the person to whose custody the child is released (Family Court Act § 305.2). Alternatively, upon being taken into custody, juveniles with special circumstances should be taken to the youth part of the superior court or family court. If the court is not in session, members should take the juvenile before an appropriate magistrate as designated by the court (Family Court Act § 305.2; Family Court Act § 312.2; CPL § 140.20; CPL § 140.27; CPL § 722.21).

In cases where the member determines that it is necessary to question the juvenile, the juvenile may be transported to a location specifically designated for the purpose of questioning juveniles, even in cases where the member intends to later transport the juvenile to court. If the member intends to release the juvenile after questioning, and upon the consent of a parent or other person legally responsible for the care of the juvenile, the juvenile may be taken to the juvenile's residence for questioning for a reasonable period of time (Family Court Act § 305.2; CPL § 140.20).

Special circumstances may make a release inappropriate due to a substantial probability that a juvenile will not appear in court or a significant risk the juvenile may commit further serious criminal acts. In these cases, taking a juvenile to family court is appropriate. When family court is not in session, the member should take the juvenile before an appropriate magistrate as designated by the court. The supervisor or designee may then contact a juvenile detention facility and seek authorization for further detention (Family Court Act § 305.2; Family Court Act § 320.5).

Officers receiving custody of a juvenile from a private person for violation of the state prostitution law shall be taken to an appropriate short-term safe house. Juvenile delinquents suspected of being sexually exploited may also be taken to an appropriate short-term safe house, if they consent (Family Court Act § 305.2).

901.5 DETENTION

An individual who has not reached their 18th birthday shall not be detained in any adult lockup except in accordance with section 304.1 of the Family Court Act or section 510.15 of the Criminal Procedure Law.

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901.6 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Utica Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Agency.

(c) Squad Commander notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile delinquent, juvenile offender, adolescent offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed.

(h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Utica Police Department (34 USC § 11133; 28 CFR § 115.114). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Agency shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

In the event that a juvenile has erroneously been placed in custody through deception, impersonation or other reason, the incident must be immediately reported to the Squad Commander and a record made for reporting to the New York State Commission of Correction (reportable incident and annual reporting as required by Commission guidelines).

901.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Utica Police Department shall ensure:

(a) The Squad Commander is notified if it is anticipated that a juvenile may need to remain at the Agency more than four hours. This will enable the Squad Commander to facilitate the juvenile's release or transfer from the Agency within six hours.

(b) Safety checks and significant incidents/activities are noted on the log.

(c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

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2. This does not apply to surreptitious and legally obtained recorded interrogations.

(d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(e) There is reasonable access to toilets and wash basins.

(f) There is reasonable access to a drinking fountain or water.

(g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(i) There is privacy during family, guardian and/or attorney visits.

(j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

(n) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

901.8.1 COURT APPROVAL

The Uniform Patrol Division Commander will ensure that only areas that have been approved by the chief administrator of courts or the office of children and family services are used for the custody or questioning of juveniles. Members should not allow a juvenile in custody to be in an unapproved area (Family Court Act § 304.1; Family Court Act § 305.2).

901.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

901.10 USE OF RESTRAINT DEVICES

Juveniles may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile may be handcuffed at the Utica Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

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Other restraints shall only be used after less restrictive measures have failed and with the approval of the Squad Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.11 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

901.12 SECURE CUSTODY

Only juveniles 14 years of age or older may be placed in secure custody. Squad Commander approval is required before placing a juvenile or adolescent offender in secure custody.

Secure custody should only be used for juveniles when there is a reasonable belief that the juvenile is a serious risk of harm to themself or others.

Members of this agency should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

901.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

(a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.

(c) The juvenile shall have constant auditory access to agency members.

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(d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.

(e) Unscheduled safety checks by agency members shall occur no less than every 15 minutes.

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to the juvenile's well-being.
3. Juveniles who are sleeping or apparently sleeping should be awakened.
4. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

(g) Juveniles should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

901.13 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Uniform Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any juvenile held at the Utica Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Squad Commander, Chief of Police and Criminal Investigations Division Commander

(c) Notification of the parent, guardian or person standing in loco parentis of the juvenile

(d) Notification of the appropriate prosecutor

(e) Notification of the Corporation Counsel

(f) Notification of the Medical Examiner

(g) Notification of the juvenile court

(h) Evidence preservation

(i) Reporting to the New York State Division of Criminal Justice Services for the Death in Custody Reporting Act.

901.14 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

Juvenile delinquents and adolescent and juvenile offenders in custody shall not be questioned unless the juvenile and either the juvenile's parent or other person legally responsible for the juvenile's care, or if such legally responsible person is unavailable, the person with whom the juvenile resides, are advised of the juvenile's agency-approved *Miranda* rights for juveniles (Family Court Act § 305.2).

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Any custodial interrogation of a juvenile shall be video recorded consistent with the requirements of the Division of Criminal Justice Services (Family Court Act § 305.2). This recording should intelligibly capture the entire interrogation, including the administration of *Miranda* rights and the identities of all persons present. For the policy on retention and additional notice requirements, see the Investigation and Prosecution Policy.

901.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Fingerprints and palm prints may not be taken of juvenile delinquents unless (Family Court Act § 306.1):

(a) The juvenile is in custody for a class A or B felony and the child is 12 years of age or older.

(b) The juvenile is in custody for a class C, D, or E felony and is 13 years of age or older.

(c) The juvenile is 16 years old and is in custody for a misdemeanor defined in the Vehicle and Traffic Law (Penal Law § 30.00; CPL § 160.10).

The taking of fingerprints, palm prints, photographs, and related information concerning a juvenile in custody shall conform with standards established by the Commissioner of the New York State Division of Criminal Justice Services, the Family Court Act, and the Criminal Procedure Law (Family Court Act § 306.1; CPL § 120.90; CPL § 140.20; CPL § 140.27).

901.16 TRAINING

Agency members should be trained on and familiar with this policy and any supplemental procedures.

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Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Utica Police Department facility. Such items can pose a serious risk to the safety and security of agency members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any agency vehicle.

An officer should search any vehicle used for prisoner transport before and after the transportation of a prisoner. Whenever a prisoner is being transported by an officer who is not of the same sex, the officer shall report the beginning and ending mileage to the telecommunicator and activate their body worn cameras.

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Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.4 SEARCHES AT UTICA POLICE DEPARTMENT FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Utica Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched (9 NYCRR § 7502.1). If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred (9 NYCRR § 7502.1).

Some property may not be accepted by a facility or agency that is taking custody of an individual from this agency, such as weapons, large items, cigarettes or marijuana. These items should be retained for safekeeping in accordance with the Property Unit Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another agency member. The inventory should include the case number, date, time, member's Utica Police Department identification number and information regarding how and when the property may be released.

Upon intake of all prisoners, all prisoner property must be removed, inventoried and placed in the prescribed prisoner property bins. Said prisoner property bins are to be secured in the Property Cage (never left unsecured in any other location), only to be removed so that said property can be released to the associated prisoner (property owner) or transferring agency upon release or transfer from our agency's custody.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The agency member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial

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it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.4.3 SPECIFIC ITEMS TO BE REMOVED
Belts, neckties, shoes and clothing items such as jackets, overcoats or other similar outer garments shall be removed and stored temporarily where they will not be accessible to persons in custody. A supply of disposable-type fiber or paper footwear to replace shoes may be kept available for issue as required (9 NYCRR § 7502.1).

902.5 STRIP SEARCHES

No individual in temporary custody at any Utica Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention, or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

    1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on agency members, escape attempts).

(d) The individual’s actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual’s genital status. If the individual’s genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES
Strip searches at Utica Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) The Squad Commander shall be made aware of and approve the intent of a strip search prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

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(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report using UPD Form 215. This will be scanned and added to the member's discovery file. The report will include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The verbal notification and approval of the Squad Commander.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

UPD Form 215

902.5.2 STRIP SEARCH OF JUVENILES

In the event that a juvenile is arrested for a crime, the nature or circumstances of which would lead an officer to have reasonable suspicion that the juvenile has contraband or weapons secreted on their person, in such a manner that only a strip search would divulge it, the following must be completed:

(a) The juvenile shall be kept under constant observation until it is determined that a strip search can be performed;

(b) Unless an imminent safety concern exists, the juveniles parent(s) or legal guardian shall be contacted immediately;

(c) The officer shall consult with a supervisor to determine the whether probable cause exists to seek a search warrant. The decision to seek a search warrant shall recognize

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that a strip search is highly invasive of personal privacy and is reasonable only when the suspected offense is of a serious nature, and/or poses a threat to the safety of officers, arrestee, or others;

(d) If probable cause exists for a strip search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense, and the basis for the officer's probable cause; and

(e) On the basis of a search warrant, a strip search of a juvenile shall be performed only by a licensed physician or by other medically trained personnel at the physician's direction.

The only instance when a strip search of a juvenile is permitted without a search warrant is if the officer can prove there are exigent circumstances evincing a danger to the safety of the officer(s), the arrestee, or another. This does NOT include the destruction of evidence.

902.5.3 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with the street Supervisor or Squad Commander's authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without approval of the Squad Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary agency members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Squad Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any agency members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and shall be made available to the individual who was searched or other authorized representative upon request.

902.7 TRAINING

The Training Director shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Transporting Persons in Custody

903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Utica Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

903.2 POLICY

It is the policy of the Utica Police Department to provide safe, secure, and humane transportation for all persons in custody.

903.3 UNIFORM PATROL DIVISION COMMANDER RESPONSIBILITIES

The Uniform Patrol Division Commander should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

903.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

(a) Search all areas of the vehicle accessible to a person in custody before and after each transport.

(b) Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.

1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.

(c) Provide Oneida County 9-1-1 Center with any required notifications (e.g., start time, mileage, end time). This is required for arestees of the opposite sex of the transporting officer or juvenile arrestees.

(d) Properly secure all property.

(e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio/Video and Body-Worn Cameras policies for additional guidance).

(f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

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(g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

(h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:

1. Individuals in auxiliary restraints.
2. Individuals in leg restraints.
3. Individuals wearing a spit hood.
4. Individuals who are a suspected suicide risk.

(i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.

(j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):

1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

903.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

(a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.

1. Juveniles and adults shall not be transported together.
2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
3. Persons of different genders should not be transported together.

(b) If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

903.6 TRANSPORT VANS

An officer trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

An officer should assist persons getting into and out of the transport van to avoid falls.

USING UNIT 13

903.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs,

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prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

903.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a Squad Commander.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

903.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

903.10 EMERGENCY ADMISSION TRANSPORTS

When transporting any individual for an emergency admission, the transporting officer should request that Oneida County 9-1-1 Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, Squad Commander approval is required before transport commences.

See the Emergency Admissions Policy for additional guidance.

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903.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify Oneida County 9-1-1 Center and request an appropriate response.

903.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

903.13 PROHIBITIONS

When transporting a person in custody, officers should not:

(a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).

(b) Handcuff a person to any part of a vehicle.

(c) Leave the vehicle unattended with the person in custody in the vehicle.

(d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.

(e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than agency personnel or receiving agency personnel.

(f) Stop to conduct any personal activities.

(g) Engage in a pursuit.

903.14 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

903.15 NOTIFICATIONS

Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Utica Police Department and that are promulgated and maintained by the Civil Service Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Utica Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Agency does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Agency will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Support Division Commander shall employ a comprehensive recruitment and selection strategy to recruit candidates who qualify for the Civil Service exam.

The strategy shall include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive agency website and the use of agency-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Consideration of shared or collaborative regional testing processes.

The Support Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

All job announcements must include a description of the duties of the position, minimum qualifications of the position, elements of the application process, and note that the Agency is an Equal Opportunity Employer.

The Agency should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

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1000.4 SELECTION PROCESS

Upon the certification of a civil service list and following the laws and rules guiding selection from the list, the Agency shall actively strive to identify the candidates who have in some manner distinguished themselves as being outstanding prospects and of good moral character. Minimally, the Agency shall employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive background application for employment (including previous employment, references, current and prior addresses, education, military record)

1. Applicants shall submit a personal history statement that addresses each of the components of moral character set forth in 9 NYCRR § 6000.10. This includes information, when applicable, related to the applicant's criminal history; use of controlled substances; conduct involving dishonesty, deceit, or misrepresentation; dishonorable discharge; inappropriate sexual conduct; and history of traffic violations.

(b) Driving record

(c) Personal and professional reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Public sex offender and child abuse websites/registry

(i) Record checks on the Police/Peace officer registry and National Decertification Index.

(j) Polygraph examination (when legally permissible)

(k) An impartial medical exam by a licensed physician or practitioner that meets the Municipal Police Training Council (MPTC) standards (may only be given after a conditional offer of employment)(9 NYCRR 6000.4)

(l) A psychological examination administered by qualified professionals to ensure psychological fitness (may only be given after a conditional offer of employment)(9 NYCRR 6000.11)

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(m) Oral review board or selection committee assessment based upon standardized questions with candidate's responses recorded on uniform reports.

(n) Drug testing.

(o) Relevant national and state decertification records, if available, including the National Decertification Index

(p) Any relevant information in the National Law Enforcement Accountability Database

1000.4.1 VETERAN PREFERENCE

Civil Service will provide veteran preference credits as required (Civil Service Law § 85).

1000.4.2 ADDITIONAL REQUIREMENTS

All candidates for entry-level officer positions will be required to pass a written test as part of the selection process.

All verbal and written tests used in the selection process shall be administered, scored, evaluated, and interpreted in a uniform and nondiscriminatory manner.

Any candidate being considered for a sworn (entry-level and lateral appointments) position shall be interviewed prior to their appointment. The interviews will employ a set of uniform questions, and the results obtained will be recorded on standardized forms. At least one person who participates in the interview process shall be a sworn member of the Agency.

1000.5 BACKGROUND INVESTIGATION

The purpose of the background investigation process is to determine whether a candidate is of good moral character.

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Utica Police Department.

Background investigators will be provided with instructions and checklists to ensure thorough, comprehensive and objective investigations of candidates. Elements of the background investigation will include verification of employment, education and residences; interviews with previous and current employers, family members, neighbors, social contacts, provided references, developed references and organizations; and review of credit history, military records, and other public records searches.

Every background investigation shall additionally include assessments required by 9 NYCRR § 6000.10 and as described in the Standards for Officers Under State Law subsection of this policy.

Agency Background Investigation Checklist

1000.5.1 CIVILIAN BACKGROUND CHECKS

As part of the on-boarding process, all civilian employees are subjected to a background check which is completed by members of the Professional Standards Unit. The civilian will be required to complete a civilian background questionnaire as well as be fingerprinted. The background

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investigation will adhere to applicable sections of Section 6000.10 that are appropriate to civilian service with the ultimate decision resting with the Chief of Police.

1000.5.2 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the New York Fair Credit Reporting Act (15 USC § 1681d; General Business Law § 380-c).

1000.5.3 STATE NOTICES

Every applicant disqualified due to facts discovered during the background investigation by the Utica Police Department will be provided a written statement from Civil Service specifying the reasons for the disqualification and allowed an opportunity for rebuttal (Civil Service Law § 50).

Applicants who are or were subject to an extreme risk protection order (temporary or final) should be afforded an opportunity to explain the circumstances and provided with copies of records related to the order that are obtained by the Agency (CPLR § 6346).

Applicants with criminal convictions that have been sealed pursuant to NY CPL § 160.57 shall be afforded an opportunity to explain the circumstances surrounding the conviction or incident and provided with copies of records related to the criminal conviction that are obtained by the Agency (Criminal Procedure § 160.57).

1000.5.4 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Professional Standards Unit should not require candidates to provide passwords or account information.

The Professional Standards Unit shall conduct open source internet-based searches and review information from social media sites with a waiver signed by the candidate to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Agency fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Professional Standards Unit should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

Findings related to the candidate's moral character shall be available for review by the Division of Criminal Justice Services (9 NYCRR § 6000.10).

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1000.5.6 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.7 DETERMINATION OF SUITABILITY FOR DCJS GRANTS

GRANT REQUIRED BACKGROUND CHECKS

1000.6 POLICE RIDE ALONG

All candidates must complete a ride along prior to consideration. All ride along paperwork will be provided by the Logistics and Resources Unit.

1000.7 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

1000.7.1 DISQUALIFICATION FACTORS UNDER STATE LAW

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework. State law provides for statutory minimal standards for disqualification as prescribed by Civil Service Law § 50 and MPTC. Candidates shall be deemed unfit to serve as an officer if within three years of the date of application, the candidate has engaged in any of the following activity or criminal activity, whether criminally charged or prosecuted, regardless of where the act took place, if the conduct would be an offense in New York:

(a) Any felony offense

(b) Any sex offense or sexually violent offense as defined in NY Correction Law § 168-a (Sex Offender Registration Act)

(c) Any serious offense (NY Penal Law § 265)

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(d) Any crime involving misconduct and obstruction of public servants, bribery of a public servant, perjury, or crimes related to judicial proceedings (NY Penal Law Art. 195, Art. 200, Art. 210, Art. 215)

(e) Any crime involving forgery, false written statements, or crimes involving fraud (NY Penal Law Art. 170, Art. 175, Art. 190)

(f) Any crime involving assault and menacing, obscenity, crimes against public sensibilities, or crimes against public order (NY Penal Law Art. 120, Art. 235, Art. 245, Art. 240)

(g) The unlawful use of any controlled substances

(h) False statements or conduct that subverts or attempts to subvert the application process

(i) A dishonorable discharge from any of the Armed Forces of the United States

Additional considerations should include:

- Any of the conduct above, which has occurred more than three years from the date of application
- The unlawful use of a controlled substance more than three years from the date of application
- Inappropriate sexual conduct regardless of adjudication
- Conduct involving dishonesty, deceit, or misrepresentation
- Historical pattern of conduct of moving traffic violations
- Any other conduct determined to be a reflection on the candidate's moral character

1000.8 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Agency and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Civil Service Department should maintain validated standards for all positions.

The Support Division Commander or the authorized designee shall undergo a case-by-case analysis to determine that the nondiscriminatory employment standards, including medical standards, for each position are consistent with the business necessity of the Agency and contain the position's essential job functions (9 NYCRR § 6000.7; 9 NYCRR § 6000.9).

1000.8.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards:

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(a) Free of any felony convictions

(b) Citizen of the United States or permanent resident noncitizen eligible for and has applied for citizenship

(c) At least 20 years of age and no more than 43 years of age with certain exceptions (Civil Service Law § 58)

(d) Fingerprinted for local, state, and national fingerprint check (9 NYCRR § 6000.10 (b)(2))

(e) Good moral character as determined by a thorough background investigation (9 NYCRR § 6000.10(b))

(f) High school graduate, passed the GED, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional, or mental condition which might adversely affect the exercise of police powers (9 NYCRR § 6000.3; 9 NYCRR § 6000.4; 9 NYCRR § 6000.8; 9 NYCRR § 6000.10)

1000.8.2 STANDARDS FOR OFFICERS UNDER STATE LAW

Candidates should be subjected to additional evaluations to determine whether they meet MPTC-required standards and whether they are physically and psychologically fit to perform essential job functions with or without reasonable accommodations (9 NYCRR § 6000.3). The evaluations shall include physical ability testing, good moral character as determined by a background investigation, polygraph and/or pre-offer personality test, drug screening, and medical and psychological review.

All candidates should undergo a physical fitness screening test offered by the MPTC prior to receiving a conditional offer of employment by the Agency (9 NYCRR § 6000.8).

Candidates who successfully complete the physical fitness screening test shall undergo the Agency background investigation consistent with this policy and the procedures set forth 9 NYCRR § 6000.10(b). In addition to the standards for officers above, the evaluation shall assess whether the candidate demonstrates good moral character and is not otherwise disqualified or unfit to serve (see the Disqualification Standards Under State Law subsection in this policy).

To assess a candidate's moral character, the investigator shall consider, at a minimum, the candidate's complete employment application, personal statement, review of information provided by family, references, educational institutions, previous and current employers, neighbors, landlords, social contacts, the Department of Motor Vehicles, military records, organizations and affiliations, court records, credit history, Police and Peace Officer Registry maintained by the Division of Criminal Justice Services, and the National Decertification Index (or successor).

The investigator should additionally conduct an in-person interview to include (9 NYCRR § 6000.10):

- Prior criminal behavior (regardless of whether the candidate was charged or convicted).
- Driving behavior.

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- Use of controlled substances.
- Any conduct involving fraud, dishonesty, deceit, or misrepresentation.

Candidates who are determined to be of good moral character shall undergo a medical examination pursuant to 9 NYCRR § 6000.4 and psychological examination pursuant to 9 NYCCR § 6000.11 after receiving a conditional offer of employment. The Agency shall consider the recommendations in the post-offer medical review to determine whether to revoke a conditional offer of employment (9 NYCRR § 6000.4).

The Agency should provide reasonable accommodations that are necessary to perform an essential job function to qualified candidates with a disability (9 NYCRR § 6000.5).

1000.9 PROBATIONARY PERIODS

The probationary period for all police officers appointed to the Utica Police Department will be twelve months. Police officers who transfer from another agency will complete a full twelve month probationary period with this agency.

The Patrol Division Commander should identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Performance Evaluations

1001.1 PURPOSE AND SCOPE

This policy provides guidelines for the Utica Police Department performance evaluation system.

1001.2 POLICY

The Utica Police Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Agency evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 TYPES OF EVALUATIONS

The Agency shall use the following types of evaluations:

Regular - An evaluation completed annually by the employee's immediate supervisor. Employees who have been promoted should be evaluated over a twenty-four (24) week period, by the commanding officers and first line supervisors of the unit they are assigned to. Evaluation reports will be completed and filed by the probationary Sergeant's commanding officer, at eight (8), sixteen (16) and twenty-four (24) weeks of the probationary period.

When an employee transfers to a different assignment in the middle of an evaluation period, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and Division Commander or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

Performance Evaluation Report

1001.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Exceeds standards - Performance is better than demonstrated by a competent employee. It is performance superior to what is required.

Meets standards - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Below standards - Performance is less than the standards required of the position. A below standards rating shall be thoroughly discussed with the employee.

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Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses and requirements for improvement. Any job dimension rating marked as below standards or exceeds standards shall be substantiated with supervisor comments.

1001.3.2 PERFORMANCE IMPROVEMENT PLAN
Employees who receive a below standards rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review his/her performance and the status of the PIP at least monthly.

1001.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. The criteria upon which employees are evaluated are listed in the appendix to this policy. Evaluations should be completed by each employee’s immediate supervisor. Other supervisors directly familiar with the employee’s performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee’s job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment and will not conduct evaluations until such training has been received.

1001.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year. Non-probationary members shall be evaluated once each calendar year between January 1st and December 31st with all interviews completed and reports filed by January 31st.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed his/her evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any

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of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

1001.7 APPEAL

Any member may appeal an evaluation in the following manner:

Sign the evaluation followed by “under protest” and “request appeal.”

Submit a request for appeal, in writing, to the member’s division commander within three (3) days of the review.

The member’s division commander will review the evaluation and supporting documentation from the rater and will attach their findings to the original evaluation within fifteen (15) days of receiving the written request for appeal.

The command officer completing the command level review will then return the evaluation to the original rater to be reviewed with the appealing member.

The member confirms his acceptance or rejection, of the command review, in writing.

Members will confirm their rejection by writing "not accepted" and their initials on the command review attachment.

No further appeals are permitted.

The entire appeal process shall be completed within a thirty (30) day period.

After the appeal has been completed the original evaluation will be filed in the member’s Department personnel file. The last four (4) evaluations shall be kept in the member’s personnel file.

Unit commanders will maintain unit personnel files (e – files) for all members under their command and will keep copies of evaluation reports for future reference. If a member is transferred to a new unit, that member’s unit personnel file will be forwarded to the member’s new commanding officer.

1001.8 CHAIN OF REVIEW

The performance evaluation should be forwarded to the evaluating supervisor’s Division Commander or the authorized designee prior to the front-line supervisor discussing the evaluation with the employee. The Division Commander or the authorized designee shall review the evaluation for fairness, impartiality, uniformity and consistency.

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The Division Commander or the authorized designee should evaluate the supervisor on the quality of ratings given.

1001.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Agency in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee.

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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Utica Police Department.

1002.2 POLICY

The Utica Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) Metro Special Weapons and Tactics Team member

(b) Motorcycle officer

(c) Bicycle Patrol officer

(d) Canine handler

(e) Field Training Officer

(f) Community Relations/Training Officer

(g) CID training position

(h) Mobile Field Force

(i) Tactical Unit

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Off probation

(b) Possession of or ability to obtain any certification required by the Municipal Police Training Council (MPTC) or law

(c) Exceptional skills, experience or abilities related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Expressed an interest in the assignment.

(d) Demonstrates the following traits:

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1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to agency goals and objectives in a positive manner

1002.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

(a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
    1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.

(b) Division Commander interview - The Division Commander will schedule interviews with each candidate.
    1. Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Chief of Police.

(c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training and at the discretion of the Chief of Police.

1002.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Utica Civil Service Department.

(a) Notices shall be posted for upcoming competitive examinations for promotion via bulletin board or agency email.

(b) Discriminatory hiring practices are prohibited. The Utica Police Department is an equal opportunity employer.

(c) The Civil Service Department manages and distributes detailed information pertaining to promotional examinations, including eligibility, rankings, weight of criteria, veteran's credits, seniority credit, duration of validity period of eligibility lists and certification of eligibility.

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1002.4.1 PROMOTIONAL PROCESS

The Chief of Police or the authorized designee is responsible for the promotional process and should coordinate with the Civil Service Department to develop a written promotional process for both sworn and civilian positions that is job-related and nondiscriminatory.

1002.4.2 ELIGIBILITY LISTS

If eligibility lists are used, the Chief of Police or the authorized designee, along with the Civil Service Department, should develop criteria and procedures for developing each list, which should specify:

(a) The numerical weight, if any, assigned to each eligibility requirement.

(b) A system for ranking eligible employees on the lists.

(c) The duration of the lists.

(d) Written certification of eligible employees.

(e) A system for selecting names from the lists.

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Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Utica Police Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

1003.1.1 GRIEVANCE DEFINED

A grievance is any controversy, dispute, or difference between the parties arising out the interpretation or application of the Collective Bargaining Agreement or the rules or regulations or working conditions, affecting any individual employee or group of employees or the PBA and the City.

1003.2 POLICY

It is the policy of the Utica Police Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint or retaliation against any employee who submits or is otherwise involved in a grievance.

1003.3 PROCESS

Any grievance shall be reduced in writing within forty – five (45) days of its occurrence or within forty – five (45) days of when the member of the PBA should have been aware of its occurrence, and such grievances shall be signed by the aggrieved party or the PBA and presented to the Chief of Police. Within five (5) working days thereafter, the Chief of Police shall schedule a meeting to discuss the subject of said grievance and attempt to reach a resolution of the grievance.

If the grievance is not resolved through such meeting, the Chief of Police, within five (5) working days thereafter, shall reply in writing to the PBA or the aggrieved employee. Within ten (10) working days thereafter, the PBA or aggrieved employee shall present the grievance together with a copy of the Chief of Police's reply, to the Mayor of the City. The Mayor shall reply in writing within ten (10) working days thereafter to the PBA and aggrieved employee.

If the decision of the Mayor is unacceptable to the PBA or the aggrieved employee, within thirty (30) calendar days after the receipt of the Mayor's decision by the PBA, the PBA shall forward a written demand for arbitration to the Public Employment Relations Board, with a copy sent to the Mayor. The parties shall request PERB to provide a list of the arbitrators and pursuant to the PERB Voluntary Dispute Resolution Procedure, an arbitrator shall be appointed by PERB to hear and finally resolve the grievance. The parties may also agree upon a particular arbitrator to hear and finally resolve the grievance in lieu of utilizing the PERB selection and appointment procedure.

The decision of the arbitrator shall be final and binding and in accord with Article 75 of the New York Civil Practice Law and Rules. All fees and expenses of the arbitrator shall be shared equally by the PBA and the City.

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1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the PBA for inclusion into a secure file for all written grievances.

1003.5 POLICY OR TRAINING IMPLICATIONS

If, as a result of the grievance review process, an issue is identified that may warrant an immediate revision to this Policy Manual, a procedural change or an immediate training need, the Corporation Counsel should promptly notify the Chief of Police.

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Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance or collective bargaining agreement.

1004.2 POLICY

The Utica Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Civil Service Secretary.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

New York law protects employees and former employees who reasonably believe an activity, policy, or practice of the employer is in violation of a law, rule, or regulation or poses a substantial and specific danger to the public health or safety and (Labor Law § 740):

(a) Disclose or threaten to disclose to a supervisor or to a public body any such activity, policy, or practice of the Utica Police Department.

(b) Provide information to or testify before any public body conducting an investigation, hearing, or inquiry into any such activity, policy, or practice by the Utica Police Department.

(c) Object to or refuse to participate in any such activity, policy, or practice.

Members should make a good faith effort to notify a supervisor or the Chief of Police to provide the Utica Police Department a reasonable opportunity to correct the issue unless they are excused from such notice under state law (Labor Law § 740).

Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy (Labor Law § 740; Civil Service Law § 75-b).

Notice of the requirements of Labor Law § 740 shall be prominently posted in easily accessible and well-lit areas frequented by members and candidates (Labor Law § 740).

1004.8 RECORDS RETENTION AND RELEASE

The Records Clerk shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Arrests, Convictions and Court Orders

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Utica Police Department. This policy will also describe the notification requirements and procedures that certain retired officers, with LEOSA status ID cards, must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1005.2 POLICY

The Utica Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Agency.

1005.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and New York law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; CPL § 530.14).

When the Chief of Police has knowledge, or reason to believe, that an officer is under a qualifying Order of Protection, the Agency shall verify the officer is in compliance with prohibitions on the possession of pistols, rifles, shotguns or ammunition as required by Federal or New York law, and whether the officer's duty weapons and equipment are exempt. Appropriate action regarding the carry of such weapons is required.

All members and retired officers with LEOASA status identification cards issued by the Agency are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this agency may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1005.5 REPORTING

All members and all retired officers with LEOSA status identification cards issued by the Agency shall immediately notify their supervisors (retired officers should immediately notify the Squad Commander or the Chief of Police) in writing of any past or current criminal detention, arrest,

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charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with LEOSA status identification cards issued by the Agency shall immediately notify their supervisors (retired officers should immediately notify the Squad Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Municipal Police Training Council (MPTC) certification.

Employees shall be personally responsible for reporting immediately to the Chief of Police through the chain of command any arrest, traffic violation, or other court action instituted against them arising out of Criminal, Civil or Family Court. This includes being named in any police report.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1005.5.1 NOTIFICATION REQUIREMENTS

The Chief of Police shall submit the proper notice of any appointment of an officer, auxiliary officer or other required employee by this agency to the Department of Criminal Justice Services (DCJS) in a timely manner (9 NYCRR § 6056.4; 9 NYCRR § 6056.).

The Chief of Police shall immediately submit the proper notice of any leave of absence, removal, termination, resignation, reinstatement, name change or other status change regarding any officer, auxiliary officer or other required employee that is employed by this agency to DCJS (9 NYCRR § 6056.4).

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of the Utica Police Department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on agency time can endanger the health and safety of agency members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Squad Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on or off-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on agency premises or on agency time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

A voluntary employee assistance program is available to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Agency.

1006.7 SCREENING TESTS

CBA - Drug Alcohol Employee Testing Procedure

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Agency will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Agency recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member’s confidential medical file in accordance with the Personnel Records Policy.

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Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the department's collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the New York Paid Family Leave Benefits Law (29 USC § 2601 et seq.; Workers' Compensation Law § 200 et seq.; 12 NYCRR § 380-2.4 et seq.).

1007.2 POLICY

It is the policy of the Utica Police Department to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences specifically for the employee and is not to be used for the care of sick family members. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

A member's medical leave time will commence at the time their shift would have started for a twenty-four hour period. Each additional medical leave day will cover a twenty-four hour period.

Employees on sick leave shall not engage in other employment or self-employment, to include department overtime, within that twenty-four hour period (see the Outside Employment and Outside Overtime Policy).

While on sick leave, no member of the Department shall leave their home during the (8.25) hour period that they would normally be on duty except under the following conditions:

(a) For the purpose of reporting to or visiting the police physician or a personal physician and/or to a facility specifically designated by the members physician for services connected to the member's illness/injury. Prior to the member leaving their home they shall request permission from their supervisor.

(b) When an emergency exits, or the member wishes to leave their home or place of confinement for the purpose of attending religious services or voting in a governmental election. The member shall request permission from their supervisor prior to.

1007.3.1 NOTIFICATION

All members should notify the Squad Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. The Squad Commander receiving the call, if capable, shall make the appropriate entries in On-Duty. It is also the Squad Commanders responsibility to notify, by email, the respective platoon/unit commander and the Division Commander regarding the request for

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medical leave (sick) call. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Agency with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for.

1007.4 EXTENDED ABSENCE

Members absent from duty over two working days are required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider’s statement for an absence of two or more days.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Addressing absences and sick leave use in the member’s performance evaluation when excessive or unusual use has:

1. Negatively affected the member’s performance or ability to complete assigned duties.
2. Negatively affected agency operations.

(c) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(d) Referring eligible members to an available employee assistance program when appropriate.

1007.6 OTHER MEDICAL LEAVE

Members are allowed four hours of paid leave for cancer screening each year (Civil Service Law § 159-b).

An eligible employee may be entitled to sick, disability, or family leave if the employee is subject to or caring for a dependent child subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. Employees should contact the Civil Service Department as soon as practicable once they have reason to believe a precautionary order is in effect.

The Civil Service Department shall advise employees of their rights and responsibilities as applicable (FFCRA; L. 2020, ch. 25, 2020 McKinney's Session Law News of N.Y.).

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of agency members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing, or coughing. These diseases commonly include but are not limited to coronavirus, hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Utica Police Department (see the exposure control plan for further details to assist in identifying whether an exposure has occurred).

1008.2 POLICY

The Utica Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 INFECTION CONTROL COORDINATOR

The Logistics and Resources Unit will be responsible for Infectious Disease coordination. The LRU Supervisor will serve as the Infection Control Coordinator. The Infection Control Coordinator shall develop an exposure control plan that includes:

(a) Exposure prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that agency members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Adhering to exposure control mandates and precautions in 29 CFR 1910.1030 (Labor Law § 27-a; 12 NYCRR § 800.3).

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2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
3. Providing medical examinations of public protection officials (Civil Service Law § 178).
4. Recording employment-related, communicable disease-related incidents for the New York State Department of Labor's Division of Safety and Health including:
    (a) Work-related communicable diseases and tuberculosis cases (12 NYCRR § 801.7; 12 NYCRR § 801.11).
    (b) Needlestick and sharps injuries (12 NYCRR § 801.8).

The Infection Control Coordinator should also act as the liaison with the New York State Public Employee Safety and Health Bureau and may request voluntary compliance inspections. The Infection Control Coordinator should periodically review and update the exposure control plan and review implementation of the plan.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area of agency vehicles, as applicable.

(b) Wearing agency-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
    1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

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(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

ACTIVE PANDEMIC PRECAUTIONARY GUIDELINES

PRECAUTIONARY DISPATCH PROCEDURES

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3). All employees are encouraged to receive the HBV vaccination series. If an employee declines the HBV vaccination, the employee must sign a statement to this effect. Employees who decline may request and obtain the vaccination at a later date at no cost.

1008.5 POST-EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3):

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor immediately or as soon as practical.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3) by completing an Injury Exposure Report:

(a) Name of the member exposed

(b) Date and time of incident

(c) Location of incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

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(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

(i) Any other information required by the appropriate Workers' Compensation Carrier

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

Injury Exposure Report

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Agency members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3).

The Infection Control Coordinator should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the Infection Control Coordinator.

1008.5.4 COUNSELING

The Agency shall provide the member the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3).

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the Infection Control Coordinator. If the Infection Control Coordinator is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Working with the New York State Department of Health (Public Health Law § 2100 et seq.).

(c) Physician disclosure under 10 NYCRR § 63.8.

(d) Court-ordered testing when a person has been a victim of certain sex offenses (Public Health Law § 2785-a).

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Since there is the potential for overlap between the different manners in which source testing may occur, the Infection Control Coordinator is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The Infection Control Coordinator should seek the consent of the individual for testing.

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Utica Police Department facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Utica Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Agency and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all agency facilities, buildings and vehicles, and as is further outlined in this policy.

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited any time members are in public view representing the Utica Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

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Personnel Complaints/Internal Investigations/ Disciplinary Procedure

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Utica Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Utica Police Department takes seriously all complaints regarding the service provided by the Agency and the conduct of its members.

The Agency will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local laws; and municipal and county rules, and the requirements of any collective bargaining agreements.

It is also the policy of this agency to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PROFESSIONAL STANDARDS UNIT

The Professional Standards Investigation Unit is responsible for the department's professional standards function and shall report directly to the Captain of the Criminal Investigations Division as an extension of the Chief of Police. The highest-ranking member of the Professional Standards Unit is authorized to report directly to the Chief of Police in the event the Captain is unavailable, if they are directly or indirectly involved in an investigation and/or to avoid any conflict of interest.Members of the Professional Standards Unit shall be assigned by the Chief of Police.

The Professional Standards Unit will be responsible for conducting the following types of serious complaint investigation:

(a) Allegations of a serious violation of department policy, procedure or rule.

(b) Allegations of brutality or a breach of civil rights. Actions by members that result in serious physical injury or death to another person.

(c) Situations involving the use of deadly force by department personnel, to include the discharge of firearms in other than lawful sport activity, the destruction of dangerous or injured animals or at an approved firing range.

(d) Any complaint when specifically directed by the Chief of Police.

Professional Standards members will maintain a liaison with the City of Utica Corporation Counsel and Oneida County District Attorney to assure that the results of Professional Standards investigations are adjudicated fairly, impartially and thoroughly.

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The staff of the Professional Standards Unit has the authority and responsibility to oversee and direct any member, regardless of rank or assignment, to assist in any matter that is related to Professional Standards. The Professional Standards Unit also has the authority to oversee any investigations that they determine to be necessary.

1010.4 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of agency policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate agency policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Agency. If such an incident arises the Supervisor will document their actions in the corresponding incident as a narrative.

1010.4.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Squad Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

1010.4.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, website submission, in person or by telephone.

(b) Any agency member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1010.5 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

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1010.5.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the agency website. Forms may also be available at City Hall.

1010.5.2 ACCEPTANCE

All complaints will be courteously accepted by any agency member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall complete a complaint form as completely as possible and submit the complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.6 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented by Professional Standards in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Agency should audit the log and send an audit report to the Chief of Police or the authorized designee.

1010.7 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.7.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal or informal complaint, a complaint form is completed.

    1. The original complaint form will be directed to the Professional Standards Unit and a copy provided to the Squad Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

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2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact from the investigating supervisor with the complainant should be made within 24 hours of the Agency receiving the complaint.

2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to PSU.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Squad Commander and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Squad Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(g) Ensuring that the procedural rights of the accused member are followed.

(h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.7.2 ADMINISTRATIVE INVESTIGATION PROCEDURES UNDER CIVIL SERVICE LAW
Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to employees covered by Civil Service Law (Civil Service Law § 75):

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, the employee shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Utica Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) Prior to any interview, an employee should be informed of the nature of the investigation.

(e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

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(f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.

1. All employees subjected to interviews that could result in discipline have the right to have a certified or recognized union representative present during the interview. The employee shall be informed in advance and in writing of the right to representation.

2. If the employee is unable to find representation within a reasonable time, the interviewer may proceed with the interview.

(i) To maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

(k) The Agency shall not require, request, suggest, or knowingly permit an employee to submit to a psychological stress examination. Such tests are prohibited from being administered and results shall not be utilized for any purpose (Labor Law § 735).

1010.7.3 ADMINISTRATIVE INVESTIGATION PROCEDURES OTHER EMPLOYEES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to employees:

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, the employee shall be compensated.

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(b) Unless waived by the employee, interviews of an accused employee shall be at the Utica Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) Prior to any interview, an employee should be informed of the nature of the investigation.

(e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

(f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.

(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

(k) The Agency shall not require, request, suggest, or knowingly permit an employee to submit to a psychological stress examination. Such tests are prohibited from being administered and results shall not be utilized for any purpose (Labor Law § 735).

1010.7.4 NOTICE OF CHARGES

Any charges brought against an employee shall be in writing and within the time frame prescribed by law (Civil Service Law § 75; Second Class Cities Law § 137; Town Law § 155; Village Law § 8-804).

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1010.7.5 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.7.6 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve agency members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations or any ancillary findings.

1010.7.7 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within thirty days from the date of discovery by an individual authorized to initiate an investigation. The Chief or his designee may extend this timeline based on the nature of the investigation.

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1010.7.8 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
PSU will provide the complainant with a letter stating an administrative investigation is being conducted and a disposition at the conclusion of the investigation.

1010.8 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.9 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Agency, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) Shall be required to relinquish any agency badge, identification, assigned weapons and any other agency equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be on leave without pay for no more than 30 days (Civil Service Law § 75; Village Law § 8-804).

1010.10 RELIEF FROM DUTY

At the direction of the Chief of Police or his designee officers may be relieved from duty for any of the following including, but not limited to:

(a) Arrested or charged with a criminal offense.

(b) Accused or questioned regarding conduct that would constitute a crime.

(c) Involved in an action resulting in serious physical injury or death to another person.

(d) Accused of using excessive force or violating a person’s civil rights.

(e) Accused of sexual harassment.

(f) Showing signs of substance abuse.

(g) Physically or mentally unfit for duty.

If employee misconduct results in dismissal the department shall provide the following information to the subject member in writing:

(a) The reason for the suspension pending termination and the effective date of the suspension pending termination.

(b) A statement of the status of salary and fringe benefits accrued up to dismissal.

(c) Human Resources personnel shall provide to the subject employee a final pay check disbursement.

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(d) The New York State Retirement System shall provide to the subject employee a statement of the status of that person's retirement benefit.

1010.11 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a CID supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Chief of Police or authorized designee may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.12 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.12.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

Upon reviewing the recommendations of the Lieutenant as to the disposition of the allegations, including the amount of discipline, the Division Commander may make changes including raising or lowering the amount of discipline imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.12.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

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Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed the disciplinary procedures shall be followed.

DISCIPLINARY PROCEDURES

1010.12.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.13 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy. Records of disciplinary actions may be purged from a subject members personnel file at the discretion of the Chief of Police three years after a final disposition has been reached. Records of all disciplinary actions, both positive and negative, shall be placed in the member’s Professional Standards file and in the employees E- file.

1010.16 LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

Members who become aware of misconduct concerning corruption, fraud, use of excessive force, criminal activity, conflicts of interest, or abuse by another member relating to their work with the agency, or by a person having business dealings with the agency relating to those dealings shall, in addition to any requirements in this policy, promptly report it to the Law Enforcement Misconduct Investigative Office (LEMIO) (Executive Law § 75).

1010.16.1 ADDITIONAL CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall advise the governor, appropriate members of the legislature, and the Division of Criminal Justice Services (DCJS) within the required period of any remedial action taken against a member in response to the LEMIO's recommendation. The Chief of Police shall also refer complaints that meet the requirements of Executive Law § 75 to the LEMIO (Executive Law § 75).

Additionally, the Chief of Police or the authorized designee shall timely comply with all reporting requirements to the DCJS when required by 9 NYCRR Part 6056 (e.g., reporting removal of employees, including probationary employees, for cause) (9 NYCRR 6056.4; 9 NYCRR 6056.5).

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Safety Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in agency vehicles.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

Safety belt system - A system utilizing a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, and that conforms to federal regulations (49 CFR 571).

1011.2 POLICY

It is the policy of the Utica Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this agency while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Agency, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the agency member or the public. Members must be prepared to justify any deviation from this requirement.

1011.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with Vehicle and Traffic Law § 1229-c.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any agency vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by safety belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.6 INOPERABLE SAFETY BELTS

Agency vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Agency vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Utica Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE

The Support Division Commander shall ensure that body armor purchased using federal funds is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice and be made in America. Each vest will be threat level II or above and uniquely fitted to the officer to which it is assigned.

Members will be given the option to wear their body armor as part of an outer carrier system or inner carrier. If choosing to wear the outer carrier system, members should refer to section 1012.3.4 of this policy for further guidance.

Body armor shall be issued when an officer begins service at the Utica Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

When a member receives a new vest to replace an old one, they must return the old vest to the Logistics and Resources Unit.

The Chief of Police may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

1012.3.1 USE

Generally, the required use of body armor is subject to the following:

(a) Members shall only wear agency-approved body armor.

(b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.

(c) Members shall wear body armor when working in uniform or taking part in agency range training to include the issued supplemental hard trauma plate.

(d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.

(e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

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1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

1012.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

1012.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

(a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.

1. Unserviceable body armor shall be reported to the supervisor.

(b) Members are responsible for the proper storage of their body armor.

1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.

(c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.

1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.

2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.

(d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

1012.3.4 OUTER CARRIERS

Members may choose to wear a department issued and approved outer carrier as their choice of body armor whenever required to wear such body armor dictated by this policy.

If a member chooses to wear an outer carrier, the following attachments will be provided to them:

1. One (1) radio holster
2. One (1) tourniquet pouch
3. One (1) pepper spray holster
4. One (1) Body Worn Camera mount
5. Two (2) single handcuff cases

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A member may choose to wear or not wear any of the aforementioned attachments on their outer carrier with the exception of the tourniquet pouch and body worn camera mount. These two items are required at to be worn on the carrier at all times, with both being as close to center line as possible.

If a member wishes to wear their magazines or issued taser on their outer carrier, they will be responsible for obtaining the proper magazine and taser holster attachment for the vest. These attachments must match the same color as the vest provided and must not restrict the member from being able to access any other piece of equipment either on their belt or vest.

If a member chooses to attach their issued taser to the outer carrier, it must be attached on their non-dominant side as to require a cross-draw. The only approved modification for the taser holster is to change the belt attachment to a MOLLE attachment.

1012.4 LOGISTICS AND RESOURCES UNIT RESPONSIBILITIES

The responsibilities of the Logistics and Resources Unit include, but are not limited to:

(a) Monitoring technological advances in the body armor industry for any appropriate changes to agency-approved body armor.

(b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.

(c) Educating officers about the safety benefits of wearing body armor.

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Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this agency to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of New York (Labor Law § 203-d; Public Officers Law § 89(2)).

1013.3 AGENCY FILE

The agency file shall be maintained as a record of a person's employment/appointment with this agency. The agency file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be retained per the records and retention disposition schedule LGS-1.

(d) Performance evaluations dating back three years will be maintained.

(e) Discipline records, including copies of personnel complaints will be retained per the records and retention disposition schedule LGS-1.

(f) Adverse comments such as counseling memos will be retained in the agency file after the member has had the opportunity to read and sign the memo.

1. If a member refuses to initial or sign a counseling memo, at least one supervisor should note the date and time of such refusal on the original document. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

1013.4 E-FILE

E-files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The E-file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Director for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts,

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diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Director or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Director or supervisor shall ensure that copies of such training records are placed in the member's training file.

1013.6 PROFESSIONAL STANDARDS FILE

Professional Standards files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police, the Criminal Investigations Captain or the Professional Standards Unit supervisor. Information contained in the internal affairs files shall be kept confidential as permitted by law.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's agency file but will be maintained in the Professional Standards file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1013.7 MEDICAL FILE

A medical file shall be maintained in the Logistics and Resources Unit separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Mayor, Corporation Counsel or other attorneys or representatives of the City in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Chief's Office or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member’s personnel records shall be logged in the corresponding file.

1013.8.2 RELEASE OF PERSONNEL INFORMATION

The Agency may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation or the member's representative publicly makes a statement that is published in the media and that the member or representative knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

Records regarding a member’s status as a domestic violence victim, including any related leave of absence requested or taken by the member, are confidential except as otherwise permitted by law (Executive Law § 296).

Personal information within disciplinary records, such as substance abuse assistance services and mental health services, may be confidential if the information falls within the scope of Public Officers Law (Public Officers Law § 87(4-a); Public Officers Law § 87(4-b); Public Officers Law § 89(2-b); Public Officers Law § 89(2-c)).

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Refer to the current CBA.

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1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Response to Internal Vacancies

1014.1 PURPOSE AND SCOPE

This policy establishes guidelines for agency members to respond to an announced vacancy within the department (i.e. traffic, CPU, DV).

1014.2 POLICY

It is the policy of the Utica Police Department that all narratives received in response to an announced vacancy be considered in an equitable and nondiscriminatory manner.

1014.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit a narrative through the chain of command to their Division Commanders, forwarded to the Chief of Police and placed in the officer's personnel file.

The narrative provides members with the opportunity to list their qualifications for specific assignments. It should include:

(a) The member’s relevant experience, education and training.

The document will remain in effect until the position being canvassed has been filled.

1014.4 RESPONSIBILITIES

1014.4.1 SUPERVISORS

Upon receipt of a narrative expressing interest in a posted vacancy, the supervisor, including immediate Sergeant and Lieutenant, shall make appropriate comments on the document or in a supplemental narrative and forward it to the member’s Division Commander.

1014.4.2 DIVISION COMMANDERS

If the Division Commander receives a narrative expressing interest in a posted vacancy from a patrol officer that does not contain Squad Commander comments, he/she will make appropriate comments and return it to the member without consideration.

The Division Commander will review all narrative requests and submit his/her recommendation to the Chief of Police.

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Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Utica Police Department and individuals from the community.

1015.2 POLICY

It is the policy of the Utica Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.3 COMMENDATIONS

Commendations for members of the Agency or for individuals from the community may be initiated by any agency member or by any person from the community.

1015.4 CRITERIA / AWARDS

1015.4.1 AGENCY MEMBER DOCUMENTATION

Members of the Agency should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Agency - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1015.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Agency members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Agency - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

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1015.4.3 PROCESSING DOCUMENTATION

Any member of the department may call attention to commendable police or civilian action and recommend another, for a commendation by following the procedures detailed in this section.

Members who wish to recommend a commendation must submit a narrative report of the circumstances surrounding the actions, including dates, times, case numbers, names of witnesses and the nature of the incident. The recommendation should be submitted to one of the nominee's platoon/unit supervisors.

The recommendation will be prepared on a departmental nomination form and forwarded, through the chain of command, to the nominee's commanding officer.

Unit commanders will compile commendation recommendations and submit them to the Support Division Commander for review, when requested.

Once each year, a committee selected by the Chief of Police shall review the commendation recommendations, and other available records and information, for the purpose of recommending members to be considered for medal awards.

All awards are to be approved by the Chief of Police.

1015.4.4 AWARDS

Awards may be bestowed upon members of the Agency and individuals from the community. These awards for members of the agency include:

- Combat Cross - An individual act of heroism with imminent personal threat to life, in combat with an armed adversary.
- Medal of Honor - An outstanding act in the line of duty with imminent personal risk of life with full knowledge of the risk involved.
- Meritorious Service Medal - Highly unusual accomplishment under adverse conditions with some degree of hazard to life and limb to nominee or where death or serious injury to a third party is prevented.
- Exceptional Duty - A highly creditable accomplishment bringing public acclaim to himself, the Department and the police profession.
- Honorable Service - A creditable act in the line of duty, that demonstrates great initiative and accomplishment which meets some but not all of the requirements for other medals.
- Life Saving - An act performed in the line of duty which, through disregard for personal safety and prompt alert action, results in saving life.
- Wound Citation - A wound received in the line of duty, intentionally inflicted by an armed adversary, resulting in severe puncture wounds, lacerations, fractures or concussion suffered by the nominee.

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- Veteran's Service - Awarded for military service with the United States Army, Navy, Air Force, Marines or Coast Guard. Nominee must have served a minimum of 181 days of active service and received an honorable discharge.
- Unit Citation - Awarded to two or more members who perform an act or a series of acts over a period of time which demonstrates a high degree of teamwork and professionalism and which results in the attainment of Departmental goals, thus increasing the Department's effectiveness and efficiency. This award may be presented alone or in addition to any other award. If it results from a particular incident, only those personnel actually working at the time are eligible; if it results from a series of acts over a period of time, all personnel assigned to the unit are eligible.
- Ken Schaaf / Ed Ruffing Superior Officer of the Year Award - Nominated by the Chief of Police or the Deputy Chief for a Supervisor who is an effective leader, effective mentors and coaches, hold personnel accountable, solution oriented, respected by their subordinates, and dedicated to the department.
- Thomas M. Lindsey Award – Any member of the agency can be nominated for the Thomas M. Lindsey Award for active community involvement geared toward a positive change in the community or an act of heroism or valor.

Civilians may be nominated for and a receive a Civilians Award.

1015.5 PRESENTATION OF AWARDS

Original copies of commendations shall be presented to cited officers at an annual awards ceremony.

Copies of all letters of commendations will be filed in the individual recipient's personnel file.

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Fitness for Duty

1016.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Agency and the community. The purpose of this policy is to ensure that all members of this agency remain fit for duty and able to perform their job functions.

1016.2 POLICY

The Utica Police Department strives to provide a safe and productive work environment and ensure that all members of this agency can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Agency may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1016.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this agency to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another agency member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

(e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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1016.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Squad Commander or if after hours, the Duty Commander.

1016.4.2 DUTY STATUS

In conjunction with the Squad Commander or the Duty Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Squad Commander or the member's Division Commander should immediately relieve the member of duty pending further evaluation.

Members relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1016.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1016.5.1 PROCESS FOR DISABILITIES

When an employee is unable to perform the duties of his/her position by reason of a disability, other than a disability resulting from an occupational injury or disease as defined in the workers' compensation law, the employee and the Agency shall comply with the applicable provisions of the Civil Service Law (Civil Service Law § 72; Civil Service Law § 73).

1016.5.2 PROCESS FOR ALL OTHERS

The Chief of Police may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Agency with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

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In order to facilitate the evaluation of any member, the Agency will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Civil Service Department.

1016.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period
- 30 hours in any two-day (48 hours) period
- 84 hours in any seven-day (168 hours) period

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

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Lactation Breaks

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1017.2 POLICY

It is the policy of the Utica Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to three years after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Law § 206-c).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Law § 206-c). In general, lactation breaks that cumulatively total 30 minutes or less during any three-hour work period or major portion of a three-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken as needed.

Members desiring to take a lactation break shall notify a supervisor prior to taking such a break and notify dispatch they will be out of service. Such breaks may be reasonably delayed if they would seriously disrupt agency operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Agency will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers,the public and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Law § 206-c).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken in the female locker room.

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1017.4.1 STATE REQUIREMENTS
The Agency shall make reasonable efforts to provide a private location that meets the requirements of Labor Law § 206-c and notify all members that a room or location is being designated to express milk if that room or location could, at other times, be used for another purpose. Such locations, however, shall not be used for any other purpose while it is in use by the member expressing milk.

1017.5 STORAGE OF EXPRESSED MILK
The Agency shall provide members with access to refrigeration for storing expressed milk (Labor Law § 206-c).

Any member storing expressed milk in any authorized refrigerated area within the Agency shall clearly label it as such and shall remove it when the member's shift ends.

1017.6 POLICY REVIEW
The Agency shall provide the written policy regarding the rights of nursing members issued by the Commissioner of Labor at initial hire, on an annual basis, and when a member returns from the birth of a child (Labor Law § 206-c).

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Payroll Records

1018.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of agency members who are eligible for the payment of wages.

1018.2 POLICY

The Utica Police Department maintains timely and accurate payroll records.

1018.3 RESPONSIBILITIES

Supervisors are responsible for approving the overtime report for those under their commands.

1018.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed as established by the City payroll procedures.

1018.5 RECORDS

The Support Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years and in compliance with the applicable state records retention schedule (29 CFR 516.5; 8 NYCRR 185.15).

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Overtime Compensation

1019.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

1019.2 POLICY

The Utica Police Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

1019.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee’s immediate supervisor.

1019.4 REQUESTS FOR OVERTIME COMPENSATION

1019.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

(a) Obtain supervisory approval, verbal or written.

(b) Not work in excess of 16 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour period without supervisory approval.

(c) Record the actual time worked in an overtime status using the agency-approved form or method. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.

(d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

All overtime/compensatory slips will be verified by sworn supervisory personnel only. Supervisors who worked the same overtime assignment are not permitted to verify a member's overtime/ compensatory slip.

Civilian personnel such as Assistant District Attorneys, City Attorneys, hearing officers etc. will not be accepted for verifying start and end times for overtime/compensatory slips.

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All personnel are reminded that members will receive a minimum of four hours of overtime for a subpoena issued for an appearance during the members non-working hours (refer to the CBA). If this appearance extends past the four hours for that subpoena, the overtime is then hour for hour. Refer to section 1019.5 of this policy regarding accrual rates.

1019.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

(a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
    1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of agency resources.

(b) Upon receipt of an overtime/compensatory slip, confirm that the overtime was authorized and then verify the actual time worked.
    1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.

(c) After verifying the amount worked, the request for compensation slip will be left in either the contracted services/court bin or with the employee's respective supervisor by the employee. The final approval will be done by the employee’s Division Commander.
    1. After the Division Commander has authorized compensation, the request shall be submitted to the Payroll Clerk no later than the 9th day of the month following the month the overtime was worked.

Supervisors may not authorize or approve their own overtime.

1019.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

TIME WORKED	INDICATE ON CARD
Up to 7 minutes	No compensation
8 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1019.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Squad Commander or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

1019.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt agency

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operations. Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on agency-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

1019.7 COMPENSATORY TIME ACCRUALS

The Administration of the Utica Police Department has established that members will be allowed to accrue up to no more than one hundred and forty (140) hours of compensatory overtime. Compensatory overtime will be granted when the overtime occurred as a result of a holdover or last minute call at the end of a shift, any off duty court appearance, being called in prior to a normal, shift etc. Compensatory time will not be granted for contracted services or grant related assignments such as sporting events, DWI patrols, court security etc.

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Secondary Employment and Scheduled Overtime

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for agency members who seek to engage in authorized secondary employment or scheduled overtime.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Secondary employment - Duties or services performed by members of this agency for another employer, organization or individual who is not affiliated directly with this agency when wages, compensation or other consideration for such duties or services is received. Secondary employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Scheduled overtime - Duties or services performed by members of this agency for a private organization, entity or individual, that are requested and scheduled directly through the Agency. Member compensation, benefits and costs for such outside services are reimbursed to the Agency.

1020.2 POLICY

Members of the Utica Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any secondary employment or scheduled overtime. Approval of secondary employment or overtime shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for secondary employment or overtime, or engaging in secondary employment or overtime that is prohibited by this policy, may lead to disciplinary action.

1020.3 SECONDARY EMPLOYMENT

Upon the approval of the Chief of Police members may engage in secondary employment provided that it does not interfere with regular duties or availability for emergency duty. Secondary employment must not affect members' physical condition to the extent that it impairs their ability to efficiently perform such duties.

1020.4 SECONDARY EMPLOYMENT PROCEDURES

1020.4.1 REQUEST AND APPROVAL

Members must submit an intra-agency memorandum requesting secondary employment to their immediate supervisors. The request form will then be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for secondary employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue secondary employment must submit a new request form at the start of each calendar year.

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1020.4.2 DENIAL
Any member whose request for secondary employment has been denied should be provided with a written notification of the reason at the time of the denial.

1020.4.3 REVOCATION OR SUSPENSION
Any member whose approval for secondary employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for secondary employment may be revoked or suspended:

(a) When a supervisor determines the member's performance is failing to meet standards and the secondary employment may be related to the deficient performance.
    (a) Approval for the secondary employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
(b) When a member's conduct or secondary employment conflicts with agency policy or any law.
(c) When the secondary employment creates an actual or apparent conflict of interest with the Agency or City.

1020.4.4 APPEAL
If a member's request for secondary employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

1020.5 REQUIREMENTS

1020.5.1 PROHIBITED OUTSIDE EMPLOYMENT
The Agency reserves the right to deny any request for secondary employment that involves:

(a) The use of agency time, facilities, equipment or supplies.
(b) The use of the Utica Police Department badge, uniform or influence for private gain or advantage.
(c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
(d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this agency.
(e) Demands upon the member's time that would render the performance of his/her duties for this agency deficient or substandard.

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(f) Activities that may conflict with any other policy or rule of the Agency.

(g) The member to have an ownership interest in, or work on the premises of, any establishment that has a New York State liquor license (Alcoholic Beverage Control Law § 128).

(h) The violation of New York State Municipal Law, Article 10, Section 208-D.

(i) Section 107 of the Racing, Wagering and Breeding Law.

(j) Bail bond agencies.

The Chief of Police or his/her designee may deny any secondary employment that they determine to be detrimental to the department, the member or the public's best interest.

1020.5.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this agency may engage in any outside employment as a law enforcement officer, private security guard, private investigator or other similar private security position.

1020.5.3 AGENCY RESOURCES

Members are prohibited from using any agency equipment or resources in the course of, or for the benefit of, any secondary employment. This shall include the prohibition against any member using his/her position with this agency to gain access to official records or databases of this agency or other agencies.

1020.5.4 CHANGES IN SECONDARY EMPLOYMENT STATUS

If a member terminates his/her secondary employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued secondary employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in secondary employment, including any change in the number of hours, type of duties or the demands of any approved secondary employment. Members who are uncertain whether a change in secondary employment is material are advised to report the change.

1020.5.5 LEAVE OR RESTRICTED DUTY STATUS

Members are not permitted to engage in any form of extra-duty or secondary employment during any period of medical leave (sick, injured on-duty or injured off-duty). This applies to the entire 24-hour period of every day that the member is on medical leave.

Members, placed on Administrative Leave may not be permitted to engage in any form of extra duty or secondary employment unless approved by the Chief of Police.

When the member returns to full duty with the Utica Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

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1020.6 UTICA CITY SCHOOL DISTRICT

The Utica City School District will hire members of the Utica Police Department on an overtime basis pursuant to a Contacted Services Memorandum of Understanding. Any officer hired to work for the school district under the Contracted Services Memorandum of Understanding must follow the policies and procedures set forth in the attached Standard Operating Procedure (

SOP for UPD SSO Program

1020.7 SCHEDULED OVERTIME

1020.7.1 REQUESTS FOR SPECIAL SERVICES

Entities wishing to employ Utica Police Department personnel for purposes conditioned on the actual or potential use of law enforcement powers will do so contractually through the Utica Police Department. Such services will be assigned, monitored and compensated through the Agency as scheduled overtime assignments. Entities will be told that the officers duties must be law enforcement related.

(a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.

(b) The requester will be required to enter into an agreement that includes indemnification with the Agency prior to approval.

(c) The requester will be required to reimburse the Agency for the members' compensation, benefits and costs (e.g., court time) associated with such scheduled services.

(d) Should such a request be approved, any member working scheduled overtime shall be subject to the following conditions:

1. The member shall wear the agency uniform and carry agency identification.
2. The member shall be subject to the rules and regulations of this agency.
3. Compensation for such approved scheduled overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
4. Scheduled overtime shall not be subject to the collective bargaining process.

1020.7.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an scheduled overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the scheduled overtime assignment.

1020.7.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work scheduled overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

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Work-Related Illness and Injury Reporting

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related illness or injury - Accidental injuries and disease arising out of and in the course of employment. Mental injury may be included unless it is a sole injury arising out of work-related stress as a direct consequence of a lawful and good faith personnel decision involving disciplinary action, work evaluation, job transfer, demotion, or termination (Workers' Compensation Law § 2).

1021.2 POLICY

The Utica Police Department will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state workers' compensation requirements (General Municipal Law 207-C).

1021.3 RESPONSIBILITIES

1021.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness, work-related injury or is exposed to a communicable/infectious disease or hazardous substance shall report such event immediately to a supervisor. Any reports made after 24 hours of the incident may be denied. Under no circumstances will a member seek medical attention on their own from their primary care physician or any other medical facility. Members should only seek medical attention when instructed to do so by a supervisor after the initial notification.

Members will complete and sign an injury/exposure form and submit it to their direct supervisor for review. If medical attention is required or the officer will be absent from work for any amount of time, the member's direct supervisor will ensure the officer completes a City of Utica GML 207-C application as soon as practicable. This application must be signed by the member and notarized. Both the injury/exposure form and the 207-C application, if applicable, will be given to the Logistics and Resources Unit when complete.

If a member was taken out of work and gets cleared for full-duty but suffers a relapse due to the on-duty injury, the member must notify the Logistics and Resources Unit for further determination on 207-C treatment.

Prior to a member returning from an on or off-duty injury, they must have a signed release from either their personal physician or the police physician. The written release must certify that the member is capable of performing full and strenuous duty.

Injury Exposure Report

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1021.3.2 LOGISTICS AND RESOURCES UNIT RESPONSIBILITIES

The Logistics and Resources Unit will forward all approved GML 207-C applications to the Civil Services Department.

All reports, documents and physician notes associated with the members on-duty injury will be securely maintained in the member's personal medical file.

1021.3.3 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member is given the opportunity to receive medical care per the procedures outlined in the guide for supervisors.

Supervisors shall ensure that required documents regarding the incident are completed, signed by the member and supervisor and forwarded to the Logistics and Resources Unit promptly. This should also include an email narrative from the supervisor to the Logistics and Resource Unit regarding the particulars of the incident.

The notified supervisor shall prepare and conduct an investigation. At the conclusion of the investigation, all forms, notifications and findings shall be forwarded to the appropriate Division Commander.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1021.3.4 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational illness or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Support Division Commander to ensure any required New York State Department of Labor's Public Employee Safety and Health Bureau reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1021.3.5 CHIEF OF POLICE RESPONSIBILITIES

All 207-C applications shall be forwarded to the Chief of Police for review and approval.

1021.4 ORDERED MEDICAL EXAMINATIONS

The Chief of Police, his designee or the Police Physician may, at any time call any injured member for the purpose of scheduling an exam. Once an exam is scheduled, upon request, the injured member will report to the Police Physician's office or an alternative physicians' office to fulfill that appointment.

1021.5 SETTLEMENT OFFERS

When a member sustains an occupational illness or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

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1021.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational illness or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the illness or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1022.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Utica Police Department.

Requirements for agency uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1022.2 POLICY

Utica Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this agency and for their assignments. Agency personal appearance standards are primarily based on safety requirements, appearance conformity and the social norms of the community served, while considering matters important to members of the Agency.

1022.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief of Police has granted an exception.

1022.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

1022.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male agency members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance. Hair may touch but not fall more than one inch below the top of the ear.

When working a field assignment, hairstyles for female agency members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

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1022.3.3 MUSTACHES
Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

1022.3.4 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1022.3.5 BEARDS/GOATEES
Facial hair, other than sideburns, mustaches and eyebrows, is prohibited. unless authorized by the Chief of Police or the authorized designee.

If a member seeks a medical exemption to this section of the policy, that member must be granted such an exemption by the Chief of Police. Before the waiver can be granted, the member must provide a detailed medical report, from their primary Doctor, specifying the condition, treatment and prognosis (is the condition temporary or permanent). The granted exemption will run year to year from January 1st to December 31st. All exemptions will expire December 31st of every calendar year regardless of when the request was made and approved. All members who have been approved will need to provide the same type of medical report for re-approval between December 1st and December 31st for the following years exemption.. When a waiver is granted regarding facial hair, the facial hair must be kept neat and as closely trimmed to the skin as possible, not to exceed 1/4 of an inch.

1022.3.6 FINGERNAILS
Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish of uniformed members shall be clear in color. Non-uniformed members may wear a conservative color.

1022.4 APPEARANCE

1022.4.1 JEWELRY
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the agency member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall not be worn while on duty.

(c) One ring or ring set may be worn on each hand of the agency member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

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(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1022.4.2 TATTOOS

Existing tattoos are permitted to be displayed while in the public view by on duty personnel only after approved by the Chief of Police.

Tattoos located on the neck, face, ears, scalp, hands or fingers are prohibited with the only exception being a wedding band on one finger.

Tattoos of a derogatory, offensive or unprofessional nature are prohibited. At the Chief of Police's discretion, inappropriate, offensive and unprofessional may include, but are not limited to, the following;

(a) Sexual images or depictions,

(b) Racist images or depictions,

(c) Images or depictions of ethnic or religious discrimination,

(d) Obscene images or depictions,

(e) Images or depictions of nudity,

(f) Gang, drug or cult related images

All personnel who wish to brandish their existing tattoo(s) must complete a written narrative request to the Chief of Police and submit it using their chain of command. The request must include the description and location of the tattoo(s). Also attached must be photographs of the tattoo(s) which accurately depict the image and location described in the narrative request. All requests will be reviewed and considered by the Chief of Police.

If the employee's request is approved they will be notified by their commanding officer. If the employee's tattoo(s) are considered inappropriate then they will be notified by their commanding officer and be required to cover the tattoo(s) using a black compression sleeve; as to not be visible to the public.

In order to brandish new or additions to existing tattoos, employees must have the approval from the Chief of Police prior to obtaining the tattoos/brandings if they are in a location visible to the public while on duty. All employees requesting to obtain new tattoo(s) must complete a written narrative request to the Chief of Police and submit it through their chain of command. The request must include the description and location of the tattoo(s). Also attached must be color photographs of the tattoo(s) which accurately depict the image and location described in the narrative request. If the employee is approved they may proceed with acquiring the tattoo(s). If the request is denied, the employee may still obtain the tattoo(s), however will be required to cover same as mentioned in the above section of this policy.

All narrative requests, including photographs, will be placed in the employee's personnel file.

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1022.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Utica Police Department in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).

(c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).

(d) Branding, scarification or burning to create a design or pattern.

1022.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Utica Police Department in any official capacity. Such ornamentation includes, but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum or other veneers or caps used for decorative purposes.

(c) Orthodontic appliances that are colored for decorative purposes.

1022.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Utica Police Department in any official capacity.

1022.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

1022.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1022.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of agency members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

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Those who request to wear headscarves, simple head coverings, certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

1022.6 EXEMPTIONS

Members who seek cultural (e.g., protective hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Executive Law § 296). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a security or safety risk.

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Uniforms and Civilian Attire

1023.1 PURPOSE AND SCOPE

This policy provides guidelines for Utica Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of agency uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Agency.

This policy addresses the wearing and maintenance of agency uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Agency.

Other related topics are addressed in the Badges, Patches and Identification, Agency-Owned and Personal Property, and Personal Appearance Standards policies.

1023.2 POLICY

The Utica Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. The Agency may provide other agency members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to agency members shall be returned to the Agency upon termination or resignation.

1023.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear agency-issued uniforms:

(a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Uniforms shall be worn in compliance with any applicable agency specifications.

(d) Members shall wear only the uniforms specified for their ranks and assignments.

(e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.

(f) Uniforms are only to be worn while on-duty, for court, at official agency functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

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1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while he/she is off-duty.

(g) Members are not to purchase or drink alcoholic beverages while wearing any part of agency-issued uniforms, including the uniform pants.

(h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

1023.3.1 ACCESSORIES

Members shall adhere to the following when wearing agency uniforms:

(a) Sunglasses and jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy.

1023.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to agency uniforms unless an exception is authorized by the Chief of Police:

(a) Shoulder patch - The authorized shoulder patch supplied by the Agency shall be machine stitched to the sleeves of all uniform shirts and jackets on the left sleeve.

(b) American Flag - An American Flag patch supplied by the agency shall be machine stitched to the sleeves of all uniform shirts and jackets on the right sleeve.

(c) Badge - The agency-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.

(d) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.

1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.

(e) Rank insignia - The designated insignia indicating the member’s rank must be worn at all times while in uniform.

(f) Assignment insignias - Assignment insignias (e.g., Metro Special Weapons and Tactics Team Metro SWAT, Field Training Officer (FTO)) may be worn centered above the nameplate.

(g) TML 4963 pin - A TML 4963 pin shall be worn, centered above the nameplate.

(h) Award/commendation insignia - Citations denoting the commendation awarded will be worn when wearing the Class A Dress Uniform, or at ceremonial functions when specifically directed by the Chief of Police or his designee. Uniformed members are authorized to wear one citation above their nameplate on the right side of their shirt. That citation shall be the highest award received by the officer, with the exception of the medal of honor. The medal of honor is the only authorized citation to be worn on the left side of the shield. The TML 4963 pin will always be worn above the highest citation

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on the left side and is part of the uniform of the day. Only those persons who are the official recipients of commendations are authorized to wear the associated citations.

1023.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the agency badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

(a) Utica Police Department officer - From the time of death until midnight on the 30th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.

(d) As directed by the Chief of Police.

1023.4 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each agency member or any deviations that may be authorized.

Uniforms are classified as follows:

(a) Class A - Full dress uniform to be worn by designated agency members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.

(b) Class B - Standard issue uniform to be worn daily by designated agency members.

(c) Class C - General utility uniform to be worn by designated Agency members.

(d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

1023.4.1 CLASS A UNIFORM

The Class A uniform consists of the following:

(a) Dress hat

(b) Long-sleeve shirt with tie bar

(c) Dress jacket if equipped

(d) Trousers

(e) Black belt

1. Belts shall be equipped as needed for the member’s assignment.

(f) Dark blue or black socks

(g) Black polished dress shoes

1. Boots with pointed toes are not permitted.

(h) White gloves

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1023.4.2 CLASS B UNIFORM

The Class B uniform consists of the following:

(a) Issued short-sleeved shirts, will be worn beginning the 1st day of May every year through and including the 31st day of October. Short-sleeved shirts will be worn without a tie, and the top button will be left unbuttoned; sleeves will not be rolled. Long-sleeved shirts will be worn beginning the 1st day of November every year through and including the 30th day of April. Long-sleeved shirts will be worn either with the issued tie and tie pin or when worn over the issued mock turtleneck or a black/dark blue crew neck t-shirt with the top button unbuttoned. Sleeves will not be rolled and the cuffs will be buttoned.

1. A black or dark blue crew neck t-shirt must be worn under the uniform shirt.
2. All shirt buttons must remain buttoned except for the top button at the neck.

(b) 8 point hats - 8 point hats are the only hat that shall be worn by all uniformed members attired in Class B uniform, whether working regular duty or extra-duty, or as designated by the Chief of Police or his authorized designee.

1. The 8 point hat is the only authorized hat for uniformed members attired in Class B uniform, except for the 100% Acrylic Watchman style knit hat when weather dictates (refer to section 1023.4.2/G of this policy). Some examples in which an officer will be required to wear the 8 point hat are parades, ceremonies, large events such as the Boilermaker, as well as events at the Auditorium. No other style hat, to include baseball style hats, are to be worn by uniformed members.
2. The 8 point hat does not need to be worn during routine patrol operations unless the uniformed member is part of an event in which the Chief of Police or his authorized designee require the 8 point hat to be worn.

(c) Issued trousers

(d) Black belt

(e) Dark blue or black socks

(f) Black boots with a polishable toe.

1. Boots with pointed toes are not permitted.
2. Decorative stitching or adornment is not permitted.

(g) Weather-appropriate items

1. The 100% Acrylic Watchman style knit hat that is embroidered with "UPD" on the front will be worn as dictated by current directive of the Chief of Police or his designee.
2. Issued black mock turtleneck may be worn under the long-sleeve uniform shirt
3. Issued jacket
4. Issued rain gear

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1023.4.3 CLASS B UNIFORM REQUIRED EQUIPMENT
Members on duty and assigned to a uniform patrol function, or any overtime assignment while wearing the Class B uniform, will carry or wear the following equipment unless specifically exempted by their commanding officer per current directive:

(a) Ball-point pen.

(b) Time piece in working order and adjusted to accurate time.

(c) Issued portable radio.

(d) Issued/authorized police baton.

(e) Issued black leather police belt.

(f) Issued level III retention holster.

(g) Issued handgun properly loaded with issued ammunition.

(h) Correct number of fully loaded magazines as issued per officer assignment.

(i) Issued handcuffs and key.

(j) Issued body armor.

(k) Issued Medical/Next of Kin cards will be carried at all times in the pocket of the vest carrier where the trauma plate is located, directly behind the trauma plate.

(l) Issued OC spray and holder.

(m) Assigned ECD (TASER).

(n) Assigned Body Camera.

1023.4.4 CLASS C UNIFORM
The Chief of Police or the authorized designee will establish the specifications, regulations and conditions for wearing the Class C uniform.

1023.4.5 SPECIALIZED ASSIGNMENT UNIFORM
The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, the (Metro SWAT), bicycle patrol, motor officers and other specific assignments.

1023.5 NON-UNIFORMED INVESTIGATIVE PERSONNEL
This section applies to all sworn personnel assigned to the Criminal Investigations Division (CID), excluding those assigned to the Special Investigations Unit (SIU), Gun Involved Violence Elimination (GIVE) Unit and Warrants Unit, unless otherwise authorized or directed.

(a) Standard Attire (Year-Round):

- Male Officers shall wear a dress shirt and tie with slacks or a business suit and professional footwear.

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- Female Officers shall wear comparable business attire, such as professional pantsuits or other similar appropriate clothing with flat, close-toed professional footwear.

Business attire is required during:

- Regular duty tours
- Duty-related call-backs
- Court appearances (as further governed by Section 325.5)
- Any occasion where the member is representing the Department in an official capacity.
- Any deviation from this standard must be requested in advance and approved by the Division Commander.

(a) Seasonal Exception - CID Polo Attire: Between May 1st and October 31st each year, personnel assigned to CID may wear CID authorized polo shirts with dress pants as an alternative to business attire.

- Polo shirts must be **solid black, blue, gray, brown, or white**, and must display the **Utica Police Department patch** over the left breast.
- No other logos, text, or insignias are authorized.
- Polo shirts must be **tucked in** and worn with **dress pants and professional footwear**.

This seasonal option is extended at the discretion of the Chief of Police and may be modified or revoked at any time.

1023.6 CIVILIAN ATTIRE

There are assignments within the Agency that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

(a) Civilian attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.

(b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.

(c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.

(d) No item of civilian attire may be worn while on-duty that would adversely affect the reputation of the Utica Police Department or the morale of the members.

(e) The following items shall not be worn while on-duty or when representing the Agency in any official capacity:

1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
2. T-shirt alone or exposed undergarments

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3. Swimsuits, tank tops, tube tops or halter tops
4. Sweatshirts, sweatpants or similar exercise clothing
5. Spandex-type pants or transparent clothing
6. Shorts
7. Open-toed shoes
8. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

1023.7 OPTIONAL EQUIPMENT

Any items that are allowed by the Utica Police Department but that have been identified as optional (e.g. duty bag, knife or multi-tool, or specialty handcuff keys) shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the agency.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

(a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.

(b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Agency-Owned and Personal Property Policy.

1023.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Utica Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Agency members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

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Conflict of Interest

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Utica Police Department.

1024.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1024.2 POLICY

Members of the Utica Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of agency members and the public, and thereby maintain the trust of the public and agency members.

1024.3 PROHIBITIONS

Individuals who are either married or are involved in a romantic relationship shall not be allowed to work in the same squad together or be in direct subordinate of the other, regardless of position or seniority in the department.

1024.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the telecommunicator to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

1024.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

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Badges, Patches and Identification

1025.1 PURPOSE AND SCOPE

The Utica Police Department (UPD) badge, patch and identification card, as well as the likeness of these items and the name of the Agency, are property of the Agency. Their use shall be restricted as set forth in this policy.

1025.2 POLICY

Members of the Agency will use the UPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

1025.3 UNAUTHORIZED USE

The UPD badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Agency members shall not:

(a) Display or use the UPD badge, patch or identification card for personal gain or benefit.

(b) Loan the UPD badge, patch or identification card to others or permit these items to be reproduced or duplicated.

(c) Use images of the UPD badge, patch or identification card, or the likeness thereof, or the Utica Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, social networking or websites.

1025.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Agency members shall promptly notify their supervisors whenever their UPD badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

1025.4 BADGES

The Chief of Police shall determine the form of badges authorized for use by agency members. No other badges may be used, carried, worn or displayed.

Only badges issued by this agency are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief of Police, may purchase at their own expense a second badge or flat badge that can be carried in a wallet.

1025.4.1 RETIREE BADGES

The Chief of Police may establish rules for allowing honorably retired members to keep their badges in some form upon retirement, for use as private memorabilia.

1025.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the UPD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

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(a) An authorized employee group may use the likeness of the UPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Utica Police Department. The following modification shall be included:

1. Any text identifying the Utica Police Department is replaced with the name of the employee group.
2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1025.5 IDENTIFICATION CARDS

All members will be issued an official UPD identification card bearing the member's name, full-face photograph, member identification number, and the official seal of the Agency. All members shall be in possession of their agency-issued identification cards at all times while on-duty or in agency facilities.

1025.6 BUSINESS CARDS

The Agency will supply business cards to those members who may require the use of a business card. The only authorized business cards are those issued or approved by the Agency and should contain identifying information including, but not limited to, the member's name, division, badge or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card upon request.

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Light-Duty Assignments

1026.1 PURPOSE AND SCOPE

This policy establishes procedures for providing light-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Agency to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1026.2 POLICY

Subject to operational considerations, the Utica Police Department may identify light-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A light-duty assignment allows the employee to work, while providing the Agency with a productive employee during the temporary period.

1026.3 GENERAL CONSIDERATIONS

Priority consideration for light-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature (General Municipal Law §207-c). Employees having disabilities covered under the Americans with Disabilities Act (ADA) or Executive Law § 296 of the New York Human Rights Law shall be treated equally, without regard to any preference for a work-related injury (Executive Law § 296).

No position in the Utica Police Department shall be created or maintained as a light-duty assignment.

Light-duty assignments are a management prerogative and not an employee right. The availability of light-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Agency. Light-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in light-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers. An employee on a light-duty assignment will report in business attire.

1026.4 PROCEDURE

In instances of off-duty injury/illness members may submit requests for light duty assignment in writing, to their commanding officer.

An employee seeking a light-duty assignment will provide a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

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(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the light-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding light-duty assignments that may be available based on the needs of the Agency and the limitations of the employee. The Chief of Police or the authorized designee may confer with the Civil Service Department or the Corporation Counsel as appropriate. The Chief of Police will make the decision to approve or deny the employee's light-duty request.

Any officer who is assigned to a light-duty assignment does so with the expectation that he/she intends to return to work, full duty, in the near future. Any light-duty assignment granted to an officer will be reviewed every 30 days. There will be a limit of no more than 90 consecutive days an officer can be on light-duty assignment unless approval is given by the Chief of Police or there are other extenuating circumstances.

The Division Commander will also forward all requests and medical notes to the Logistics and Resources Unit for record keeping.

1026.5 LIGHT-DUTY ASSIGNMENT TO THE DESK

Under certain circumstances officers who are eligible for light-duty assignment may be assigned to Desk Officer Duties within the Patrol Division. Desk Officer Duties entail but are not limited to:

(a) Answering the phone and securing required reports.

(b) Attending walk in complaints.

(c) Securing bail.

(d) Ensuring the continuity of evidence / property in the Property Closet.

(e) Assisting the Platoon Commander.

(f) Securing Weapons in the caged area.

(g) Checking E Justice every ½ hour.

The light-duty officer who is assigned to the Desk Officer Duties must adhere to the following restrictions:

(a) Report directly to their assigned work area which includes the following areas only:

1. The Complaint Desk / Cage area
2. Sgt. Workstation
3. Squad Commander's Office

(b) The officer will remain in their assigned area and under no circumstances will he/she leave their post without first acquiring permission from the Platoon Commander.

(c) The officer will have no personal contact with any prisoners.

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(d) In case of unusual occurrences, such as fights or arrests in the lobby or combative prisoners in the Booking area, he/she must stay within their assigned area.He/she will immediately make the appropriate communications to facilitate the necessary and proper response.

(e) If he/she needs to leave or return to their assigned area he/she will contact the Platoon Commander who is responsible for making the appropriate arrangements for his/her safe entry or departure.

(f) He/She will report directly to their assigned area 15 minutes prior to the start of their shift instead of attending roll call.

(g) Officers will not under any circumstances, enter the booking area or cell block.

(h) Officers will not have any physical contact with any prisoner, complainants, or any citizens in general.

1026.6 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to light-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate agency operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1026.6.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to light-duty shall include, but are not limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors and the Logistics and Resources Unit of any change in restrictions or limitations after each appointment with their treating medical professionals.

1026.6.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to light-duty.

The responsibilities of supervisors shall include, but are not limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the Logistics and Resources Unit.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1026.7 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations and cleared for full and strenuous duty.

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The Agency may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1026.8 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Agency should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate. (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Executive Law § 296).

1026.8.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City’s personnel rules and regulations regarding family and medical care leave.

1026.9 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a light-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1026.10 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to light-duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to light-duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Early Warning System

1027.1 PURPOSE AND SCOPE

This policy provides guidance for the use of an early warning system (EWS). The EWS can provide early recognition of training needs and other potential issues. This policy addresses the responsibilities, performance indicators and components of the EWS, and handling of collected data; and conducting appropriate interventions, when necessary.

1027.2 POLICY

The Utica Police Department collects data to assist supervisors with evaluating the performance of their employees, including identifying problematic conduct and providing for appropriate interventions. While it is understood that the statistical compilation of data may be helpful to supervisors, the Agency recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

1027.3 RESPONSIBILITIES

The Professional Standards Unit is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate reports that will be provided to the appropriate Division Commander. The Professional Standards Unit will utilize existing reporting methods to compile and track information regarding performance indicators for each officer. Each report should contain data from a two-year time period preceding the date of the report.

1027.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the activation of the EWS. These indicators may include, but are not limited to, the frequency and/or number of:

(a) Use of force incidents (empty-hand control techniques such as come-alongs and escort holds are excluded for the purposes of the EWS).

(b) Internal investigations.

(c) Personnel complaints, including the findings.

(d) Claims and civil suits related to the employee’s actions or alleged actions.

(e) Internal personnel investigations.

(f) Negligent firearm discharges (regardless of injury).

(g) Vehicle accidents.

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(h) Negative discipline.

1027.4.1 ACTIVATION OF EWS

The IA PRO software system which is administered and maintained by the Professional Standards Unit has the capability to generate periodic reports based on designated criteria and threshold limits. The IA PRO EWS reports will be run on a quarterly and annual basis.An employee will automatically be flagged in IA PRO upon meeting the designated criteria as outlined below:

(a) Personnel Complaints: two incidents in six months.

(b) Internal Investigations: two incidents in six months.

(c) On-Duty Motor Vehicle Accidents (preventable): two incidents in six months.

(d) Response to Resistance (use of force): six incidents in six months.

(e) Negative Departmental Discipline: two incidents in six months.

(f) Any Combination of the Above Criteria: six or more incidents in six months.

1027.4.2 REPORTING

EWS Activation Report - The Professional Standards Unit will be responsible for issuing a report indicating which, if any, officers have been Activated by the EWS.

Annual EWS Evaluation Report - The Professional Standards Unit will be responsible for issuing an annual report evaluating the EWS system.

1027.4.3 ALERT NOTIFICATION AND REVIEW

The Professional Standards Unit will issue a notification whenever an officer is activated by the EWS. This notification will be generated from IA PRO as either a specific alert and/or overall alert depending on the criteria that has triggered the alert.

The Professional Standards Unit will e-mail the alert notification as a PDF attachment to the officer's appropriate Division Commander.

The Division Commander will then forward the notification to the activated officer's supervisor(s) (Lieutenant and/or Sergeant) in order for them to initiate an investigation into the EWS activation. The Supervisor will then review each specific incident that led to the EWS activation. The supervisor will formalize a report and place same on an Intra-Agency Memorandum outlining the review of each incident and notating any findings.

This review will include the following:

(a) Determination if there are any similarities between incidents;

(b) Determination if a trend or pattern of behavior is indicated;

(c) Determination if other possible indicators of stress are present such as an unusual amount of leave, tardiness, family problems, etc.

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The completed report will be provided through the Chain of Command to the Division Commander within 15 days of the initial notification.

The Division Commander will then review the report and provide a finalized summary report to the Chief of Police which will include any identifiable issues as well as a recommendation for disposition.

Early Warning System Notification and Review Form

1027.4.4 DISPOSITION
The Chief of Police has the final authority in determining the disposition as follows:

(a) No Action - Often the circumstances that activated the EWS are merely part of a competent officer performing his or her job duties in a conscientious manner. If the assessment indicates that no problem or pattern of behavior exists then no further action is required.

(b) Remedial Training - The employee may need refresher training in human relations' skills, defensive tactics, cultural diversity, driving, specific department policies and procedures, etc.

(c) Counseling - The employee may need to be counseled by supervisory personnel regarding specific aspects of his or her job performance.

(d) Referral to the Employee Assistance Program - If the issues associated with the EWS activation are determined to be possibly related to factors involving job stress or other issues beyond the work environment then a referral to the EAP may be made per departmental policy.

(e) Any other course of remedial action as deemed appropriate by the Chief of Police or his designee.

1027.5 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop EWS reports shall be considered confidential as part of the employee’s personnel file and will not be subject to discovery or release except as provided by law. Access to EWS reports will be governed under the same process as access to an officer’s personnel file, as outlined in the Personnel Records Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1027.6 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

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Speech, Expression, and Social Networking

1028.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Utica Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1028.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Utica Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this agency be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Agency will carefully balance the individual member's rights against the needs and interests of the Agency when exercising a reasonable degree of control over its members' speech and expression.

1028.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Utica Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow agency member.
- Otherwise disclosing where another officer can be located off-duty.

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1028.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Utica Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Agency or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Agency and tends to compromise or damage the mission, function, reputation or professionalism of the Agency or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorifies or endorses dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Agency (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Agency.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Agency for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of agency logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Utica Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) While on duty in any capacity, employees shall not post to their personal social media accounts.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

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1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Utica Police Department or identify themselves in any way that could be reasonably perceived as representing the Agency in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this agency, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Utica Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1028.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

1028.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Agency or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Agency.

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(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Agency.

1028.7 TRAINING

Subject to available resources, the Agency should provide training regarding the limitations on speech, expression and use of social networking to all members of the Agency.

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Illness and Injury Prevention

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Utica Police Department.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1029.2 POLICY

The Utica Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Agency will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Agency to comply with all laws and regulations related to occupational safety.

1029.3 ILLNESS AND INJURY PREVENTION PLAN

The Support Division Commander is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Posted or distributed safety information.

(c) A system for members to anonymously inform maintenance and other employees about workplace hazards.

(d) Establishing a process to ensure illnesses and injuries are reported as required under the New York Public Employee Safety and Health (PESH) Act (Labor Law § 27-a; 12 NYCRR § 801.39).

1029.4 SUPPORT DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Support Division Commander include but are not limited to:

(a) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.

(b) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(c) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:

1. Ensuring agency compliance to meet standards regarding the following:

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(a) Respiratory protection (29 CFR 1910.134; 12 NYCRR § 800.3)

(b) Communicable diseases (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3)

(c) Exit routes, Emergency Action Plans, and Fire Prevention Plans (29 CFR 1910.33 et seq.; 12 NYCRR § 800.3)

(d) Workplace violence prevention, specifically addressing the essential elements related to (Labor Law § 27-b; 12 NYCRR § 800.6):

1. Risk evaluation and determination
2. Written workplace violence prevention program
3. Employee information and training

(e) The placement and maintenance of the Safety Data Sheets (SDS)

(f) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)

(g) Walking-working surfaces (29 CFR 1910.21; 12 NYCRR § 800.3)

(d) Making available a vehicle inspection form and a building maintenance form to document inspections, unsafe conditions, or unsafe work practices, and actions taken to correct unsafe conditions and work practices.

(e) Making an injury/exposure form available to document individual incidents or accidents.

(f) Document the safety and health training of each member in their training file. This form will include the member's name or other identifier, training dates, type of training, and training providers.

(g) Conducting and documenting a regular review of the illness and injury prevention plan.

1029.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for a safer, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted through the chain of command.

(e) Notifying the Support Division Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.

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2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1029.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

1029.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards.

1029.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1029.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

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(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1029.9 TRAINING

The Support Division Commander should work with the Training Director to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Agency is made aware of a new or previously unrecognized hazard.

1029.9.1 TRAINING TOPICS

The Training Director shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards.

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(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1029.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Line-of-Duty Deaths / Serious Physical Injury to Members

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Utica Police Department in the event of the death of a member occurring in the line of duty and to direct the Agency in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1030.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1030.2 POLICY

It is the policy of the Utica Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this agency to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1030.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Squad Commander and Oneida County 9-1-1 Center.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Squad Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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(c) If the member has been transported to the hospital, the Squad Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Agency Liaison as soon as practicable (see the Notifying Survivors section and the Agency Liaison and Hospital Liaison subsections in this policy).

1030.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Squad Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Agency Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in agency vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital.Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Agency Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Agency Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Utica Police Department members may be apprised that survivor notifications are complete.

1030.4.1 OUT-OF-AREA NOTIFICATIONS

The Agency Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Agency Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the agency member that the survivors can call for more information following the notification by the assisting agency.

(b) The Agency Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Agency to pay travel expenses without the authorization of the Chief of Police.

1030.5 NOTIFYING AGENCY MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying agency members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

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Supervisors should direct members not to disclose any information outside the Agency regarding the deceased member or the incident.

1030.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

(a) Agency Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Wellness Support Liaison.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Agency Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available agency resources. The Agency Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1030.6.1 AGENCY LIAISON

The Agency Liaison should be a Division Commander or of sufficient rank to effectively coordinate agency resources, and should serve as a facilitator between the deceased member's survivors and the Agency. The Agency Liaison reports directly to the Chief of Police. The Agency Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

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(g) Ensuring that agency members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1030.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Agency members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Utica Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Agency, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

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1030.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Agency Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term agency contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Agency Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Agency and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of agency-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.

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(h) Coordinating with the agency's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to agency activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Agency recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Agency to facilitate communications necessary to the assignment. The agency-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1030.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the agency wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of agency responsibilities until they can receive wellness support.

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(c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1030.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Agency Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Agency, including, but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call
6. Police vehicle escort of procession

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using agency vehicles and drivers.

1030.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Agency Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

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(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Utica Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1030.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Illness and Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Educational Assistance (PSOEA) Program.
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits through:

1. New York State Office of Victim Services.

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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1030.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Agency Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1030.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the agency's PIO should be the agency's contact point for the media. As such, the PIO should coordinate with the Agency Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that agency members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the agency and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to agency members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1030.8 AGENCY CHAPLAIN

The Agency chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting agency members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain are in the Chaplains Policy.

1030.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved agency members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1030.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1030.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for members whose death is unrelated to their duties and retirees. These services include, but are not limited to:

- Police Chaplain
- Pall Bearers
- Casket Guards
- Police Vehicle Escort of Procession

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1030.12 SERIOUS INJURY TO A MEMBER

Absent the member's ability to make notifications him or herself, the member's next of kin shall be notified of his or her serious injury by the commanding officer on duty at the time of the incident. This individual should be accompanied by at least one other individual, to include a close friend of the injured member, the police chaplain, and/or other support personnel.

Department coordination personnel shall be assigned by the chief of police or his/her designee as needed to provide support to the family depending on the nature and severity of the injury.

For on-duty serious injuries to officers the Logistics and Resources Unit will coordinate all medical care with the injured officer and/or their next of kin if the injured officer is unable to do so themselves.

For non-work related serious injuries or illness to department members the Logistics and Resources Unit will either directly or through the department's designated EAP officers, provide the member with information about the services offered through the department's employee assistance program (EAP).

For serious non-work related injuries the Logistics & Resources Unit will also coordinate with the injured member in matters of accrued time-balances, payroll issues, and inform the member of their options to apply to the Catastrophic Illness Leave bank (if applicable & member qualifies) and/or Family Medical Leave (FML) through the Civil Service/Employee Benefits Office.

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Travel Expenses

1031.1 PURPOSE

The purpose of this policy is to establish the guidelines for travel expenses, incurred by members of the department, while on sanctioned official business for the Utica Police Department. The department has adopted the Per Diem rates established by the United States General Services Administration.

1031.2 POLICY

It is the policy of the City of Utica Police Department to reimburse employees for all necessary travel expenses incurred while on sanctioned official Utica Police Department business. These expenses may include both expected expenses such as meals as well as any unforeseen expenses that may arise such as (out of area tolls, parking fees, missed flight connections or flight cancelations that need to be rescheduled at a moments notice, etc..).

1031.3 DEFINITIONS

Per Diem Rates – A schedule of maximum reimbursements allowed for meal expenses incurred while on sanctioned official business.

Lodging – Hotel/motel accommodations when the travel requires overnight or multiple night stays for investigative, training, etc. purposes.

Meals – Meal expenses when the travel requires overnight or multiple night stays for investigative, training, etc. purposes.

Tolls and Fuel - Toll road and fuel costs when a member is required to provide personal transportation or in the event of a gas card or ez-pass malfunction.

Itemized Receipt -A receipt which details the particular service or individual item(s).**NOTE**: A credit card statement or generalized bill will NOT be accepted unless they detail the specific charge(s) that reimbursement is being requested for.

1031.4 PROCEDURE

As a normal course of business travel expenses must be pre-approved by the Chief of Police or his/her designee. However, the department recognizes and acknowledges the fact that exigent circumstances surrounding a criminal investigation may not allow for pre-approval. The remaining provisions of this section apply to all travel expenses.

When training courses/seminars of interest are identified they must be arranged through the Training Director. Once the Chief or his/her designee selects attendees, those names will be submitted to the Training Director who will create a travel authorization form for final approval. This form must be signed by both the Mayor and Chief of Police prior to booking. Upon return of the signed travel reimbursement form the Training Director will make the necessary arrangements for the approved training travel.

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The Training Director will be responsible for all bookings of Airline Flights and Lodging. Employees are prohibited from booking their own travel and lodging unless specifically authorized to do so by the Administrative Division Commander or his/her designee.

Tax exempt forms are available from the Grants Office, however not all hotels/motels will honor tax exempt status. If you do not submit a tax exempt form noting the hotel/motel refusal the city will not reimburse taxes paid.

1031.5 MEAL PER DIEM RATES

The department uses the per diem rates established by the United States General Services Administration (USGA) for meal reimbursements. These rates are set by fiscal year, effective October 1st. Members can access the USGSA per diem chart by visiting the USGSA website at; http://www.gsa.gov/perdiem. Employees are encouraged to review these rates in advance of any department sanctioned travel where meal reimbursement will be requested.

This schedule DOES NOT APPLY when a member makes a day trip, i.e. to Syracuse/Albany, etc., for a training seminar or for investigative purposes. The department provides transportation, fuel and thruway easy-passes as a normal course of business. Under these conditions meal expenses are the responsibility of the individual member(s).

1031.6 REIMBURSEMENT PROCESS AND GUIDELINES

Reimbursement for all expenses will only be paid for those costs that are verified by original itemized receipts. It is City of Utica policy to reimburse employees for gratuities in the form of a tip, up to 15%, which are added to eligible meals outlined by this policy. In order to receive reimbursement for gratuities added onto your meal, you must provide a signed receipt showing tip amount.

Personal expenses, including but not limited to, alcoholic beverages, snacks, toiletries, personal phone call charges, room service, etc. ARE NOT reimbursable expenses.

The department will not pay mileage or fuel, and will not be held responsible for any damage incurred to an employee's personally owned vehicle when an employee chooses to utilize their personally owned vehicle for department sanctioned travel in lieu of utilizing a department owned vehicle.

In the event that a gas card or ez-pass for a department vehicle cannot be used (ie broken, lost, or just inoperable) employees will be reimbursed for said expenses paid out of pocket at their own expense so long as original receipts for such incurred tolls and/or gas are secured and accompany/ included in the narrative for meal reimbursement.

Itemized receipts for all expenses must be submitted through the chain of command with an accompanying narrative to the Budget/Grants office. The narrative must include the destination (city/state) and dates of the department sanctioned travel, as well as identify each type of meal (breakfast, lunch, dinner) by date that can be verified by the accompanying original itemized receipt(s).

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The Budget & Grants office will generate a voucher with the original itemized receipts and narrative and submit it to the disbursement officer within the Comptroller's office for reimbursement. The disbursement officer will then reimburse the employee for meals at the GSA reimbursement rates designated for the specific location of travel.

1031.7 OUT OF STATE TRAVEL

Out of state meals will be reimbursed according to the GSA per diem rates for that state. It is impractical to publish schedules for all states in this document however, they are available, on the internet, at http://www.gsa.gov.

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Labor Union Meeting Attendance

1032.1 POLICY

The purpose of this policy is to establish the guidelines for members attendance at labor union (John E. Creedon PBA) board and general membership meetings.

The Administration of the Utica Police Department recognizes and acknowledges the John E. Creedon Police Benevolent Association (union) as the collective bargaining agent for the rank and file sworn membership of the Utica Police Department. The Administration also acknowledges the longstanding democratic principle of the memberships right to representation within the union.

The Administration affirms its commitment to labor/management relations and pledges to work aggressively with labor on all issues of mutual concern, to fulfill the goals of continuously upgrading the delivery of services we provide to the community while simultaneously improving the work environment of our employees.

1032.2 DEFINITIONS

Elected Officials – Executive Officers and members of the Board of Directors.

Executive Officers – The President, Vice-President, Treasurer, Secretary and Corresponding Secretary.

Board of Directors – Six elected board members.

1032.3 MEETING ATTENDANCE

The Elected Officials of the John E. Creedon Police Benevolent Association are entitled to attend the monthly board and general membership meetings. If said meetings occur while the member is on duty, the Chief of Police may grant a reasonable amount of time, consistent with the needs of the Utica Police Department, for the member to attend without reduction in the member's vacation, compensatory or personal leave time, providing his/her commanding officer has sufficient manpower for the time period in question

ALL members of the department who are not duly elected officials of the association shall not attend any meeting or other organized function of the association while they are on duty without the direct authorization of the Chief of Police or his designee.

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Wellness Program

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for agency members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1033.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support counseling program – A program established by the Agency that provides counseling services from a peer support specialist to an officer of the Agency (Executive Law § 837-z).

Peer support specialist – An officer assigned by the Agency who has received training in peer support counseling, including providing emotional and moral support to officers who have been involved in or exposed to an emotionally traumatic experience in the course of employment (Executive Law § 837-z).

Peer support participant – An officer who receives counseling services from a peer support specialist (Executive Law § 837-z).

1033.2 POLICY

It is the policy of the Utica Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for agency members. The Agency will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1033.3 WELLNESS COORDINATOR

The Logistics and Resources Sergeant will assume the role of the wellness coordinator and will report directly to the Support Division Commander. The wellness coordinator should collaborate

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with advisers (e.g., the city's Human Resource Director, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
2. When practicable, the Agency should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

(b) The wellness coordinator shall appoint a peer support specialist to develop management and operational procedures for agency peer support specialists, such as:

1. Using qualified peer support personnel from other public safety agencies or outside organizations for agency peer support, as appropriate.
2. Monitoring and mitigating peer support specialist emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
3. Managing potential conflicts between peer support specialists and those seeking service.
4. Deployment.
5. Training and applicable certification requirements.
6. Peer support specialist selection and retention.

(c) Verifying members have reasonable access to peer support or licensed psychotherapist support.

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.

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5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

1033.4 AGENCY PEER SUPPORT

1033.4.1 PEER SUPPORT SPECIALIST SELECTION CRITERIA

The selection of a agency peer support specialist will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support specialist.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support specialists.

1033.4.2 PEER SUPPORT SPECIALIST RESPONSIBILITIES

The responsibilities of agency peer support specialists include:

(a) Providing pre- and post-critical incident support.

(b) Presenting agency members with periodic training on wellness topics, including but not limited to:

1. Stress management.
2. Suicide prevention.
3. How to access support resources.

(c) Providing referrals to licensed psychotherapists and other resources, where appropriate.

1. Referrals should be made to agency-designated resources in situations that are beyond the scope of the peer support specialist's training.

1033.4.3 PEER SUPPORT SPECIALIST TRAINING

A agency peer support specialist should complete agency-approved training prior to being assigned.

1033.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing is voluntary and should only include peer support members and those directly involved in the incident.

1033.6 PEER SUPPORT COMMUNICATIONS

Peer support specialists or participants who are part of a peer support counseling program established under Executive Law § 837-z shall not disclose the contents of peer support communication except as permitted or required by law (Executive Law § 837-z).

Prior to the initial peer support counseling session, a peer support specialist shall inform the peer support participants in writing of the confidentiality requirement.

1033.7 PHYSICAL WELLNESS PROGRAM

The Agency promotes the importance of physical wellness to its members by offering free memberships to local gym facilities and participation in Police Academy exercise programs while off-duty.

The training director will ensure that physical wellness information and education is shared with and available to all members.

1033.8 TRAINING

The wellness coordinator should collaborate with the Training Director to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of agency wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Director as appropriate for inclusion in training records.

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Workplace Violence

1034.1 PURPOSE

The purpose of this policy is to outline the agencies zero tolerance policy with regards to workplace violence.

1034.2 POLICY

It is the policy of the City of Utica Police Department to provide a safe work environment for all employees and will respond promptly to any threats, acts of violence, or any other acts of aggression from employees against other employees. This includes any acts of aggression against Police employees that may occur at police headquarters by members of the public.

1034.3 NOTIFICATION, REPORTING AND INVESTIGATING WORKPLACE VIOLENCE COMPLAINTS

Any public employee or their representative who believe that a violation of the City of Utica's workplace violence protection program exists and that the threat of this violation is considered to be an immediate danger to life and health should report their concern to a supervisor immediately. In the case where the employee's immediate supervisor is also the alleged perpetrator of the workplace violence, the employee may deliver the complaint directly to the Professional Standards office, or in their absence, to any other supervisor that is of a higher rank than the perpetrating supervisor. When practical, and once the immediate threat to health and safety is addressed, the proper notification and reporting procedure as outlined below will be followed/completed.

All other complaints of violations of workplace violence that do not pose an immediate threat to life and health of another shall be brought to the attention of the City's designated contact person in the form of a workplace violence incident report.This can be done anonymously through the Civil Service Office at City Hall with the designated contact person.

When reporting a threat of violence, the employee must complete the City of Utica workplace violence incident report form as soon as practical, being sure to be as specific and detailed as possible. This report form can be located at the Civil Service Office at City Hall or in this section of the policy.

Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others on a need-to-know basis in the judgment of the city.

The Civil Service Office/Personnel Department will be responsible for conducting a swift and thorough investigation of all workplace violence complaints.

City of Utica Workplace Violence Incident Report

1034.4 MEMBER RESPONSIBILITIES

All employees are expected to help prevent or minimize workplace violence by creating an environment of mutual respect for each other and for assisting in maintaining a safe and secure work environment.

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As with any other investigation, all department members are required to cooperate fully in any investigation that may arise from any report brought forth of Workplace Violence.

1034.5 EMPLOYER RESPONSIBILITIES

Direct all reports of workplace violence brought forth by any of its employees to the designated contact person for notification and reporting.

Conduct an internal investigation of its own to determine what, if any, policies/procedures or laws may have been violated and take the appropriate action.

Adhere to the advice and remedies brought forth as a result of any investigation conducted by City Hall in response to any reported act of workplace violence by any Police Department member.

Ensure that all members receive training annually as part of their In-Service training on this policy and the City of Utica's Workplace Violence Prevention Program, and that all new hires receive this training as well as part of their curriculum in the Mohawk Valley Police Academy

1034.6 TRAINING

Training on Workplace Violence and the City of Utica's Workplace Violence Protection Program will be conducted for all recruit officers as part of their curriculum while attending the Mohawk Valley Police Academy. Training for all other members of the department will be conducted annually as part of their In-Service training.

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Attachments

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Retiree Form Concealed.pdf

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UTICA, NEW YORK

POLICE DEPARTMENT

413 Oriskany St W
Utica, NY 13502

Mark Williams
Chief of Police

Retiree Concealed Firearms Policy Waiver Form

I, certify that I am a retired officer of the UTICA Police Department, and I am eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 96 C) I understand in order to qualify, I will be required to fire my weapon under the direct supervision and direction of a state certified range officer.

I agree to comply with all provisions of Utica Police Department's policy put into effect as a requirement for being authorized to carry a weapon under the provisions of the Law Enforcement Officers Safety Act. I also certify that I have received a copy of Utica Police Department's Policy Number 207 "Retired Officer Concealed Firearms (LEOSA) and that I understand and agree to abide by its contents. I understand that authorization to carry a concealed weapon may be revoked at any time or for any reason and subsequent carrying of a firearm.

I hereby specifically agree to indemnify and hold harmless the CITY of UTICA, UTICA Police Department's agents, and employees, from any and all liability resulting from my possession and/or use of any weapon permissible under the Law Enforcement Officer Safety Act of 2004. This release of waiver includes, but is not limited to civil action in any competent jurisdiction.

Retired Officer's Signature:_____ Date:

Agency Head Signature: _____ Date:

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MEMO# 23-02

TO: All Sworn Personnel
Issuing Authority: Chief Mark Williams
DATE: 11/6/2023
SUBJECT: Vehicle Gate Operations, Access, Usage and Parking

This Utica Police Department directive outlines all the information relative to our new Secure Campus specifically the key fobs, vehicle gate usage, oversized vehicles, parking and driving:

ACCESS

Access to the parking lot is restricted to authorized personnel only. Authorized personnel are those individuals who have been granted access via Key Fob/Swipe Card or granted temporary access for official police business. You shall not allow any unauthorized entry without prior approval from the Chief of Police or his designee. You shall not allow any unauthorized personnel to park inside our secure campus.

KEY FOBS

4-Button Key Fobs have been issued to all Utica Police Department Sworn Personnel and Utica Police Department Civilian Staff. **If you work in the building but are not a City of Utica employee, you do not be get a key fob.**

Each Key Fob has a sticker with your badge number affixed to the back of the fob. For civilian staff a sticker with your last name. Each Key Fob is uniquely assigned to you individually and programmed with your access control permissions.

Button #1—Controls Gate #1: Broadway St.

Button #2—Controls Gate #2: Lafayette St.

Button #3—Controls Gate #3: Cornelia St.

The Key Fob also has the same functionality as your assigned swipe card. Meaning that any area that you currently have access to with your swipe card, the Key Fob can also be used to swipe in/out on those same card readers.

1. KEY FOBS ARE UTICA POLICE DEPARTMENT PROPERTY AND THEY ARE YOUR RESPONSIBILITY TO TAKE CARE OF.
2. KEY FOBS ARE NOT TO BE LOANED OUT TO OR BORROWED BY ANYONE ELSE.
3. KEY FOBS ARE ASSIGNED TO YOU INDIVIDUALLY WITH YOUR SPECIFIC ACCESS CONTROL PERMISSIONS.
4. KEY FOBS ARE PART OF YOUR ISSUED POLICE EQUIPMENT AND SHOULD THE KEY FOB BE LOST OR STOLEN IT MUST BE REPORTED IMMEDIATELY THROUGH YOUR CHAIN OF COMMAND.

GATE USAGE

1. If you are operating your PERSONAL VEHICLE you shall only ENTER via Broadway St.
2. If you are operating a POLICE VEHICLE you may enter via Broadway St. or Lafayette St.
3. You may exit via any gate in either your PERSONAL VEHICLE or POLICE VEHICLE.
4. Cornelia St. may be used as an EMERGENCY entrance for POLICE VEHICLES only. It is not to be used as a regular point of entry. It is designed to be a ONE WAY EXIT ONLY.
5. Personal vehicles SHALL NEVER ENTER VIA CORNELIA ST.
6. EXITING--You need to pull your vehicle up fairly close to the gate for the loop detectors to sense your vehicle. Once the loop detector senses your vehicle the gate will automatically open to allow you to exit.
7. USE CAUTION WHEN ENTERING AN EXITING THROUGH THE GATES
8. When entering or exiting be cognizant of unauthorized vehicles attempting to "piggyback" off from your entry. If you observe unauthorized personnel attempting to make entry advise them that the parking lot is restricted access for POLICE PERSONNEL ONLY.

OVERSIZED VEHICLES

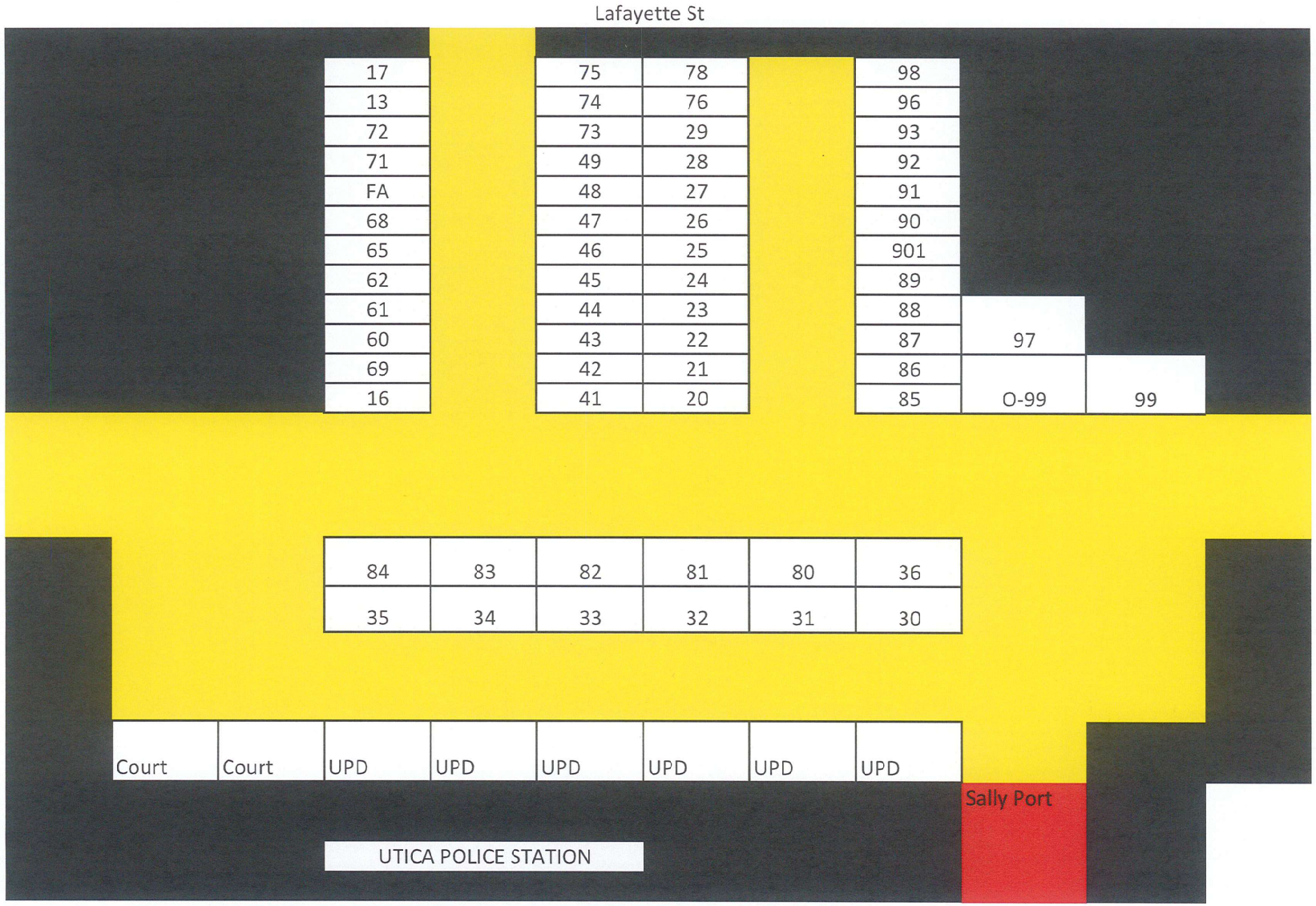
1. Oversized vehicles shall NEVER utilize the Cornelia St. exit due to the narrow width of the gate opening
2. Any oversized vehicle must use either the Broadway St. gate or Lafayette St. gate
   Oversized Vehicles include:
   1. Swat Truck (15)
   2. Bear Cat (94)
   3. Mobile Command Center (18)
   4. Armadillo
   5. Command Post (17)
   6. ID Unit (70)
   7. any other vehicle, apparatus, trailer, plow truck, etc that is too wide to safely exit without causing damage to either the vehicle or gate

DRIVING

1. When traversing the parking lots drive SLOWLY and USE CAUTION to avoid any collisions

PARKING

1. All employees shall park their personal vehicle in one of the two available parking lots within our gated campus:
   1. Broadway St. Parking Lot (lot as soon as you enter through the Broadway St. Gate)
   2. Cornelia St. Parking Lot (lot closest to Cornelia St. between HQ and Fleet Maintenance
2. The middle/center parking lot is for POLICE VEHICLES ONLY—NO PERSONAL VEHICLES ARE ALLOWED TO BE PARKED IN THIS LOT
3. No vehicles shall be parked on any sidewalk, grassy area or any other non-designated location without permission from the Chief of Police or his designee.
4. **All POLICE VEHICLES shall park in the designated parking spaces as specified in the attached document.**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Crisis Response Team Personnel.pdf

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MEMO# 23-03

TO: All Sworn Personnel
Issuing Authority: Chief Mark Williams
DATE: 12/05/2023
SUBJECT: Crisis Response Team

In furtherance of the Utica Police Department's partnership with MCAT, the Crisis Response Team (CRT) has added an afternoon shift Counselor - Minela Seferagic. Minela will work out of the Utica Police CRT Office, Monday through Friday from 2-10pm. Minela will work with PO M. Vomer and her partner Counselor Michael Pracht from 2-4pm at which time Minela will be paired with a crisis intervention trained (CIT) officer from C Platoon (primarily PO Maciol) to finish her shift from 4-10pm.

CRT's hours/operations will now be expanded as follows:

- PO M. Vomer and her partner Counselor Michael Pracht who also serves as MCAT's Law Enforcement Program Coordinator will work from 845am-4pm. Minela Seferagic will join them from 2-4pm.
- PO Maciol will be the primary officer from C Platoon to be paired with Counselor Seferagic from 4-10pm.
    - If PO Maciol is unavailable, the C Platoon Squad Commander will designate one of the following crisis intervention trained officers PO Comeskey, PO Williams, PO Felton, PO Frye, PO Forte, or PO Lentricchia to augment PO Maciol.
    - The designated officer assigned with Counselor Seferagic will be assigned to an extra car, if at minimum staffing they will be assigned to Car 59, the officer will notify dispatch that the unit will be utilized to primarily respond to any call for service with a mental health nexus, otherwise the unit will be available to assist with any Patrol function as needed and/or to complete any necessary CRT follow-ups.
- Direct any questions or concerns to Captain Holt.

2024 Goals and Objectives.pdf

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Utica Police Department's

2024 Goals & Objectives for the Criminal Investigations, Support & Uniform Patrol Divisions.

January 1, 2024

Criminal Investigations Division Goals & Objectives for 2024

Criminal Investigations Section

Goal: Improve criminal investigations through technology and training.

Objective #1: During the 2023 calendar year we lost three trained Computer Voice Stress Analysis (CVSA) operators due to retirements and promotion. In 2024 we will send at least one (1) CID member to be trained in CVSA protocols. Proposed training will be covered by 2024 Edward Byrne Memorial Justice Assistance Grant (JAG).

Objective #2: Update the current outdated CVSA equipment. 2024 Edward Byrne Memorial Justice Assistance Grant (JAG).

Objective #3: Send at least one (1) CID member to be trained in Bosch Crash Data Retrieval technology. Currently, only one CID member, who is due to retire, is trained in this retrieval process.

Special Investigations Unit

Goal: Disrupt the flow of illegal fentanyl being trafficked in the City of Utica

Objective: Work in conjunction with federal, state, and local law enforcement partners to target and dismantle a high-level drug trafficking organizations by way of a Title III wiretap investigation.

Warrants Unit

Goal: Increase the closure rates of current open warrants by making the public aware of open warrants in the City of Utica.

Objective: Publish open Utica Police Department open warrants on City of Utica Website and social media platforms. The City of Utica IT Manager will be responsible for updating the Utica Police Department website with the updated active Utica Police Department Warrants. The Public Information Officer will be responsible for all press releases/ social media posted related to updated active Utica Police Department warrants. Improve public awareness of access to active warrants via periodic media releases.

CSU/Tech Unit

Goal: Take inventory and review current equipment for upgrades and research and acquire new technology that will assist with streamlining and improving crime scene unit work.

Objective Research available products and new technologies to document accident reconstruction scenes. Test and evaluate available systems prior to acquiring the new technology.

***Upgrade the card identification printer/computer in CSU lab.

Juvenile Aid Unit

Goal: Increase manpower to the unit due to increased workload as the result of "raise the age."

Objective: Train a night CID Investigator in juvenile aid responsibilities and make their primary job function juvenile aid investigation during the night shift. This will help reduce call back and case work to the existing day shift juvenile aid investigators.

***Add a fourth investigator to the JAU complement (personnel permitting).

Mohawk Valley Crime Analysis Center

Goal: Advance digital signage program within MVCAC Network.

***Increase the number of pole cameras in the City of Utica.

Objectives: Distribute five (5) digital signage boards to appropriate jurisdictions. Increase the number of pole cameras in high crime areas as determined by statistical data to assist with capturing crimes in progress and assist with the arrest and prosecution of those who commit these crimes.

Respectfully submitted,

Captain Stanley Fernalld
Crime Investigations Division Commander

Support Division Goals & Objectives for 2024

Management Information Services (MIS) Unit

Goal: Upgrade the critical network security appliance (firewalls) of the Utica Police Department network system. The general lifespan of average computing components, to include servers, firewalls, battery backups, and other computing devices, is about five years. The Utica Police Department Firewall and the high availability (HA) appliance are nearing their life expectancy and need to be upgraded to continue normal operation and to protect the network from ever-evolving external threats.

Objective: The firewall's function is to protect the internal network infrastructure from external attacks and other threats, while the HA's function is to provide redundant protection in the event of the firewall's failure so that network protection continues uninterrupted. The MIS Unit, in partnership with the other contracted entities, will replace a primary network security appliance and the high availability (HA) appliance of the Utica Police Department network system. All current network configurations will be reviewed and replicated on the new security appliances so that network communication continues uninterrupted.

This upgrade will increase network protection while at the same time providing for continued uninterrupted operation of the Utica Police Department computer system.

Records Unit

Goal: Provide members of the Records Unit with advanced training to increase job efficiency, accuracy, compliance with records requests, and overall job functions.

Objective: A formal training relevant to the Records Unit job functions will be purchased. Each member of the Records Unit will be assigned training that is relevant to their individual job position.

Training Unit

Goal: It is the responsibility of the Training Unit to remain vigilant on all changes and modifications to police training, changes to curriculum and opportunities to elevate and enhance the skills of agency instructors. The NYS Department of Criminal Justice Services (DCJS) has developed a new firearms curriculum. The Training Unit will ensure that the skills in the new DCJS curriculum will be implemented into the curriculum of our annual in-service training.

Objective: The new DCJS approved firearms curriculum is structured to match how the brain learns and retains skills. It also implements the use of de-escalation and decision-making skills. This curriculum will eventually be mandatory to deliver at the Basic Course for Police Officers. A DCJS approved 5-day instructor workshop has been created and presented throughout the state for the purpose of training current firearms instructors with these new learning objectives.

The agencies cadre of firearms instructors who have attended the DCJS firearms instructor workshop will be tasked with implementing the skills learned into our agency's annual in-service firearms training. The Training Unit will also be tasked with sending more of our firearms instructors to the 5-day firearms workshop to further enhance their skills and to deliver the material as needed.

Logistics & Resources Unit

Goal: To introduce hybrid (gas/electric) vehicles into the patrol fleet in an effort to reduce fuel expenditures for the City of Utica, along with minimizing strain on engines and associated repairs.

Objective: The Utica Police Department will purchase and outfit a new Ford Explorer Police Interceptor equipped with a hybrid engine to be utilized in the role of a patrol supervisor vehicle. High engine hours in patrol vehicles are contributing to more frequent costly repairs. Vehicles see many of these engine hours build up during periods of engine idle, which is generally during times when officers are either on the scene of an incident or in between calls for service and completing paperwork from their mobile workspaces. Hybrid technology allows the engine the turn off, while the vehicle and associated equipment continue to operate by way of battery power. Through user feedback and fleet maintenance tracking, hybrid technology will be evaluated to determine if these vehicles can effectively operate during normal patrol use.

BUDGET & GRANTS UNIT

GOAL: To utilize state grant funding to procure new law enforcement technologies, which will replace and/or supplement several items within the Utica Police Department's current supply.

OBJECTIVE: The Utica Police Department will seek grant funding provided by the New York State Division of Criminal Justice Services to procure items needed to enhance public safety efforts within the City of Utica. Items that are part of this technological upgrade include pole cameras, license plate readers, 3D crime scene laser scanner, thermal imagers, in-car computer units, portable 2-way radios, and vehicle black box connectors. Utilizing state funding will save the City of Utica approximately $950,000.

Respectfully submitted,

Captain Brian D. Bansner #0399
Support Division Commander

Uniform Patrol Division Goals & Objectives for 2024

Uniformed Patrol Branch

Goal #1: Enable members of the Patrol Division, specifically members of the Uniform Patrol Branch opportunities to cross-train in various specialized units throughout the department, all to broaden their law enforcement career knowledge and experience.

Objective: Provide members of the Patrol Division, specifically members of the Uniform Patrol Branch with opportunities to broaden their law enforcement career knowledge and experience by offering temporary assignment to any of the department's various specialized units such as but not limited to General Criminal Investigations, Warrants, Special Investigations, Crime Prevention, etc. With that said, the aspiring officers who exhibit the necessary work ethic, decision making, and drives will be selected to be cross trained in a prospective unit by the officer's Command Staff as designated by the Chief of Police.

Goal. #2: Continue to broaden the law enforcement career specific knowledge base of our Supervisors within the Patrol Division through targeted training.

Objective: The Department recently purchased Supervisor specific training through the Daigle Law Group, which has provided police supervisors with targeted training on current critical issues facing law enforcement officers.

The objective of this training is to increase the knowledge base for supervisors so that can provide sound legal direction to their supervisors, and stay abreast of all law enforcement pertinent laws, policy, procedure, and best practices. Ideally this raining will enhance sound decision making for our supervisors and reduce risk mitigation for civil liability to the agency and its police officers.

It will be the responsibility of the Uniform Patrol Lieutenants to ensure that their subordinate supervisors and themselves are completing the assigned training in the DLG Learning Center portal and providing certificates of completion for each course. The Uniform Patrol Captain will monitor the progress of each supervisor's training assignments on a quarterly basis.

Crisis Response Team (CRT)

Goal #1: Expand the Crisis Response Team's outreach by adding an afternoon shift which will continue to engage emotionally distressed individuals and connect them with mental health services.

Objectives: Add an afternoon shift to CRT. Update policy and procedure for CRT to provide a roadmap for the Crisis Response Team as a whole.

Goal #2: The goal is to get emotionally disturbed persons into effective treatment and reduce the number of calls for service for the Uniform Patrol Division. Last year (2023) the Uniform Patrol Division and the CRT Teams handled 1433 mental health related calls for service, which resulted in 838 involuntary commitments to our local hospitals.

Objective: The department will monitor the effectiveness of the two CRT Teams and the recent addition of a therapy dog and strive to **reduce the mental health calls for service in the year 2024 by 15%**.

Traffic Unit

Goal #1: Create a parking plan that incorporates the roadways surrounding the recently opened Wynn Hospital and Adirondack Bank Center/Nexus Center.

Objective #1: Complete a comprehensive parking survey with insight from all stakeholders, utilizing said survey strategize a plan that is agreeable to all stakeholders, offer legislation in support of the plan, implement any approved legislation, and conduct the necessary outreach and enforcement to ensure legal parking throughout the targeted area.

Goal #2: Take the lead in inspiring the creation a traffic safety plan that incorporates the roadways surrounding the Adirondack Bank Center/Nexus Center.

Objective #2: Engage all stakeholders and assist in the completion of a comprehensive traffic safety plan that incorporates the roadways surrounding the Adirondack Bank Center/Nexus Center, offer legislation specific to city owned roadways in support of the plan, implement any approved legislation, and conduct the necessary outreach and enforcement to ensure compliance with traffic control devices throughout the targeted area.

Metro SWAT

Goal: Maintain the DCJS (MPTC) SWAT Team Certification Standards.

Objectives: Complete an audit of said standards to ensure the team's compliance with same, address any shortfalls. One such current shortfall is in regard to the "Command and Supervision" Training Standard in that the Team Commander must complete approved SWAT Command training set forth by the National Tactical Officers Association.

Respectfully submitted,

Captain James R. Holt Jr.
Uniform Patrol Division/Metro SWAT Commander

2023 Goals and Objectives Review.pdf

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Utica Police Department's

2023 Goals & Objectives Yearly Review
for the
Criminal Investigation Division
Support Division
Uniform Patrol Division

January 31, 2024

Criminal Investigations Division Goals & Objectives Yearly Review for 2023

Criminal Investigations Section

Goal #1:
Streamline the administrative process for documenting and storing major case investigations. **(COMPLETED).**

Objective #1:
Review and revise the Homicide "Lead Desk+ to include homicide "bin" storage.

Objective #2:
Review and revise process for storage of digital files in homicide investigations.

Summary:
For several years homicide cases were placed in plastic bins with delineated lead folders storing paper copies of all completed work. With digital storage becoming the norm, CID began to phase out the "bin" storage method for a far more streamlined and less cumbersome binder method for storage of only items that required printing/ and or signature. All other storage is now digital in either the AXON cloud storage system or one of several CID digital folders existing solely for homicide cases.

Goal #2:
Expose ambitious patrol officers to CID work. **(COMPLETED)**

Objective #1:
When available based on staffing, rotate officers assigned to the Patrol Division for a temporary training assignment in the Criminal Investigation Division. Assign

officers for no more than a week during their 4 and 2 Patrol schedule.

Summary:
Within the calendar year several new temporary investigators were assigned to the Criminal Investigations Division on a training assignment. These assignments are slated for 18 months and allow officers to gain experience in handling felony level complaints With respect to weekly assignments in CID, this objective was not completed due to staffing issues within the Patrol Division. Members could not be rotated to CID due to manpower and staffing needs that would not allow officers to temporarily leave their current assignments.

Objective #2:
Organize and execute joint proactive details with members of the Patrol Division.

Summary:
Several proactive details, specifically dealing with narcotics and weapons possession related complaints were organized with cooperation of CID and the Patrol Division. Additionally, almost daily, the GIVE and Special Investigations Units work directly with Patrol's Crime Prevention Unit on enforcement of Hot Spot related issues and top offender targeting.

Crime Scene Unit Digital Technology Unit

Goal #1:
Improve evidence tracking in the Tech Unit digital forensics lab. **(COMPLETED).**
Objective #1:
Construct a new procedure on how to log and process cellular phones that need to be unlocked for criminal investigations.

Summary:
An excel spread sheet was created to track and log all cellular phones that needed to be unlocked for criminal investigations. During this observation period 38 cellular devices were logged and analyzed.

Goal #2:
Review training logs of Crime Scene Call-Back officers and train new members in current techniques/equipment. **(COMPLETED).**

Objective #2:
Ensure that every member on the Crime Scene Unit call back list have updated trainings on new tech updates or on any new technologies acquired.

Summary:

Members are constantly being trained in the most up to date training to keep up with current techniques. Two members of the crime scene callback recently completed accident reconstruction school in 2024. There are also plans to send two more members to Cellebrite training in 2024.

Juvenile Aid Unit

Goal #1:
Collaborate with outside entities to reduce juvenile violent crime and hold offenders accountable. **(COMPLETED)**

Objective #1:
Work with the Department of Probation and the court system to help implement a "juvenile Gun Court". The juvenile Gun Court program is slated to commence in the year 2023. The Utica Police Department can assist in laying the foundation of the pilot program. Members from the Utica Police Juvenile Aid Unit will participate and provide input to ensure the program is effective and productive.

Summary:
During the 2023 calendar year Teen Accountability Court (TAC) was created in the Oneida County juvenile justice system. TAC is an intensive supervision system designed to be implemented for juvenile offenders that are involved in firearm or other violent crimes. Meetings with stakeholders from a myriad of services to include law enforcement, court officials, prosecutors, defense counsel, and social services are held quarterly. Additional referral meetings are held as needed when referrals come through Family Court for prospective individuals to be placed in TAC. This referral committee reviews the juvenile offender's related incidents and gives recommendations on a case-by-case basis. This recommendation is passed on to the Family Court Judge and the Probation Officer conducting the Pre-Disposition Interview for final placement. Members of JAU participate in both the stakeholder and referral committees.

Goal #2: Improve oversight and tracking of active missing person investigations. **(NOT COMPLETED).**

Objective #2:
Create a Missing Persons Activity Board. This would be a digital log of all the missing person cases the department is handling. This board would give department members easy access when trying to research missing persons. The activity board would have to be managed by the Juvenile Aid Unit.

Summary:
This objective was not met. To be revisited in 2024 with assistance from MVCAC personnel.

Mohawk Valley Crime Analysis Center

Goal #1:
Improve on strategic intelligence gathering with respect to individuals know to associate with gang or group activity. **(COMPLETED).**

Objective #1: Conduct a Group/Gang Audit.

Summary:
In April of 2023 a group/gang audit was completed in conjunction with law enforcement partners from the Oneida County District Attorney's Office, NYS DOCCS, and Oneida County Probation.

Goal #2:
Expand mapping capabilities to outside agencies. **(PARTIALLY COMPLETED)**

Objective #2a:
Create an ArcGIS Map for at least one agency in the MVCAC's area of responsibility.

Summary:
In 2023 members of the MVCAC created an ArcGIS map for the Rome Police Department.

Objective #2b:
Complete at least two "GeoTime" mapping cases within the MVCAC's area of responsibility.

Summary:
This objective was not completed but will be a continued focus in 2024.

Special Investigations Unit

Goal:
Improve file storage procedures. Move hard files storage to Records Division and scan documents for immediate viewing capabilities. **(NOT COMPLETED).**

Objective:
Scan all hardcopy case files to electronic format in the UPD Files.

Summary:
During 2023 the Special Investigations Unit was able to scan and transfer to Records about three quarters of the hard copy files retained in the SIU Office. The process was not completed due to losing the assigned light duty officer who was completing the task. The process will be completed in the future.

Warrants Unit

Goal:
Ensure successful prosecution of individuals who possess open warrants **(COMPLETED).**

Objective:
Establish and adhere to "Due Diligence" procedures for newly entered arrest warrants.

Summary:
During 2023 the Warrants Unit had members of the Patrol Division assigned to 30 Day Temporary positions to assist with addressing the "Due Diligence" for arrest warrants. Also, the Warrants Unit has made it a priority to address the "Due Diligence" issues with both old and newly entered arrest warrants.

The 2022 Goal of posting the UPD Warrants list on the City's webpage has been completed, and is an added step to the "Due Diligence" process.

All of the "Due Diligence" steps are being documented in the Warrant Activity tab in RMS.

Some Notable Facts and Statistics About Homicides, Fatal & Non-Fatal Shootings, and Clearance Rates

Homicides and Clearance Rates in the City of Utica FY 2023:

- A total of **eight (8)** homicides occurred in the City of Utica during 2023.
- Of those **eight (8)** homicides, **five (5)** were caused by a firearm.
- All **eight (8)** homicides were solved for a clearance rate of **100%** by the Utica Police Department's Criminal Investigation Division.
- It should be noted that the National (country-wide) clearance rate for homicides for the year 2023 was **52.3%.**

Non-Fatal Shootings and Clearnce Rates in the City of Utica- FY 2023:

- During the calendar year of 2023, **thirty-two (32)** persons were shot in the City of Utica.
- Of those **Thirty- two (32)** persons shot, **twenty-seven (27)** were non-fatal shootings where the victim survived.
- The solvability rate for non-fatal shootings was **thirty-seven (37%) percent,** with **ten (10)** out of **twenty-seven (27)** solved by the Criminal Investigation Division of the Utica Police Department.
- It should be noted that the National (country-wide) clearance rates for non-fatal shootings is **18.9%** in 2023.
- Total clearance rates for both fatal and non-fatal shootings in 2023 was **fourty-seven (47%) percent**.

Respectfully submitted,

Captain Stanley Fernalld
Criminal Investigations Division Commander

Support Division Goals & Objectives Yearly Review for 2023

Budget & Grants

Goal:
To hire additional law enforcement officers utilizing grant awarded funds. Grant funding would assist the City of Utica budget by reducing salary costs for newly hired officers over the course of three years.

Objectives:
The Utica Police Department will seek funding provided by the COPS Hiring Program (CHP) to assist with the hiring and retention of new officers. CHP provides funding directly to law enforcement agencies to hire and/or rehire additional career law enforcement officers to increase their community policing capacity and crime prevention efforts. Grant funding provided by CHP allows for the salary of newly hired officers to be paid for up to three years, saving the City of Utica approximately $200,000 per officer.

Summary:
In March 2022, the City's Board of Estimate and Apportionment approved to increase UPD's complement by 5 officers using ARPA funds. The ARPA funding for these positions will end on December 31, 2024, and the 5 positions will be reduced through attrition. In November 2023 we were notified that we were awarded Department of Justice 2023 FY23 COPS Hiring Grant. The grant award is in the amount of $625,000. The grant runs from October 1, 2023, through September 30, 2028 with a 60 month performance period. We are prohibited from using any grant money until the ARPA funds cease on December 31, 2024. **(GOAL COMPLETED).**

Logistics and Resources Unit

Goal:
To introduce hybrid (gas/electric) vehicles into the patrol fleet to reduce fuel expenditures for the City of Utica, along with minimizing strain on engines and associated repairs.

Objectives:

The Utica Police Department will repurpose a current command vehicle that is equipped with a hybrid engine into the role of a patrol supervisor vehicle. High engine hours in patrol vehicles are contributing to more frequent costly repairs. Vehicles see many of these engine hours build up during periods of engine idle, which is generally during times when officers are either on the scene of an incident or in between calls for service and completing paperwork from their mobile workspaces. Hybrid technology allows the engine the turn off, while the vehicle and associated equipment continue to operate by way of battery power. Through user feedback and fleet maintenance tracking, hybrid technology will be evaluated to determine if these vehicles can effectively operate during normal patrol use.

Summary:
Evaluation of hybrid vehicles in the patrol fleet did not occur in 2023, as Unit 33 remained in place as a command vehicle. No new orders for police interceptors were made in 2023 due to Ford order banks remaining closed and are expected to open sometime in Q1 of 2024 for 2025 model years. **(GOAL NOT COMPLETED)**.

Management Information Services (MIS) Unit

Goal:
The Utica Police Department (UPD) serves as a central hub for criminal fingerprint submission to the Division of Criminal Justice Services (DCJS) for several local police departments since the inception of the fingerprint scan system. The UPD hosts a local server and maintains user accounts for other local police departments as well as network connections. As the fingerprint scan technology advanced it is necessary to upgrade the current system to the latest solution while at the same time removing other police departments' dependency on the UPD fingerprint scan system. In addition, this will also allow the UPD to remove network connection to these departments that was utilized for the fingerprint scan system and in turn increase our network security.

Objectives:
MIS unit in partnership with Dataworks Plus, LLC will obtain the current Livescan System (fingerprint scan system) from the local Linux-based server to the cloud-based system. The data stored on the local server will be migrated to the new cloud-based system. All local police departments that were dependent on the UPD for user management and fingerprint submission will now become independent and will have control of their own fingerprint system and users. The final step once all local police departments that were dependent on the UPD Livescan System archive independence will be to decommission the local Linux server and remove unnecessary network connections.

Summary:
In 2023 the Utica Police Department was able to successfully procure grant money through the Department of Criminal Justice Services in the amount of $26,500. Through the procurement of this grant money, we were able to purchase new software for our fingerprinting system. The booking records residing on the local Linux-

based server were successfully migrated to the cloud-based platform. The Livescan System Software (fingerprint scan system) on the fingerprinting workstation was updated to allow the processing of booking records via a new cloud-based platform. The old Livescan software was removed from the fingerprinting workstation and the connection with the Linux-based server was terminated. All local UPD workstations were configured to be able to access the new Livescan System. All users were provided with the training and the reference material on the use of the new Livescan booking system and the system was successfully deployed for everyday use. **(GOAL COMPLETED).**

Records Unit

Goal:
Maintaining the privacy and security of the victims, complainants, juveniles, and other protected persons personal information or sensitive information is of utmost importance for the Records Unit. Currently, the Records Unit members are manually redacting Personal Identifiable Information (PII) by blacking out the printed copies of the reports manually and then copying marked reports again to ensure that no PII is visible. A process will be developed that allows Records Unit members to redact PII from the electronic copies of the reports without having to commit them to the printed material and in turn reducing paper use, saving the department time spent on manual redaction and supplies.

Objectives:
A redaction software will be purchased and installed on all Records Unit computers. This software will allow users to redact PII from electronic documents without having to create multiple paper copies. The redacted documents while still in electronic format can be sent to the requestor without ever being printed. All Records Unit members will be trained on how to redact electronic files by using the redaction software from their desktops. This method of electronic redaction will eliminate the need to print electronic files before redaction, and shredding of paper records after the records have been received by the requestor, and it will reduce the steps needed complete the redaction of PII.

Summary:
A redaction software was purchased and installed on all Records Unit computers by the MIS Unit members. All members of the Records Unit were trained on how to use the redaction software to redact Personal Identifiable Information (PII) from the records before they are being released in electronic and/or printed format. The redaction software was implemented into daily use by the Records Unit members after the completion of the training. **(GOAL COMPLETED).**

Training

Goal:
There are duties of a patrol officer which vary according to circumstances and are often different every day. The training Unit will ensure that the skills needed to perform these duties are practiced and refined through the implementation of Reality-Based Training (RBT).

Objectives:
Evidence based practices indicates through the utilization of reality-based training, law enforcement officers can be effectively equipped with an additional resource to allow them to carry out their duties safely and effectively. Reality based training (RBT) will allow individuals to participate in real-world scenarios that will prepare these officers for actual encounters. The cadre of reality-based training instructors will be tasked with scenario development and will include the use of RBT during TASER, defensive tactics, and de-escalation training.

Summary:
The Training Unit has incorporated Reality Based Training (RBT) into February, April, June, and December in-service training. Topics and scenarios based around using Firearms, Less Lethal Munitions, Use of Force and Mental Health were developed by RBT instructors to provide more hands-on training for our officers. This training has given instructors and supervisors a better understanding of what officers are thinking and how they react during certain calls of service. This allows for more feedback for supervisors on how correct or guide officers into making better decisions and lessoning the chances for officers to become complacent.

We have also incorporated teaching Student Centered Feedback techniques to supervisors to use during debriefing of officers and review of UOF. The role of the supervisor during in-service training is to have them debrief using the SCF technique after the officer is put through the training scenario. **(GOAL COMPLETED).**

Respectfully submitted,

Captain Brian D. Bansner
Support Division Commander

Interesting Facts to Add about the Support Division

The Utica Police Department would like to recognize our Grants Writer- Cassandra Fusco, Captains Brian Bansner, James Holt, and Stanley Fernalld, as well as Lieutenant Michael Curley for helping the Utica Police Department

- Since March 2022, we have received $3,160,365.25 in grant funds.
- During the calendar year of 2023 the Utica Police Department was awarded a total of $1,894,493.50 in Federal and State grant funding.
- Our Cassandra Fusco currently oversees and manages twenty-nine (29) grants of behalf of the Utica Police Department. Twenty-six (26) on behalf of Utica Police Department, two (2) for the Utica Fire Department and one (1) for the City of Utica.
- Below is a listing of the grants awarded to UPD over the past two years:

2023 Awards - $1,894,493.50

$864,446	Gun Involved Violence Elimination (GIVE) X
$625,000	COPS Hiring Program FY23
$191,700	Violent Crime Reduction Program FY23
$45,200	GIVE Non-Fatal Shootings
$33,570	Justice Assistance Grant (JAG) FY23
$28,000	Marshals NY/NJ Regional Fugitive Task Force FY23
$26,500	DCJS LiveScan
$21,500	GIVE Adult Trust Building
$20,707.50	FBI Joint Terrorism Task Force FY24
$18,150	PT FY24
$12,700	First Source Donation for therapy K9 Penny
$6,220	STOP-DWI Crackdown FY24
$800	Child Protective Seat FY24

March-December 2022 - $1,265,871.75

$344,000	Body-Worn Camera Policy and Implementation Program
$342,724	Justice and Mental health Collaboration Program FY22
$279,605	GIVE IX
$75,000	Tactical Team Grant Program FY20
$50,000	Explosive Detection Canine Team Program FY20
$42,000	Marshals NY/NJ Regional Fugitive Task Force FY22
$36,800	Bulletproof Vest Partnership FY22
$32,208	JAG FY22
$20,000	Police Reform
$19,840.75	FBI Joint Terrorism Task Force FY23
$17,050	PTS FY23
$4,424	STOP-DWI Crackdown FY23
$2,220	CPS FY2

Uniform Patrol Division Goals & Objectives Yearly Review for 2023

Crime Prevention Unit (CPU)

Goal:
Create a specialized policing unit that will focus on Hot Spot crime prevention, deterrence, and abatement utilizing analytics, technology, and proven initiatives such as the Gun Involved Violence Elimination (GIVE) Grant practices.

Objectives:
Assign appropriate staffing (supervisors/officers) based on departmental needs/constraints with a flexible work schedule based on crime data.
Mentor and develop well rounded Patrol Officers by fostering proactivity, sound decision making, diligent investigations, and targeted training, (cont.) in doing so creating a breeding pool for officers seeking promotion and/or special assignment-**Accomplished**:

Summary:
The Crime Prevention Unit was established in February 2023 within the Patrol Division, Patrol Support Branch. The personnel breakdown for the unit was a Unit Commander (Lieutenant), a Supervisor (Sergeant), and five Uniform Patrol Officers. The unit's days and hours of operation were set to be 1645-0100 (mirroring the C-1 Patrol Schedule) which was subject to change as needed/determined by the Chief of Police or his designee. The unit's mission was to reduce crime and enhance the quality of life for city residents by working cooperatively with the public and other governmental agencies to pro-actively deter criminal activity, enforce all laws, and provide safe neighborhoods. This will be accomplished through various crime prevention strategies and initiatives, in conjunction with intelligence-based policing methods and traditional law enforcement practices. The specific areas that the unit will address to accomplish the mission are GIVE (Gun Involved Violence Elimination), Quality of Life Complaints, Hot Spot Complaints, Select Special Events.

Crisis Response Team (CRT)

Goal #1:
The Crisis Response Team will continue to engage emotionally distressed individuals and connect them with mental health services.

Objectives #1:
Create a formal policy and procedure for CRT. **– Accomplished and placed into the department's policy and procedure manual.**

Summary:
An updated policy was drafted and approved which outlined the responsibilities for the CRT Unit to respond to active calls for service. The purpose of the was to direct calls for service involving mental health to the CRT first.

Goal #2:
Explore and potentially implement a Therapy K9 Program which would be an added resource for the CRT Unit.

Objective #2:
Find a funding source (grant or business donation) to fund the acquisition of the dog, training, and upkeep. **– Accomplished**.

Summary:
In August 2023, the Utica Police Department acquired of our Therapy K9 "Penny" by way of a donation from Finger Lake's Doodles. Furthermore the associated Therapy K9 Program was funded by a grant from First Source Federal Credit Union. The grant being a 3-year funding source for training, supplies, grooming, and medical needs.

Community Outreach Team (COT)

Goal:
Continue to build community relationships in partnership with the Police Athletic League as well as any other community building stakeholders by coordinating and participating in a few youth activities within city parks throughout summer recess.

Objective:
Plan, market, coordinate, and facilitate a few "Bank of Utica" Movie in the Park" events. Plan, market, coordinate, and participate in a few youth activities within city parks; for instance, a kickball game at Sal Longo Field, a soccer game Proctor Park, a fitness class in Proctor Park, a basketball game at Seymour Park, and/or a nature hike through the Switchbacks. **– Accomplished**:

Summary:

In 2023, COT facilitated 20 Armadillo deployments and processed 6 Nuisance Abatement proceedings. Furthermore, COT attended 137 community events this year to include the following:

- *All neighborhood Association meetings (monthly) for East, West, North, South and the Cornhill neighborhoods of Utica.*
- *Sleep in Heavenly Peace bed delivery for under privileged.*
- *Law Enforcement Seminar for The Center regarding incoming immigrants.*
- *Worked with The Center on a quarterly basis for updates on the local immigrant populations.*
- *Also, held a traffic safety forum for The Center.*
- *Participated in multiple Career Assembly's for local schools for grades K-12.*
- *Proctor High School Public Safety Club meetings.*
- *Participated in multiple job fairs at Proctor High School, MVCC, HCCC, Utica University and SUNY Morrisville.*
- *Participated in Career Days at local elementary schools.*
- *Community Reader events at several local elementary schools.*
- *School Fun Day events at Albany Elementary and Notre Dame Elementary.*
- *Assisted the Center for Family Life and Recovery with Spring and Winter Outreach programs/giveaways.*
- *Worked with Utica Little League for First Responder Appreciation night.*
- *Conducted a K-9 Demonstration with Criminal Justice students at Utica University.*
- *Conducted a Q&A session with Criminal Justice students at BOCES.*
- *Participated in Career Speaker Day at BOCES alternate education location.*
- *Conducted a Safety and Security briefing with OCSO at Margaret Knamm Apartments.*
- *Participated in the Adopt-a-Cop program at Mohawk Valley Community Action Agency where we met monthly with Pre-K children to get them accustomed to Police Officers.*
- *Participated in the Jefferson Elementary Summer School program where we read to and engaged with special needs students.*
- *Mastrovito Driver Safety Event – recruitment/driver safety/car seat installation.*
- *MVCAA Summer Safety program – spoke with approx. 75 children ages 7-13 about summer safety.*
- *Organized and conducted multiple Coffee with a Cop events at local convenience stores and coffee shops.*
- *Lowe's Fire Safety event.*
- *Jones Elementary Trunk or Treat event.*
- *Harvest on the Hill – Cornhill Halloween Festival.*

Uniformed Patrol Division

Goal:
Train all members of the Uniformed Patrol Division to be proficient in the use and application of the newly acquired AXON Body Worn Camera System as well as the associated software which is utilized for evidentiary viewing, retention, and transmission.

Objective #1:
Provide Roll Call and In-Person Training to all members of the Uniformed Patrol Division so that they are trained and proficient in the use of the AXON Body Worn Camera System as well as the associated software. – **Accomplished:**

Summary:
In-Service Training was completed in February 2023 for the Axon Body Worn Camera System transition as well as the associated software (evidence.com). Roll Call Training was not necessary as the In-Service Training was sufficient.

Objective #2:
Provide follow-up Roll Call Training to all members of the Uniformed Patrol Division to re-enforce the aforesaid In-Person Training, said Roll Call Training materials will be posted to the department's Patrol digital folder under the title "Axon" for quick reference.
– **Accomplished:**

Summary:
Training material that was covered within the aforesaid In-Service Training was uploaded to the "Dept Directories-Training-AXON" digital folder for reference purposes.

Respectfully Submitted,

Captain James R. Holt Jr.
Patrol Division / METRO SWAT Commander

Interesting Staistics of Note- Uniform Patrol Division

2023 Uniform Patrol Annual Report

- Arrests vetted by Mohawk Valley Crime Analysis Center (MVCAC) – **3,836**
- Calls for Service (vetted by MVCAC) – **39,917**

2023 Crisis Response Team (CRT) Annual Report

- Utica Police Emotionally Disturb Persons Calls for Service – **1,433**
- Utica Police Mental Health Law (9.41, 9.39, 9.45) Arrests – **838**
- Utica Police Public Health Law (22.09) Arrests – **74**
- Crisis Response Team Outreach – **1,004**

2023 Domestic Violence Unit Annual Report

- Utica Police Domestic Incident Reports – **2,697**

2023 Crime Prevention Unit Annual Report (CPU)

- CPU Arrests – **424**

- Arrests broken down as follows:
  Utica City Code – **56**,
  Violation – **4,**
  Misdemeanor – **217**,
  Felony – **187**,
  Other – **6,**
  Warrants – **136**
- CPU GIVE Street Contacts – **1,206**
- **CPU Guns Seized – 120**
- CPU Cash Seizures - **$9,078**

2023 Traffic Unit Annual Report

- Utica Police Hit and Run Motor Vehicle Accidents – **505**
- Utica Police Property Damage Motor Vehicle Accidents – **1745**
- Utica Police Personal Injury Motor Vehicle Accidents – **458**
- Utica Police Fatal Motor Vehicle Accidents - **7**
- Utica Police DWI arrests – **43**

2023 Parking Enforcement & Animal Control Unit Annual Report

- Parking Enforcement/Animal Control Calls for Service (PEACO) – **436**
- Utica Police Animal Control Calls for Service – **1,175**
- PEACO Dog Seizures – **151.**
- PEACO Cat Seizures - N/A as same is not internally logged as it is not required to be logged by NYS Agriculture & Markets.
- PEACO Parking Tickets Issued – **412**
- Utica Police Parking Tickets Issued – **5,584**
- Parking Violators Booted Cars seized-**50.**

2023 Police Canine (K9) Annual Report

- Sgt. Kyle Piersall – K9 Dak – 10 Utilizations

- PO Al Castilla – K9 Varick – 28 Utilizations – (27 Community Outreach based)
- PO Jordan Dodge – K9 Brophy – 50 Utilizations
- PO Ray Kellogg – K9 Vigo – 29 Utilizations

2023 Metro SWAT Annual Report

- SWAT Deployments (**18 total).**
- Call Outs – **Total of 6.** They include the following:
    1. 1115 Linwood Pl. Utica (RMS 23-218) – Hostage Rescue // Female held hostage by armed husband.
    2. 1317 Noyes St. Utica (RMS 23-5056) – Armed Barricade // Shots Fired/Assault suspect barricaded inside the address.
    3. 2 Kennedy Plaza Apt 1502, Utica (RMS 23-14593) – Armed Barricade // Suspect menaced victim with a knife, then barricaded inside the address.
    4. 1022 Knox St. Utica (RMS 23-44445) – Homicide Suspect taken into custody.
    5. 506 Cottage Pl. Utica (RMS 23-54433) – Armed Barricade // Suspect menaced a Police Officer with a firearm then barricaded in address.
    6. 1101 Sherman Dr. Utica (MVCC) (RMS 23-50274) – Alleged armed suspect on MVCC campus.

- Warrant Requests – **5.** They include the following:
    1. 1403 Oneida St. Utica (RMS 23-914) – Shots Fired/Assault Investigation Suspects – Requested by UPD Major Crimes.
    2. 10 Richardson Ave. New Hartford (RMS 23-29342) – Robbery Suspect – Requested by New Hartford Police CID.
    3. 1013 Cleveland Ave. Utica (RMS 23-39346) – Narcotics/Firearms – Requested by UPD SIU.
    4. 936 Mary St. Apt. 2 Utica (RMS 23-50296) – Narcotics/Firearms – Requested by DEA Narcotics Task Force.
    5. 805 Mulberry St. Utica (RMS 23-57122) – Shots Fired/Assault/Weapon Possession Investigation – Requested by UPD Major Crimes.
- SWAT Events (Quick Reaction Force/Sniper Observation Teams) – 7
    - St. Patrick's Day Parade Event
    - St. Patrick's Day After Party Event
    - July 4th Parade Event
    - July 4th Proctor Park Fireworks Event
    - Boilermaker Road Race Event
    - Boilermaker After Party Event

    Bank of Utica New Year's Eve Event.

- Training Hours:
    1. Two (2) Days per month totaling in 192 hours of training per year.
    2. Additionally, METRO SWAT members participate in training conferences / events such as NYDHSES TAC Week, NYDHSES Excelsior Challenge,

Notre Dame Active Shooter Drill, NYTOA Conference, MERCY Flight Joint Training, NYSDHSES Tactical Team Conference.

METRO SWAT Members per Department:

- Utica Police Department – 9
- Oneida County Sheriff's Office – 7
- New Hartford Police Department – 4

METRO SWAT Command:

- SWAT & Sniper Team Commander – Captain James Holt
- Sniper Team Leader – Officer Chris Evans
- SWAT Team Leaders – Lieutenant Jason Zima (OCSO), Sergeant Andrew Allen (NHPD), Sergeant Tyler Mowers (UPD).
- SWAT Assistant Team Leaders – Officer Christopher Evans, Officer Christopher Vomer.

Utica PD	New Hartford PD	Oneida County SO
Captain James Holt	Sergeant Andrew Allen	Lieutenant Jason Zima
Sergeant Tyler Mowers	Officer Patrick Sacco	Sergeant Michael Gibbons
Officer Christopher Evans	Officer Mark Moskal	Inv. Nicholas Matwijec
Officer Christopher Vomer	Officer Nicholas Spina	Investigator Lauren Marleau
Officer James Femia		Investigator Ryan Matt
Officer Michael Balio		Deputy Michael Brodie
Officer Steven Gray		Deputy James Quinn
Officer Adrian Viscomi		
Officer Angelo Marroccolo		

Sniper Team Members Per Department:- **5:**
Utica Police Department

1. Officer Patrick West
2. Officer Michael Clive
3. Officer Ricardo Hill
4. Investigator Jacob Penree
5. Officer Christopher Evans

***Note: In 2017, Utica Metro SWAT earned New York State Certification from the Division of Criminal Justice Services. At that time there were fewer than 10 agencies who hold such certification. Certification means that the Utica Metro SWAT Team follows and meets best practices and policies in their operations. ***

Oranizational Chart Signed 2024.pdf

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Utica Police Department
Table of Organization





- **Chief of Police**
  - Chief's Secretary
  - **Deputy Chief** — Operations
    - **Criminal Investigations Division**
      - Professional Standards Unit
      - Criminal Investigations Section
        - Day CID
        - Major Crimes
        - Burglary Unit
        - Sex Offender Unit
        - Child Advocacy Center
        - Juvenile Aid Unit
        - Night CID
        - Major Crimes
        - GIVE
      - Special Investigations Section
        - Special Investigations Unit
        - Warrants Unit
      - Crime Intelligence Section
        - Mohawk Valley Crime Analysis Center
        - FBI Joint Terrorism Task Force
        - Crime Scene Unit
        - Tech Unit
    - **Uniform Patrol Division**
      - A Platoon
        - A-1
        - A-2
        - A-3
      - B Platoon
        - B-1
        - B-2
        - B-3
        - Matron
      - C Platoon
        - C-1
        - C-2
        - C-3
      - Patrol Support
        - Traffic Unit
        - Parking / Animal Enforcement
        - Crime Prevention Unit
        - Community Outreach Team
        - Domestic Violence Unit
        - City Hall Security
        - Crisis Response Team
    - **Support Division**
      - Building Maintenance
      - Training Unit (MVPA)
        - Firearms
      - MIS
        - Records Unit
      - Logistics and Resources Unit
        - Accreditation, Quartermaster, Medical Billing/Adjuster
        - Budget & Grants
        - Property Unit
        - Recruitment
        - Fleet Maintenance

Approved by: W. Williams
Chief of Police

Date: 1/10/24

Table of Organization 2024.pptx

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Staffing Table 2024.pptx

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SOP for SSO Program.pdf

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UTICA POLICE DEPARTMENT

OFFICE OF THE CHIEF OF POLICE

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MARK W. WILLIAMS
CHIEF OF POLICE

EDWARD NOONAN
DEPUTY CHIEF

Standard Operating Procedure for the Utica Police School Safety Officer (SSO) Program

Situation

- In an effort to ensure safety and security at all Utica City School District (UCSD) schools and associated functions, UCSD has implemented the following safety and security safeguards:
    - UCSD contracts for Police Officers employed by the Utica Police Department to provide law enforcement related functions at Proctor High School as well as both Donovan and JFK Middle Schools pursuant to a Contracted Services Memorandum of Understanding (MOU) which was dually agreed upon by the City of Utica and UCSD.
        - UCSD will contract with the Utica Police Department for any other supplemental police services that UCSD requires.
    - Furthermore, UCSD contracts for Special Police Officers (SPOs) employed by the Oneida County Sheriff's Office to provide law enforcement related functions pursuant to a Contracted Services Memorandum of Understanding (MOU) which was dually agreed upon by the County of Oneida and UCSD.
    - Additionally, UCSD employs civilian School Security Personnel, posted at all UCSD schools, to perform all non-law enforcement related administrative functions as prescribed by the Utica City School Administrative Staff.

Mission

- The scope of this document is to outline the standard operating procedures for Utica Police Officers who are assigned to the Utica City School District as School Safety Officers (SSOs) as well as Utica Police Officers who are contracted to provide supplemental police services for an event at Proctor High School's D'Alessandro Stadium and or Proctor High School's Main Gymnasium.

Command & Control

- Captain James Holt is employed by the City of Utica Police Department as the Patrol Commander with one of his ancillary duties being the Utica Police Law Enforcement Liaison for the Utica City School District (UCSD). As the Utica Police Law Enforcement Liaison for UCSD, Capt. Holt is in charge of coordinating all law enforcement operations affiliated with UCSD.
    - Release and/or dissemination of any public information in regards to any police operations associated with UCSD will be coordinated by Utica Police Public Information Officer Lieutenant Michael Curley.

- Hiram Rios is employed by the Utica City School District as the Director of School Safety & Security under the direction of the Acting Superintendent of Schools for the Utica City School District Mrs. Kathleen Davis. Hiram Rios is a civilian in charge of all non-law enforcement related security administrative operations at UCSD.
- Jeffrey Jalonack is the Assistant School Safety & Security Director for UCSD. Jeffrey Jalonack is a civilian tasked with assisting the UCSD Director of School Safety & Security with non-law enforcement related security administrative operations at UCSD.

Execution

- All Utica Police Officers must dispense their duties in accordance with all of the Utica Police Department's Policies, Procedures, and Training.
- Posts
    - Proctor High School
        - A Police Supervisor will be posted at Proctor High School from 0700-1500 hours, said supervisor will coordinate all Utica Police SSO operations for Proctor High School and both Donovan / JFK Middle Schools. A marked Police Vehicle will be drawn by said supervisor to be utilized as needed.
            - Even though, Special Police Officers employed by the Oneida County Sheriff's Office are posted at all UCSD Elementary Schools, the Utica Police Department remains the primary law enforcement provider for all entities within the City of Utica to include all UCSD Elementary Schools therefore the Supervisor posted at Proctor High School is also responsible for ensuring all police related calls for service at UCSD Elementary Schools are handled appropriately.
            - If the Optional Post is not filled at Proctor High School, from 0700-0900 hours the Supervisor will be posted inside the school behind the Weapons Detection System at the Cafeteria Entrance / Exit.
            - After 0900 hours, this Supervisor will act as a roamer and relief for the other posts. Furthermore, this Supervisor will pay special attention to the cafeteria during all lunch periods.
            - Any RMS entries generated by SSOs shall be reviewed, turned over to the proper case agent or investigating authority, and/or closed by the SSO Supervisor.
                - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review". Said entries will be reviewed, turned over to the proper case agent or investigating authority, and/or closed by the SSO Supervisor.
            - Said supervisor will ensure that all notifications re: UOF, Critical Incident, and any other concerns and/or questions associated with SSO operations at any UCSD school are directed to Capt. Holt, Sgt. Geddes, and/or the Squad Commander for resolve and/or tasking.
            - <u>If a supervisor is unavailable or not assigned to UCSD, a senior officer will assume the above responsibilities under the supervision of Capt. Holt, Sgt. Geddes, and/or the Squad Commander.</u>
        - A Police Officer will be posted inside the school behind the Weapons Detection System at the Main Office Entrance / Exit from 0700-1500 hours.

        - The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
        - At dismissal, this officer will post on the exterior of the entrance / exit doorway to oversee student dispersal / pickup.
    - A Police Officer will be posted inside the school behind the Weapons Detection System at the Arcuri Entrance / Exit from 0700-1500 hours.
        - The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
        - At dismissal, this officer will post on the exterior of the entrance / exit doorway to oversee student dispersal / pickup.
    - *Optional Post* (if manpower permits)
        - 0700-0900 hours, this Police Officer will be posted inside the school behind the Weapons Detection System at the Cafeteria Entrance / Exit.
        - After 0900 hours, this Police Officer will act as a roamer and relief for permanent posts. Furthermore, this officer will be posted inside the cafeteria during all lunch periods.
        - The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
        - At dismissal, this officer will remain a roamer inside the school.
- Events at Proctor High School D'Alessandro Stadium (reference the below picture as a visual aid)
    - A Police Supervisor will be posted inside the stadium roaming the area below the bleachers – Concession area, Restroom area, Locker Room area, Field, Track, etc.
        - Upon completion of the event, the Supervisor will direct one of the Police Officers posted inside the stadium to escort the visiting team from their locker room to the Loop Rd. Handicap Entrance / Exit Gate where they will meet their buses for departure.
    - A Police Officer will be posted inside the stadium behind the Weapons Detection System at the Armory Dr. Entrance / Exit Gate
    - A Police Officer will be posted inside the stadium behind the Weapons Detection System at the Ticket Office Entrance / Exit Gate
    - A Police Officer will be posted inside the stadium on the west side of the Press Box atop the bleachers at the Loop Rd. Handicap Entrance / Exit Gate
    - A Police Officer will be posted inside the stadium on the east side of the Press Box atop the bleachers
    - Two Officers will each be assigned to marked police vehicles outside the stadium for mobile patrols of the area surrounding the stadium.
        - Before the event, the officers will erect barricades on Armory Dr. / Tilden Ave. and Armory Dr. / Arthur St. (effectively closing all traffic on Armory Dr. between the Arthur St. and Tilden Ave. intersections, access to the Proctor High School Parking Lot fronting Armory Dr. can be

accessed from the Arthur St. / Hilton Ave. entrance / exit). This closure of Armory Dr. from Arthur St. to Tilden Ave. will be maintained for the duration of the event, until the event has ended and all attendees have dispersed.

- Before the event, MVCC officers will close Loop Rd. from Tilden Ave. to the MVCC Parking Lot off Loop Rd.
- Buses for the visiting team will be directed to pick up their departing team at the Loop Rd. Handicap Entrance / Exit Gate



- Events at Proctor High School Main Gymnasium
  - A Police Supervisor will be posted at the event coordinating police operations.
    - Upon completion of the event, the Supervisor will direct one of the Police Officers posted at the event to escort the visiting team from their locker room to the parking lot outside the Proctor High School Arcuri Entrance / Exit where they will meet their buses for departure.
  - A Police Officer will be posted inside the Proctor High School Arcuri Entrance / Exit behind the Weapons Detection System.
  - A Police Officer will be posted inside the Main Gymnasium on the track behind the bleachers opposite the team benches and the scorer's table.
  - A Police Officer will be posted inside the Main Gymnasium on the track behind the bleachers on the same side of the team benches and the scorer's table.
  - A Police Officer will be assigned to a marked police vehicle outside the Proctor High School Arcuri Entrance / Exit for mobile patrols of the adjoining parking lot and immediate area.
- Donovan Middle School
  - A Police Officer will be posted inside the school behind the Weapons Detection System at the Main Office Entrance / Exit from 0700-1500 hours.
    - After 0900 hours, this Officer may roam the school from time to time, paying special attention to the cafeteria during all lunch periods.

- This officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
- At dismissal, this officer will post on the exterior of the entrance / exit doorway to oversee student dispersal / pickup.
- If a supervisor is unavailable or not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt, Sgt. Geddes, and/or the Squad Commander for resolve and/or tasking.

➢ *Optional Post* (if manpower permits)
- From 0700-0900 hours, this officer will pay special attention to the exterior drop-off areas to oversee student arrival.
- After 0900 hours, this officer will act a roamer and relief officer for the Police Officer posted inside the school behind the Weapons Detection System at the Main Office Entrance / Exit. Furthermore, this officer will be posted inside the cafeteria during all lunch periods.
- At dismissal, this officer will remain a roamer inside the school.
- If a supervisor is unavailable not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt, Sgt. Geddes, and/or the Squad Commander for resolve and/or tasking.

o JFK Middle School

➢ A Police Officer will be posted inside the school behind the Weapons Detection System at the Main Office Entrance / Exit from 0700-1500 hours.
- After 0900 hours, this Officer may roam the school from time to time, paying special attention to the cafeteria during all lunch periods.
- This officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
- At dismissal, this officer will post on the exterior of the school to oversee student dispersal / pickup.
- If a supervisor is unavailable or not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt, Sgt. Geddes, and/or the Squad Commander for resolve and/or tasking.

➢ *Optional Post* (if manpower permits)
- From 0700-0900 hours, this officer will pay special attention to the exterior drop-off areas to oversee student arrival.
- After 0900 hours, this officer will act a roamer and relief officer for the Police Officer posted inside the school behind the Weapons Detection System at the Main Office Entrance / Exit. Furthermore, this officer will be posted inside the cafeteria during all lunch periods.
- At dismissal, this officer will remain a roamer inside the school.
- If a supervisor is unavailable or not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure,

Critical Incident, concerns, and/or questions are directed to Capt. Holt, Sgt. Geddes, and/or the Squad Commander for resolve and/or tasking.

Administration & Logistics

- Access
  - Proctor High School
    - At the beginning of their shift, Officers assigned to Proctor High School will obtain a master key accompanied by an access control card/fob from the Security Room which will allow for swipe and/or key access throughout the school.
  - Donovan and JFK Middle School
    - At the beginning of their shift, Officers assigned to the Middle Schools will obtain a master key from the Main Office which will allow for access throughout the school.
- Communications
  - Proctor High School
    - Officers will place their Police Radio on Zone "UPD HOME", Channel 6 – "PRCTR RPTR", officers utilizing this channel will be able to transmit to Utica Police Dispatch on Channel 1 – "UPD DISPCH" through the Proctor Repeater Antenna.
    - At the beginning of their shift, in addition to their Police Radio, Officers assigned to Proctor High School will obtain a Security Radio from the Security Room which will allow for all internal school security transmissions.
  - Donovan and JFK Middle School
    - Officers will place their Police Radio on Zone "UPD HOME", Channel 1 – "UPD DISPCH" to transmit to Utica Police Dispatch as normal.
    - At the beginning of their shift, in addition to their Police Radio, Officers will obtain a Security Radio for all internal school security transmissions at their assigned school.
  - Public Information
    - Public information regarding any police operations associated with UCSD will not be disseminated to the public by any officer without permission and coordination from Utica Police Public Information Officer Lieutenant Michael Curley.
- Records
  - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review". Said entries will be reviewed, turned over to the proper case agent or investigating authority, and/or closed by the SSO Supervisor.
  - All requests for Utica Police Records involving a juvenile must be directed to the Utica Police Records Clerk.
    - Per Utica Police Policy, Regarding juvenile records, the Utica Police Department's Records Unit will maintain juvenile records associated with police operations separate from adult records. Furthermore, said juvenile records may not be made available to the public (Family Court Act § 381.3). The Utica Police Records Clerk is responsible for the collection, dissemination and retention of juvenile records.

- Shifts
  - 0700-1100 hours
    - Please note: If any Officer obtains permission to work modified shift hours other than the normal shift hours as noted above, please ensure that Captain Holt or Sergeant Geddes are made aware of same so that coverage can be coordinated to cover your absence.
  - 1100-1500 hours
    - Please note: If any Officer obtains permission to work modified shift hours other than the normal shift hours as noted above, please ensure that Captain Holt or Sergeant Geddes are made aware of same so that coverage can be coordinated to cover your absence.
- Shift Coverage
  - Maximum of 8 Officers assigned to UCSD on all school days
    - 4 Police Officers assigned to Proctor High School
      - 1 Supervisor
        - Posted at Proctor High School however responsible for supervision at high school and middle schools
      - 3 Officers
    - 2 Police Officers at JFK Middle School
    - 2 Police Officers at Donovan Middle School
  - Minimum of 5 Police Officers assigned to UCSD on all school days
    - 3 Police Officers assigned to Proctor High School
      - 1 Supervisor
        - Posted at Proctor High School however responsible for supervision at high school and middle schools
      - 2 Officers
    - 1 Police Officer at JFK Middle School
    - 1 Police Officer at Donovan Middle School
- Miscellaneous
  - Any officer working the Utica Police School Resource Officer Program aka UCSD Interior Security Overtime Details at Proctor High School, Donovan or JFK Middle Schools must complete an overtime slip for UCSD Contracted Services – UCSD Interior Security at ……..
    - In turn, a UCSD Interior Security Overtime Report will be compiled monthly and turned over to the Utica Police Payroll Clerk as well as the Chief Secretary for billing and compensation purposes.
  - Any other supplemental Police Services requested by UCSD will require the completion of a contract by UCSD for instance Proctor Football Game Security Detail, School Board Meeting Security Detail, etc.
  - School Emergency Response Specifications
    - SHELTER-IN-PLACE = used to shelter students and staff inside the building
      - Listen for instructions
      - Students in hallways should return to assigned classroom
      - Teachers take attendance
      - All other staff assist students
      - Stay clear of windows

- If instructed, move out of classroom to designated area, stay together at all times, teachers retake attendance
- Listen for updates

- HOLD-IN-PLACE = used to limit movement of students and staff while dealing with short term emergencies
  - Listen for instructions
  - Students in hallways should return to assigned classroom
  - Teachers take attendance
  - All other staff assist students
  - Listen for updates
- EVACUATE = used to evacuate students and staff from the building
  - Listen for instructions
  - Lead students to designated assembly or announced assembly area, close classroom door after exiting, use secondary route if necessary, bring attendance list and class roster, teachers take attendance
  - If evacuating off site, take attendance before moving from and upon arrival at off site location
  - Listen updates
- LOCKOUT = used to secure school buildings and grounds during incidents that pose an imminent concern outside the school
  - Listen for instructions
  - Lock all exterior windows
  - Leave blinds and lights as they are
  - Teachers take attendance
  - Classroom instruction continues as normal
  - All outdoor activities are terminated
  - Listen for updates
- LOCKDOWN = used to secure school buildings and grounds during incidents that pose an immediate threat of violence in and around the school
  - When lockdown is announced, move quickly to execute directed actions
  - If safe, teachers shall gather nearby students into their classroom from hallways and common areas
  - Lock classroom doors, barricade if necessary
  - Move students to a safe area in the classroom out of site of the door and windows
  - Leave windows, blinds, lights, as they are
  - Keep everyone quite, silence cell phones
  - Take attendance if possible
  - Do not communicate through the door or answer the room phone
  - Do not respond to the public address announcements or fire alarm
  - Stay hidden until physically released by law enforcement personnel

CI-2 Form.pdf

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UPD FORM # CI-2

UTICA POLICE DEPARTMENT

Confidential Informant Funds Receipt

Informant Code# _____

Case# _____

[ ] Specific Information [ ] Evidence [ ] Services [ ] Other

Briefly describe from above:

I,_____, do hereby acknowledge the receipt of_____paid to me by the
Informant Name
Utica Police Department for the above-mentioned item(s).

Informant Signature_____Date/Time_____am/pm

Investigator Signature_____Employee# _____

Supervisor Signature_____Employee# _____

IRS W-9 Letter.pdf

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CITY OF UTICA

Office of the City Comptroller

1 Kennedy Plaza, Utica, New York 13502

Phone: 315-792-0133
Fax: 315-792-0074
www.cityofutica.com

William C. Morehouse
Comptroller

May 16, 2023

Dear

Section 6109 of the Internal Revenue Code requires recipients of dividends, rents, interest and other payments to provide their identifying numbers (Social Security or Employee Identification Number) to payers.

Please complete the enclosed form and return it to:

Office of the Comptroller
Att: Carmen Scalise
Utica City Hall
1 Kennedy Plaza
Utica, N.Y. 13502

If you prefer, you may fax or email the form.

YOU MUST PROVIDE US WITH A COMPLETED FORM W-9 (even if you feel that you have provided us one previously).

PLEASE BE SURE TO INDICATE STATUS: Individual/Sole Proprietor, Partnership or Corporation

Thank you for your cooperation.

Sincerely,

Carmen Lee Scalise
Disbursements Officer
Fax: 315.792.0074
Email: cscalise@cityofutica.com

PLEASE NOTE: If no response is received, we will be required by the Internal Revenue Service to deduct 31% from your payments.

Memo 22-03 Missing Arrest Data.pdf

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MEMO# 22-03

TO: All Sworn Personnel
Issuing Authority: Chief Mark Williams
DATE: 08/25/22
SUBJECT: Missing Arrest Data

Anytime anyone within our agency receives a notice of Missing Arrest Data similar to the notice attached, the following steps shall be taken:

1. The notice shall be forwarded to the Patrol Division Support Lieutenant.

2. In turn, the Patrol Division Support Lieutenant will conduct a MasterCard search of the subject in question for the purpose of ascertaining the subject's contact information (address, phone #, etc.). The subject's contact information found within RMS will be cross checked with the contact information on file with the NYS Court System (this will be accomplished by crosschecking the contact information with Utica City Court Clerk Elaine Martin – ezmartin@nycourts.gov).

3. Upon obtaining contact information for the subject in question, the Patrol Division Support Lieutenant will attempt to make contact with the subject so that an appointment can be scheduled for the subject to submit the missing arrest data (fingerprints and/or photographs) via the agency's RICI system. The Patrol Division Support Lieutenant will coordinate same with the Booking Officer on-duty at the time of the scheduled appointment to confirm that the missing arrest data in question has been submitted accordingly.

4. If after several attempts the missing data is unable to be obtained and submitted (for whatever the reason may be.....inaccurate contact information, missed appointments, refusal to submit missing data, etc.), the Patrol Division Support Lieutenant will contact Utica City Court Clerk Elaine Martin – ezmartin@nycourts.gov and ask that a "Missing Arrest Data Letter" along with a "Notice to Present" from Utica City Court similar to the letter/notice attached be sent to the subject in question advising the subject that they are missing arrest data and they must present to submit said arrest data at the Utica Police Department Patrol Division – Booking Officer. Simultaneously, the Patrol Division Support Lieutenant will notify MIS that a "Permit Tab" for the missing arrest data in question must be created within the subject's MasterCard file annotating the need for same to submit the missing arrest data should they be taken into custody for any reason by the Utica Police Department.

5. Upon noting that a subject has a Permit Tab for missing arrest data, the on-duty Booking Officer shall submit the prescribed missing arrest data and notify MIS so that the Permit Tab for the missing arrest data created in the subject's MasterCard file can be deleted.

Missing Arrest Data Example.pdf

NEW YORK STATE | **Division of Criminal Justice Services**

Utica Department

To Whom It May Concern:

The individual below was arrested by your agency on fingerprintable charges but that arrest does not appear on the person's criminal history rapsheet. I have also included attachments on Standard Practices and the CPL 160.10 in regard to fingerprinting for your review.

Name: [redacted]
DOB: [redacted]
NYSID: [redacted]
Arresting Agency: **N/A**
Date of Arrest: **N/A**
Fingerprintable charges: **PL 155.25 Petit Larceny**
Court case: **Utica City Court Case Number:** [redacted]

Please notify me by e-mail when fingerprinting has been completed and the arrest has been sent to DCJS. I have attached the section on timely submission from the DCJS Standard Practices Manual. If you have any questions about this arrest, please e-mail or call me at (518) 457-4458.

Thank you for your assistance in this important criminal history data quality matter.

Sincerely yours,

Cindy Russell
Identification Specialist 2
Special Processing Unit/SIB
New York State Division of Criminal Justice Services
80 South Swan St., Albany, NY 12210
(518) 457-6534 Fax 518 426-4251 Cindy.Russell@dcjs.ny.gov

www.criminaljustice.ny.gov

DCJS Standard Practices (listed on the DCJS website) are as follows:

2013-12-04: Submission of Arrest Prints to DCJS

The Division of Criminal Justice Services (DCJS) is reminding all police departments that electronically transmit arrest fingerprint transactions to DCJS about the importance of timely submission of arrests and the need for careful and complete monitoring of these transactions after they have been submitted to DCJS, until such time that the NYS and FBI responses have been returned to your inbox.

Agencies should wait for both a state and federal response prior to releasing or arraigning an arrestee so they have a positive identification, criminal history (rap sheet) information, and the results of an NCIC search, all of which can affect how a case is handled.

On average, DCJS processes arrest fingerprints and provides a response to law enforcement within five to eleven minutes. If someone monitors your Livescan/Cardscan Supervisor queue, they will know almost immediately if an individual must be re-printed or a Data Correction resubmission is needed.

After your agency submits fingerprints to DCJS from your Livescan/Cardscan workstation, you will receive the following messages to notify you that DCJS has received the submission and/or returned a rapsheet: the **SREACK** response is returned when DCJS acknowledges receipt of the submission; the **ERRREJ** response is returned when DCJS rejects a transaction; and the **SRENYS** response is returned when DCJS successfully completes processing.

Memo 23-01 Interim Standard Operating Procedures for SROS.pdf

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MEMO# 23-01

TO: All Sworn UPD Personnel
Issuing Authority: Chief Mark Williams
DATE: 02/21/2023
SUBJECT: Interim Standard Operating Procedures for SRO'S

Utica Police Investigator William Williams is employed by the Utica City School District as the Director of School Safety & Security and Sergeant Hiram Rios is employed by the Utica City School District as the Law Enforcement Liaison under the direction of the Acting Superintendent of Schools for the Utica City School District Mr. Brian Nolan.

Furthermore, the Utica City School District employs members of the Utica Police Department to provide safety, security, and law enforcement related functions, all other functions will be deemed administrative and therefore turned over to the Utica City School District Director of School Safety & Security Investigator William Williams, Law Enforcement Liaison Sergeant Hiram Rios, Civilian Security Coordinator Jeffrey Jalonack, and/or a representative of the Utica City School District Administration.

- Any Utica Police Officer who is employed by the Utica City School District to provide safety, security, and law enforcement related functions must dispense their duties as a Police Officer in accordance with all of the Utica Police Department's Policies, Procedures, and Training.

    - Acting Superintendent of Schools for the Utica City School District Mr. Brian Nolan advised that the Utica City School District has no objection to all Utica Police Officers, who are actively employed by the Utica City School District to provide safety, security, and law enforcement related functions, to don and employ the Utica Police Department's Body Worn Camera System in accordance with the Utica Police Department's Policy Policies, Procedures, and Training. Thus, Utica Police Chief Mark Williams has mandated all Utica Police Officers, who are actively employed by the Utica City School District to provide safety, security, and law enforcement related functions, to utilize the Utica Police Department's Body Worn Camera System in accordance with the Utica Police Department's Policy Policies, Procedures, and Training.

Additionally, the Utica City School District employs Civilian Security Staff to provide safety, security, and associated administrative functions. All tasking, issues, etc. pertaining to the Civilian Security Staff shall be addressed with Utica City School District Director of School Safety & Security Investigator William Williams, Law Enforcement Liaison Sergeant Hiram Rios, Civilian Security Coordinator Jeffrey Jalonack, and/or a representative of the Utica City School District Administration.

Law Enforcement Liaison Sergeant Hiram Rios is tasked with the scheduling of all Utica Police Officers who are employed by the Utica City School District to provide safety and security.

- Sergeant Rios shall schedule and assign a Utica Police Supervisor (rank of Sergeant or above) employed by the Utica City School District to the daily School Resource Officer roster every school day for the prescribed School

Resource Officer shift hours, said supervisor will perform all supervisory duties for any police involved incident that occurs throughout the Utica City School District in accordance with all of the Utica Police Department's Policies, Procedures, and Training (for instance but not limited to Use of Force Incidents, Personnel Complaints, Officer Injury/Exposure, Critical Incidents, etc.). If a Utica Police Supervisor employed by the Utica City School District is unavailable to be assigned to the daily School Resource Officer staffing roster, all Utica Police Officers who are assigned to that day's School Resource Officer roster therefore employed by the Utica City School District to provide safety, security, and law enforcement functions that day, shall contact a Patrol Supervisor from the current Utica Police Uniform Patrol shift to respond for any police involved incident that occurs throughout the Utica City School District in accordance with all of the Utica Police Department's Policies, Procedures, and Training (for instance but not limited to Use of Force Incidents, Personnel Complaints, Officer Injury/Exposure, Critical Incidents, etc.).

Missing Arrest Information.pdf

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NEW YORK STATE | **Division of Criminal Justice Services**

Utica Department

To Whom It May Concern:

The individual below was arrested by your agency on fingerprintable charges but that arrest does not appear on the person's criminal history rapsheet. I have also included attachments on Standard Practices and the CPL 160.10 in regard to fingerprinting for your review.

Name: [redacted]
DOB: [redacted]
NYSID: [redacted]
Arresting Agency: **N/A**
Date of Arrest: **N/A**
Fingerprintable charges: **PL 155.25 Petit Larceny**
Court case: **Utica City Court Case Number:** [redacted]

Please notify me by e-mail when fingerprinting has been completed and the arrest has been sent to DCJS. I have attached the section on timely submission from the DCJS Standard Practices Manual. If you have any questions about this arrest, please e-mail or call me at (518) 457-4458.

Thank you for your assistance in this important criminal history data quality matter.

Sincerely yours,

Cindy Russell
Identification Specialist 2
Special Processing Unit/SIB
New York State Division of Criminal Justice Services
80 South Swan St., Albany, NY 12210
(518) 457-6534 Fax 518 426-4251 Cindy.Russell@dcjs.ny.gov

www.criminaljustice.ny.gov

DCJS Standard Practices (listed on the DCJS website) are as follows:

2013-12-04: Submission of Arrest Prints to DCJS

The Division of Criminal Justice Services (DCJS) is reminding all police departments that electronically transmit arrest fingerprint transactions to DCJS about the importance of timely submission of arrests and the need for careful and complete monitoring of these transactions after they have been submitted to DCJS, until such time that the NYS and FBI responses have been returned to your inbox.

Agencies should wait for both a state and federal response prior to releasing or arraigning an arrestee so they have a positive identification, criminal history (rap sheet) information, and the results of an NCIC search, all of which can affect how a case is handled.

On average, DCJS processes arrest fingerprints and provides a response to law enforcement within five to eleven minutes. If someone monitors your Livescan/Cardscan Supervisor queue, they will know almost immediately if an individual must be re-printed or a Data Correction resubmission is needed.

After your agency submits fingerprints to DCJS from your Livescan/Cardscan workstation, you will receive the following messages to notify you that DCJS has received the submission and/or returned a rapsheet: the **SREACK** response is returned when DCJS acknowledges receipt of the submission; the **ERRREJ** response is returned when DCJS rejects a transaction; and the **SRENYS** response is returned when DCJS successfully completes processing.

UPD Goals and Objectives 2023.pdf

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Utica Police Department's

2023 Goals & Objectives for the
Criminal Investigations,
Support &
Uniform Patrol Divisions.

January 31, 2023

Criminal Investigations Division Goals & Objectives for 2023

Criminal Investigations Section

Goal: Streamline the administrative process for documenting and storing major case investigations.

Objective #1: Review and revise the Homicide Lead Desk to include homicide “bin” storage.

Objective #2: Review and revise process for storage of digital files in homicide investigations.

Goal: Expose ambitious patrol officers to CID work.

Objective #1: When available based on staffing, rotate officers assigned to the Patrol Division for a temporary training assignment in the Criminal Investigation Division. Assign officers for no more than a week during their 4 and 2 Patrol schedule.

Objective #2: Organize and execute joint proactive details with members of the Patrol Division.

Special Investigations Unit

Goal: Improve file storage procedures. Move hard files storage to Records Division and scan documents for immediate viewing capabilities.

Objective: Scan all hardcopy case files to electronic format in the UPD Files.

Warrants Unit

Goal: Ensure successful prosecution of individuals who possess open warrants.

Objective: Establish and adhere to “Due Diligence” procedures for newly entered arrest warrants.

Crime Scene Unit/Technology Unit

Goal: Improve evidence tracking in the Tech Unit digital forensics lab.

Objective: Construct a new procedure on how to log and process cellular phones that need to be unlocked for criminal investigations.

Goal: Review training logs of Crime Scene Call-Back officers and train new members in current techniques/equipment.

Objective: Ensure that every member on the Crime Scene Unit call back list have updated trainings on new tech updates or on any new technologies acquired.

Juvenile Aid Unit

Goal: Collaborate with outside entities to reduce juvenile violent crime and hold offenders accountable.

Objective: Work with the Department of Probation and the court system to help implement a “juvenile Gun Court”. The juvenile Gun Court program is slated to commence in the year 2023.The Utica Police Department could assist in laying the foundation of the pilot program. Members from the Utica Police Juvenile Aid Unit will participate and provide input to ensure the program is effective and productive.

Goal: Improve oversight and tracking of active missing person investigations.

Objective: Create a Missing Persons Activity Board. This would be a digital log of all the missing person cases the department is handling. This board would give department members easy access when trying to research missing persons. The activity board would have to be managed by the Juvenile Aid Unit.

Mohawk Valley Crime Analysis Center

Goal: Improve on strategic intelligence gathering with respect to individuals know to associate with gang or group activity.

Objective: Conduct a Group/Gang Audit.

Goal: Expand mapping capabilities to outside agencies.

Objective #1: Create an ArcGis Map for at least one agency in the MVCAC's area of responsibility.

Objective #2: Complete at least two GeoTime mapping cases within the MVCAC's area of responsibility.

Respectfully submitted,

Captain Stanley Fernalld
Criminal Investigations Division Commander

Support Division Goals & Objectives for 2023

Records Unit

Goal: Maintaining the privacy and security of the victims, complainants, juveniles, and other protected persons personal information or sensitive information is of utmost importance for the Records Unit. Currently, the Records Unit members are manually redacting Personal Identifiable Information (PII) by blacking out the printed copies of the reports manually and then copying marked reports again to ensure that no PII is visible. A process will be developed that allows Records Unit members to redact PII from the electronic copies of the reports without having to commit them to the printed material and in turn reducing paper use, saving the department time spent on manual redaction and supplies.

Objectives: A redaction software will be purchased and installed on all Records Unit computers. This software will allow users to redact PII from electronic documents without having to create multiple paper copies. The redacted documents while still in electronic format can be sent to the requestor without ever being printed. All Records Unit members will be trained on how to redact electronic files by using the redaction software from their desktops. This method of electronic redaction will eliminate the need to print electronic files before redaction, and shredding of paper records after the records have been received by the requestor, and it will reduce the steps needed complete the redaction of PII.

Management Information Services (MIS) Unit

Goal: The Utica Police Department (UPD) serves as a central hub for criminal fingerprint submission to the DCJS for several local (cont.) police

departments since the inception of the fingerprint scan system. The UPD hosts a local server and maintains user accounts for other local police departments as well as network connections. As the fingerprint scan technology advanced it is necessary to upgrade the current system to the latest solution while at the same time removing other police departments' dependency on the UPD fingerprint scan system. In addition, this will also allow the UPD to remove network connection to these departments that was utilized for the fingerprint scan system and in turn increase our network security.

Objectives: MIS unit in partnership with Dataworks Plus, LLC will obtain the current Livescan System (fingerprint scan system) from the local Linux-based server to the cloud-based system. The data stored on the local server will be migrated to the new cloud-based system. All local police departments that were dependent on the UPD for user management and fingerprint submission will now become independent and will have control of their own fingerprint system and users. The final step once all local police departments that were dependent on the UPD Livescan System archive independence will be to decommission the local Linux server and remove unnecessary network connections.

Logistics and Resources Unit

Goal: To introduce hybrid (gas/electric) vehicles into the patrol fleet to reduce fuel expenditures for the City of Utica, along with minimizing strain on engines and associated repairs.

Objectives: The Utica Police Department will repurpose a current command vehicle that is equipped with a hybrid engine into the role of a patrol supervisor vehicle. High engine hours in patrol vehicles are contributing to more frequent costly repairs. Vehicles see many of these engine hours build up during periods of engine idle, which is generally during times when officers are either on the scene of an incident or in between calls for service and completing paperwork from their mobile workspaces. Hybrid technology allows the engine the turn off, while the vehicle and associated equipment continue to operate by way of battery power. Through user feedback and fleet maintenance tracking, hybrid technology will be evaluated to determine if these vehicles can effectively operate during normal patrol use.

Budgets and Grants

Goal: To hire additional law enforcement officers utilizing grant awarded funds. Grant funding would assist the City of Utica budget by reducing salary costs for newly hired officers over the course of three years.

Objectives: The Utica Police Department will seek funding provided by the COPS Hiring Program (CHP) to assist with the hiring and retention of new officers. CHP provides funding directly to law enforcement agencies to hire and/or rehire additional career law enforcement officers to increase their community policing capacity and crime prevention efforts. Grant funding provided by CHP allows for the salary of newly hired officers to be paid for up to three years, saving the City of Utica approximately $200,000 per officer.

Training

Goal: There are duties of a patrol officer which vary according to circumstances and are often different every day. The training Unit will ensure that the skills needed to perform these duties are practiced and refined through the implementation of Reality-Based Training (RBT).

Objectives:
Evidence based practices indicates through the utilization of reality-based training, law enforcement officers can be effectively equipped with an additional resource to allow them to carry out their duties safely and effectively. Reality based training (RBT) will allow individuals to participate in real-world scenarios that will prepare these officers for actual encounters. The cadre of reality-based training instructors will be tasked with scenario development and will include the use of RBT during TASER, defensive tactics, and de-escalation training.

Respectfully submitted,

Captain Brian D. Bansner #0399
Support Division Commander

2023 Uniform Patrol Division Goals & Objectives

Uniformed Patrol Division

Goal:
Train all members of the Uniformed Patrol Division to be proficient in the use and application of the newly acquired AXON Body Worn Camera System as well as the associated software which is utilized for evidentiary viewing, retention, and transmission.

Objective:
Provide Roll Call and In-Person Training to all members of the Uniformed Patrol Division so that they are trained and proficient in the use of the AXON Body Worn Camera System as well as the associated software.

Provide follow-up Roll Call Training to all members of the Uniformed Patrol Division to re-enforce the aforesaid In-Person Training, said Roll Call Training materials will be posted to the department's Patrol digital folder under the title "Axon" for quick reference.

Crime Prevention Unit (CPU)

Goal: Create a specialized policing unit that will focus on Hot Spot crime prevention, deterrence, and abatement utilizing analytics, technology, and proven initiatives such as GIVE.

Objectives:
Assign appropriate staffing (supervisors/officers) based on departmental needs/constraints with a flexible work schedule based on crime data.
Mentor and develop well rounded Patrol Officers by fostering proactivity, sound decision making, diligent investigations, and targeted training, (cont.)

in doing so creating a breeding pool for officers seeking promotion and/or special assignment.

Crisis Response Team (CRT)

Goal:
The Crisis Response Team will continue to engage emotionally distressed individuals and connect them with mental health services.

Objectives:
Create a formal policy for CRT.
Create a formal procedure for CRT.
Explore and potentially implement a Therapy K9 Program which would be an added resource for CRT.

Community Outreach Team (COT)

Goal:
Continue to build community relationships in partnership with the Police Athletic League as well as any other community building stakeholders by coordinating and participating in a few youth activities within city parks throughout summer recess.

Objective:
Plan, market, coordinate, and facilitate a few “Movie in the Park” events.
Plan, market, coordinate, and participate in a few youth activities within city parks for instance a kickball game at Sal Longo Field, a soccer game Proctor Park, a fitness class in Proctor Park, a basketball game at Seymour Park, and/or a nature hike through the Switchbacks.

Respectfully,

Captain James R. Holt Jr.
Patrol Division Commander

CI-1 Form.pdf

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Utica Police Department

Criminal Investigations

UPD Form # CI-1

Registered Informant Worksheet and Agreement Source #:

NAME: LAST	FIRST	MIDDLE

AGE	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	BUILD	COMPLEXION

ALIAS	**PHOTO: Y / N FINGERPRINTS: Y / N RAP SHEET: Y / N CRIM HISTORY: Y / N LOCAL RECORD: Y / N DATE TERMINATED: REASON:**
CURRENT ADDRESS _	
BUSINESS ADDRESS _	**ATTACH COPY OF RAP SHEET**

HOME PHONE	OTHER PHONE
D.O.B	P.O.B.
SS#	DL#

IDENTIFYING MARKS		
STATE:	TYPE:	EXPIRES

VEHICLE	YEAR	MODEL	COLOR	TAG#	STATE	EXPIRES

RELATIVES (NAMES)	ADDRESSES	PHONE	RELATIONSHIP

AGENCIES WORKED FOR	CONTACT PERSON	WORKED WHEN	PAYMENT

HANGOUTS	ADDRESSES

CRIMINAL HISTORY	CHARGES	CURRENT Y N
PROBATION Y N	PROB OFFICER	PHONE
PAROLE		

Name of Applicant:_____**DOB:** _____

I can read and write the English language, I understand and agree with the following statements and will comply with all of them while working with /assisting the Utica Police Department. I am initialing each of the below statements and signing without fear, threat and/or promise(s) made to me. X_____

*1 I am **not** an employee of the Utica Police Department. **X**_____*

*2 I am agreeing to cooperate with the Utica Police Department of my own free will and accord, and not as a result of any intimidation or threats. **X**_____*

*3 In agreeing to assist the Utica Police Department, I understand that no officer may make any promise or predictions regarding the likely disposition of any criminal proceedings that are pending against me. **X**_____*

*4 I **will not** engage in any illegal or improper conduct while working with the Utica Police Department. **X**_____*

*5 I am **not** to handle illegal drugs and/or contraband at any time unless directed to do so by the detective/investigator supervising me, and then only in the manner in which I have been instructed. If I amfound to be in unauthorized possession of any of the said mentioned, I will be subject to arrest. **X**_____*

*6 I will **not** search any suspect/person, vehicle, house, papers, personal effects, etc. **X**_____*

*7 I will follow all instructions of the officer supervising me while assisting in any investigation. **X**_____*

*8 I will reveal my status /activities with regard to the Utica Police Department to **no one**. **X**_____*

*9 I will reveal to no one the identity of any law enforcement officer, or the existence, nature, or content of any investigation or the methods or investigate techniques of law enforcement, unless ordered to do so by a judge. **X**_____*

*10 At **no time** will I provoke, encourage or plan /participate in any unlawful act. **X**_____*

*11 If I so desire, the Oneida County District Attorney's Office will be advised of my cooperation or lack thereof, if applicable. **X**_____*

*12 During the period of time I am assisting the Utica Police Department, I will report **all** pertinent information regarding the investigation(s) I am involved with, and any other information regarding criminal activity that may come to my attention. **X**_____*

*13 I acknowledge that I am associated with the City of Utica, Police Department as a CI on a case or time basis as an independent contractor and that any payment I receive from the City of Utica, Police Department will not be subject to federal or state income tax withholding or social security. **X**_____*

14 I agree and acknowledge that I must report any and all income I may receive for my work as a CI to

the state and federal tax authorities, if under the law such income must be reported. I understand I may be taxed on such money. **X**_____

15 *I further acknowledge that as a CI working as an independent contractor, I am not entitled to worker's compensation or unemployment compensation from the State of New York and I shall not hold the City of Utica or its agents, employees or officials, liable for any injuries or damage incurred by reason of my association with the City of Utica, Police Department.* **X**_____

16 *As an independent contractor, I further acknowledge that I may not take or seek any independent action on behalf of the City of Utica, and that I may not represent myself as an employee of the same, nor enter into any contract or obligation on their behalf, unless specifically authorized to do so.* **X**_____

17 *I further agree not to use the City of Utica, Police Department or any of its officers as credit or employment references unless prior approval is obtained from my handler.* **X**_____

18 *I further agree to maintain a strict accounting of all funds provided to me by the City of Utica, Police Department as part of my activity as a CI. I understand that misuse of funds could be grounds for criminal prosecution.* **X**_____

19 *I further agree and acknowledge that I have a good faith basis for all information provided to the Utica Police Department and will under no circumstances materially mislead nor fabricate information presented to the Utica Police Department.* **X**_____

20 *I further acknowledge and understand that as a CI providing assistance to the Utica Police Department there is a possibility that I may be called to testify in a judicial proceeding and that there is a possibility that the prosecution may be required to disclose discover materials that may tend to identify me as person who has cooperated with law enforcement.* **X**_____

I UNDERSTAND THAT FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

Signed:_____ **Date:** _____

Applicant signature

Affirmed Under Penalty of Perjury

This_____day of_____, 20_

_____
Investigator Signature
Utica Police Department

_____
Supervisor Signature
Utica Police Department

Informant Code Issued: _____

W-9.pdf

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Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only **one** of the following seven boxes:

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____

Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)

6 City, state, and ZIP code

Requester's name and address (optional)

CITY OF UTICA
1 KENNEDY PLAZA
UTICA NY 13502

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number

			–			–				

or

Employer identification number

		–							

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here | **Signature of U.S. person** ▶ | **Date** ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at *www.irs.gov/fw9*.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)

2—The United States or any of its agencies or instrumentalities

3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

4—A foreign government or any of its political subdivisions, agencies, or instrumentalities

5—A corporation

6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession

7—A futures commission merchant registered with the Commodity Futures Trading Commission

8—A real estate investment trust

9—An entity registered at all times during the tax year under the Investment Company Act of 1940

10—A common trust fund operated by a bank under section 584(a)

11—A financial institution

12—A middleman known in the investment community as a nominee or custodian

13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over $600 required to be reported and direct sales over $5,000[1]	Generally, exempt payees 1 through 5[2]
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

[1] See Form 1099-MISC, Miscellaneous Income, and its instructions.

[2] However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at *www.ssa.gov*. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at *www.irs.gov/businesses* and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: *A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.*

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account[1]
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor[2]
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee[1] The actual owner[1]
5. Sole proprietorship or disregarded entity owned by an individual	The owner[3]
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	**Give name and EIN of:**
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity[4]
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

[1] List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

[2] Circle the minor's name and furnish the minor's SSN.

[3] You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

[4] List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to *phishing@irs.gov*. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: *spam@uce.gov* or contact them at *www.ftc.gov/idtheft* or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

CI-3 Form.pdf

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UPD FORM # CI-3

UTICA POLICE DEPARTMENT

Request for Payment

Informant Code# _____

Case# _____

I,_____, do hereby request that payment in the amount of $_____US Currency be made to the above
(Investigator Name)
referenced Confidential Information for the following:

[ ] Specific Information [ ] Evidence [ ] Services [ ] Other

Briefly describe from above:

Investigator: Signature_____Employee #_____Date/Time_____am/pm

Verified by Supervisor: Signature_____Employee #_____Date/Time_____am/pm

Approved by: Signature_____Employee #_____Date/Time_____am/pm

Staffing Table Signed 2024.pdf

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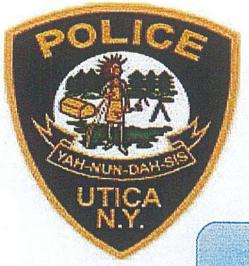

Utica Police Department
Staffing Table – Compliment 170 (168 Active Sworn Members) 16 Civilians (1 Vacancy), 1 Injured/Extended Absence

Chief of Police

Chief's Secretary
1 Civilian



Deputy Chief
Operations

Professional Standards Unit
1 Sergeant
1 Police Off.

Criminal Investigations Division
1 Captain

Criminal Investigations Section
1 Lieutenant

- **Day CID** — *2 Sergeants, 5 Inv., 1 Police Off. (LD)*
- **Night CID** — *2 Sergeants, 2 Inv., 3 Police Off.*
- **Major Crimes Days** — *2 Inv.*
- **Major Crimes Nights** — *3 Inv.*
- **Burglary Unit** — *2 Inv.*
- **Sex Offender Unit** — *1 Inv.*
- **GIVE** — *1 Inv, 1 Police Off.*
- **Juvenile Aid Unit** — *2 Inv., 1 Police Off. (nights)*
- **Child Advocacy Center** — *1 Inv.*

Special Investigations Section

- **Special Investigations Unit** — *1 Sergeant, 2 Inv., 1Police Off.*
- **Warrants Unit** — *2 Inv., 1 Civilian*

Crime Intelligence Section
1 Lieutenant

- **Mohawk Valley Crime Analysis Center**
- **FBI JTTF** — *1 Inv.*
- **Crime Scene Unit** — *1 Inv., 1 Police Off.*
- **Tech Unit**

Uniform Patrol Division
1 Captain

- **A Platoon** — *1 Lieutenant, 5 Sergeants, 18 Police Off.*
- **B Platoon** — *1 Lieutenant, 5 Sergeants, 28 Police Off.*
- **C Platoon** — *1 Lieutenant, 4 Sergeants, 33 Police Off.*
- **Matrons** — *1 Civilian, 1 Vacancy*

Patrol Support
1 Sergeant, 1 Police Off. (LD)

- **Traffic Unit** — *2 Police Off.*
- **Parking / Animal Enforcement** — *2 Civilians*
- **Domestic Violence Unit** — *1 Police Off.*
- **Community Outreach Team** — *3 Police Off.*
- **City Hall Security** — *1 Police Off.*
- **Crime Prevention Unit** — *2 Sergeants, 5Police Off.*
- **Crisis Response Team** — *1 Police Off.*

Support Division
1 Captain

Building Maintenance
3 Civilians

Training Unit (MVPA)
1 Lieutenant

- **Firearms** — *Ancillary Duties*

MIS
1 Sergeant, 1 Police Off.

- **Records Unit** — *1 Police Off. 2 Civilians*

Logistics and Resources Unit
1 Sergeant, 1 Civilian

- **Accreditation, Quartermaster, Medical Adjuster** — *1 Police Officer*
- **Budget & Grants** — *1 Civilian*
- **Property Unit** — *1 Off.*
- **Recruitment** — *1 Civilian*
- **Fleet Maintenance** — *3 Civilians*

Approved by: M. W. Williams
Chief of Police

Date: 1/10/24

Investigator Checklist for 12.1 Hiring Standards Template_Fillable.pdf

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NEW YORK STATE | Division of Criminal Justice Services

New York State Law Enforcement Accreditation Program
Background Investigation Checklist

Candidate Name: _____ **DOB:** _____ **Phone:** _____

Task	Date	Comments	Initials
Comprehensive Application			
Personal History Statement			
Fingerprint Criminal History			
Family References			
Personal References			
Educational Institutions			
Current & Previous Employers			
Current & Prior Neighbors/Landlords			
Department of Motor Vehicles			
Armed Forces			
Affiliations/Social Media			
Court Records			
Credit Agencies			
Law Enforcement Agencies			
In-person Interview			
Central State Registry Check (If applicable) ops.registry.record.search@dcjs.ny.gov			
National Decertification Index Search https://www.iadlest.org/our-services/ndi/about-ndi			
Physical Agility Test Results (§6000.8)			
Identity Verification			
Written Test Score (If applicable)			
Medical Exam (§6000.4)			
Psychological Exam (§6000.11)			

Additional Comments:

_____

_____

_____

_____

Background Investigator: _____

Investigator Signature: _____ **Date:** _____

Acciden Interim Report (3).pdf

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UPD-52

Department of Public Safety
Bureau of Police
City of Utica, New York

Accident Investigation Interim Report

Date of Occurrence: _____ **P.I., P.D. Type:** _____

Time of Occurrence: _____ **Weather:** _____

Location: _____

Parties Involved:

Injuries:

Remarks:

Completed Reports to be Submitted:

Officers:

OG-100 _ Calltaking.pdf

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ONEIDA COUNTY DEPARTMENT OF EMERGENCY SERVICES **STANDARD OPERATING POLICY & PROCEDURE**	NUMBER: **OG-100**
	SUPERSEDES: **All Previous**
	EFFECTIVE DATE: **July 1, 2011**
SUBJECT: **Call Taking Procedures**	REVISED DATE: **May 31, 2024**
	DISTRIBUTION: **ALL AUTHORIZED MANUALS** **1 Each - Telecommunicators**
AUTHORITY: **Edward Stevens** **Director of the Oneida County 911 Center**	ISSUED BY: **Edward Stevens** **Director of the Oneida County 911 Center**
REFERENCES: **4.2**	

PURPOSE:

To state the Oneida County 911 Communications Center's policies, definitions and procedures regarding the answering of emergency telephone calls from the public.

To establish uniform procedures in phone interviews on primary or secondary operations for CAD and Pro-QA or job card incidents and provide all public safety telecommunicators with a standardized format for establishing and maintaining control of the data gathering and interview process.

For the purposes of this policy Public Safety Telecommunicators will include Dispatch Officer.

POLICY:

It shall be the policy of the Oneida County 911 Communications Center to:

A. Establish standard guidelines of how calls received from the public are answered by public safety telecommunicators.

B. Ensure prompt and courteous service to the community in emergency and non-emergency situations by a competent and well-trained staff.

C. Develop and use assessment skills to promptly identify a call as an emergency, whether or not the caller indicates it as such.

D. Respond appropriately to emergency and non-emergency calls and direct calls to appropriate resources.

E. Provide adequate training and re-training of employees to ensure accuracy and completeness of information required for the appropriate dispatching of public safety resources.

F. Ensure appropriate documentation of calls for help and responses to calls through proficient use of CAD and non-CAD procedures.

G. Provide information to the public and user agencies as necessary and appropriate in accordance with the 911 Center's emergency communications mission.

H. Require employees to immediately report to the Shift Supervisor all incidents where an excessive delay has occurred in either call taking, dispatch or resource response, all of which may impact the operation or credibility of the 911 Center.

I. Provide a protocol to be followed by public safety telecommunicators to assist them in interviewing callers, determination of appropriate response category, and provision of post-dispatch and pre-arrival instructions.

J. Comply with all State and local laws, rules, regulations and standards that may relate to this Policy.

DEFINITIONS AND ACRONYMS:

A. ALI: Automatic Location Identification: The automatic display of telephone number, address/location and supplemental emergency services information of the location from which a call originates.

B. ANI: Automatic Number Identification.

C. EMS: Emergency Medical Services.

D. PSAP: Public Safety Answering Point.

E. TTY/TTD: Teletypewriter/Telecommunications Device for the Deaf.

F. VOIP: Voice over Internet Protocol.

G. FIRST PARTY CALLER**:** Person calling for emergency help who is also the patient or victim.

I. SECOND PARTY CALLER: Person calling for emergency help who is in close proximity to the patient or victim.

H. THIRD PARTY CALLER: Person calling for emergency help who is removed from or not in close proximity to the patient or victim.

J. FOURTH PARTY CALLER: Person calling for emergency help who is from another public service agency and may or may not have personal information about the incident.

PROCEDURE:

A. CALL TAKING STANDARDS:

1. Standards for Answering 911 Calls:

    a. Ninety percent of all 911 calls arriving at the 911 Center shall be answered within ten seconds during the busiest hour, (the hour each day with the greatest call volume, as defined in the *NENA Mastery Glossary: 00-001*).

    b. Ninety-five percent of all 911 calls should be answered within twenty seconds.

2. Order of Answering Priority: It is the responsibility of the public safety telecommunicator to answer all in-coming calls. All phones shall be answered in order of priority:

    a. First Priority: 911 lines;

    b. Second Priority: Emergency 7/10 digit lines;

    c. Third Priority: Non-emergency lines;

    d. Fourth Priority: Administrative lines;

    e. Fifth Priority: Internal phone lines.

3. Non-Emergency Calls Received on Emergency Lines: If a call is of a non-emergency nature and is received on an emergency line, the public safety telecommunicator will advise the caller that they have called on an emergency line and will direct the caller to a non-emergency line. It is not recommended that the call be transferred to an administrative line, since that line may tie up 911 lines and cause a delay in answering legitimate emergency calls.

4. Information Gathering: The public safety telecommunicator will obtain the basic information from the caller. At a minimum, this information should include:

    a. Street, house number (including apartments, industry and business); Always have the caller repeat the address so you know you have it correct, never repeat the address back to the caller.

    b. Name and telephone number of caller;

c. Municipality (county, township, village, city, etc.);

d. For calls that are transferred to another PSAP, it is important to obtain this minimum amount of information in the event the call is lost during the transfer.

e. Hazards should be identified, including any potential hazards on the scene.

f. It is also important to determine the relationship between the caller and those involved; is it 1st, 2nd or 3rd party?

5. Address Verification: An ALI discrepancy report (DIS-001) along with the printed ALI from the 911 call must be given to the CAD Administrator if the address given does not correspond with the ALI display. *(revised 2/1/19)*

6. Transferring Emergency Calls: When emergency calls need to be transferred to another PSAP, the public safety telecommunicator will transfer the call without delay after getting the minimum information listed in 6d above. The public safety telecommunicator will advise the caller: "Please do not hang up; I am connecting you with (name of agency)." The public safety telecommunicator should stay on the line until the connection is complete.

7. Wireless 911 Calls: All wireless 911 lines at the 911 Center shall be answered beginning, "911, what is the address of the emergency." After receiving the answer, ask, "what city, town or village", then say "repeat that so I know I have it correct." Then ask, "What is the phone number you are calling from?" you must verify the phone number to the ANI on the power 911 screen to make sure the phone number is correct. If there is not an ANI you must, ask the caller to "repeat that in case we get disconnected Then say, "okay, tell me exactly what happened." Wireless 911 Calls should be handled in accordance with the attached, *NENA Guidelines for Minimum Response to Wireless 911 Calls: Document 56-001*.

8. 911 Hang-ups /Abandoned calls from landline phones: The public safety telecommunicator will attempt a call back when a 911 call is routed to the PSAP and the call disconnects before the public safety telecommunicator can determine if assistance is needed. The public safety telecommunicator will call back once to make this determination. If the phone is busy or there is no answer, additional attempts to contact the caller will not be made by the public safety telecommunicator. If the call back attempt goes to voice mail, no message will be left. This procedure is the same for cell phones as well. If contact is made verify

information to include caller's name, location (address) and nature of the call. DO NOT advise the caller that patrols will be dispatched.

There is no need to dispatch a car to a business if you call back and they advise everything is okay. Rome PD and New Hartford PD would like one car sent to verify.

9. 911 Hang-ups/Abandoned calls from wireless phones – The public safety telecommunicator will attempt callback to the number. If contact is made verify information to include caller's name, location (address) and nature of the call. DO NOT advise the caller that patrols will be dispatched.

   Contact made to parties calling from a business, where there is a chance they may no longer be there when a patrol arrive still need one car sent to verify.

   If no contact is made to the wireless device and there is an indication of a possible emergency (background noises, etc.) and the call is a Phase 2, a CAD entry will be created to make an area check in the vicinity of the location that is being plotted. **Always utilize RapidLite to aid in better locating any wireless caller.** *(revised 2/1/19)*

   If no contact is made to the wireless device and there is indication of a possible emergency (background noises, etc.) and the call is a Phase 1, contact the cell phone carrier to attempt to ascertain the phone's location. A CAD entry will be created to make an area check in the vicinity of the coordinates provided by the cell phone carrier.

   If the car clears unfounded with continuous abandoned calls in the area advise the patrol supervisor. Leave it to their discretion.

   If no contact is made with the wireless device and there exists no evidence of an emergency (no obvious distressful background noises, etc.) no further action needs to be taken.

10. Structure Fire: If at any time during a call the caller makes any statement reporting the presence of smoke and/or fire in, on or attached to a structure, the PST will create a call as a "structure fire" in CAD for a verified location without delay. Once the call has been entered the PST will continue to obtain information as outlined in all applicable policies, such as verifying a call back number, obtaining the caller's name and entering additional call details as they are obtained. The PST will not for any reason delay the creation of a structure fire call to obtain or enter additional information. *(revised 3/1/19)*

11. Silent Calls: In compliance with the attached, Public Law 101-336, also known as the *Americans with Disabilities Act*, all silent calls will be interviewed with a TTY/TDD to determine if the caller is attempting to report an emergency using a special communications device for hearing impaired individuals.

12. Misdial: A call is classified as unintentional when the public safety telecommunicator can hear a conversation, radio, etc. in the background and have listened sufficiently and checked a TTY/TDD to determine that there is no indication of an emergency situation.

13. Prank Calls: Public safety telecommunicators will call back a suspected prank caller. Prank calls should be treated as a real emergency until proven otherwise. The called party will be questioned to determine if further action is needed or a response is required.

14. False Reports: False or unfounded 911 calls will be referred to the appropriate law enforcement agency.

15. Misrouted Calls: Calls may be received at the 911 Center that are intended for another PSAP. These calls should be transferred to the other PSAP, if possible, after advising the caller of the transfer. Calls of this type include wireless and landline misroutes as well as nomadic VoIP callers. Out of area PSAP contact information may be found in the *NENA PSAP Registry* or via the NLETS system.

16. Public Safety Telecommunicator Discretion: Public safety telecommunicators should pay close attention to background noise, tone and word choice of caller as additional evidence to assist with the determination of the status of the 911 call. The time of day and location of the caller may be additional clues to indicate whether a response is necessary. In any situation where the public safety telecommunicator believes an emergency situation may exist, an appropriate public safety response will be initiated based on local policies and procedures.

17. Cancellation: The public safety telecommunicator may disregard a 911 call if there is evidence that the call is one of the following situations:

    a. 911 Misdial; and
    b. Unintentional or Prank Calls.

c. Rome Police Department and New Hartford Police Department is to be advised on all 911 calls from a landline.

18. Contact: If contact is made with the caller, public safety telecommunicators will follow call handling procedures established to determine whether a public safety response is necessary.

19. Indicated Emergency: Any evidence of an indicated emergency situation requires that public safety telecommunicators initiate efforts to re-contact the caller to determine the nature of the incident and an accurate location for appropriate public safety response. If attempts to contact the caller are unsuccessful, a field public safety response will be initiated based on the caller's location as indicated by the ALI display.

20. ALI Failure: In the event of a failure to provide a caller location, an attempt to determine the address from which the call originated will be made through reverse look-up, where permitted, or by contacting the telecommunications service provider. *(revised 2/1/19)*

21. ANI Failure: In the event a 911 call received without an ANI display, the call will be treated as if received on a 7-10 digit emergency line. The public safety telecommunicator will obtain the basic information from the caller. At a minimum this information should include: location of the incident, call back number, type of emergency, time frame, hazards, identity of those involved and their location.

22. Incorrect or No ALI-ANI Information: If the ANI or ALI information provided is not accurate, based on the information provided by the caller, the public safety telecommunicator will complete and forward DIS-001- Discrepancy Report along with the printed ALI from the 911 call to the CAD Administrator for review. *(revised 2/1/19)*

23. Equipment Problems: All 911 telephone equipment problems will be reported immediately to their supervisor. The supervisor will then submit the problem to the E911 Help Desk and notify the Director or Deputy Director when the Director is not available.

24. Redundant Calls: Redundant calls occur when several calls have been received on the same incident. The public safety telecommunicator will make sure the caller is reporting the same incident and not an unrelated one. Once the public safety telecommunicator is sure that the caller is reporting an incident that has already been received and any additional pertinent information is obtained, the caller will be advised that the call has already been reported. These calls should be disconnected as soon as possible in order to free 911 lines. The public safety telecommunicator will however add additionally, the caller's name, call back number and address in the "calls" tab in an incident.

B. TTY CALLS:

1. Recognizing TTY Calls: All public safety telecommunicators must be able to properly recognize and handle TTY calls. A potential TTY call may sound one of the following ways:
    a. Recorded announcement from the TTY: Some TTYs emit a recorded spoken announcement to the public safety telecommunicator that a TTY call is being placed, such as "Hearing Impaired Caller, Use TTY."

    b. Audible Tones from the TTY: Some TTY callers may press TTY keys to emit audible tones to notify the public safety telecommunicator that a TTY call is being placed.

    c. Silence on the Line: Often a person using a TTY will make a call that is perceived by the public safety telecommunicator as a silent, open line call. This is due to the fact the caller's equipment does not recognize that the call has been answered until the public safety telecommunicator sends a TTY response.

    d. A silent, open line call must be considered a potential TTY call until proven otherwise. If the public safety telecommunicator does not get a voice response to their query, they should immediately send a TTY query to determine if a TTY caller is on the line.

    e. In the past some PSAPs have required callers using TTYs to press the space bar or other keys to emit tones to notify the public safety telecommunicator of the TTY call; this requirement however violates the Americans with Disabilities Act. Requiring TTY callers to press keys repeatedly until recognized is unfamiliar to most TTY callers. TTY callers cannot be relied upon to perform such unfamiliar tasks especially in emergency situations; in many emergency situations there may not be enough time or an opportunity to press keys repeatedly until recognized.

f. All public safety telecommunicators must have the capability to switch back and forth easily from TTY mode to voice mode during the same call. This capability is especially necessary for silent calls since public safety telecommunicators are required to first query the line by voice and then quickly switch to query the line by TTY. This capability is also necessary for the Hearing Carry Over (HCO) and Voice Carry Over (VCO).

2. Understanding TTY Communications:

a. Keep your sentence structure as simple and to the point as possible.

b. Ask clarifying questions one at a time.

c. Provide the caller with choices. For example, rather than asking, "Is the door unlocked?" Ask, "Is the door locked or open?"

d. Use easy to understand vocabulary; avoid slang, acronyms and law enforcement, fire service or EMS jargon.

e. Extend the same patience and courtesy to TDD callers as you would to all other callers.

3. Handling TTY Calls for Service: The public safety telecommunicator is the vital link in the communications cycle as response units may have difficulty communicating with the communications impaired caller once they arrive on the scene.

a. It is important for the public safety telecommunicator to maintain contact with the caller and provide updates to response units if the situation changes, and provide assistance to the caller and response units once they arrive on scene.

b. The public safety telecommunicator will need to learn the technology for handling TDD calls within their PSAP. The Oneida County 911 Center has this functionality incorporated into its CAD system.

c. All TTY callers will be given PAIs and PDIs through the TDD. Type the questions exactly as written and wait for the answers.

C. TEXT TO 911

In lieu of voice communication, callers may opt instead to contact the 911 Center via SMS Messaging, also called texting.

1. TO INITIATE A TWO-WAY CONVERSATION: The Telecommunicator will answer the call coming in on that queue like any other 9-1-1 call. A window will appear allowing two-way conversation between the Telecommunicator and the caller.

If pre-set messages are available, the Telecommunicator may choose to use those messages as appropriate. If it is determined that a field unit response is indicated, the Telecommunicator will generate the call in CAD using the call/ create call tab. Initial information will be gathered in the following order:

a. The caller will be greeted with the same script that voice callers receive:
Example: "*911 what is the address of your emergency*?"

b. The Telecommunicator should ask the caller if they can call in by voice (If it is safe to do so).

c. The nature of the call will be asked for and the appropriate call-types entered into the call. Once a call is classified it will be routed for dispatch to the appropriate unit(s).

d. Telecommunicators will ensure that all scene-safety information is obtained to ensure that bystander and responder safety issues have been addressed.
e. All scene-safety and any other pertinent information will be recorded and relayed to the responders as appropriate.

Before ending of the call, the Telecommunicator will inform the caller that the requested assistance is being sent to the address that the caller initially requested. This will help confirm that the address of the incident is correct.

Example – "*EMS will be dispatched to 123 Genesee St, Utica*."

f. Ending a call is accomplished by using the release button. Once a call is released, a message should be sent to the caller indicating that the session has ended. A SMS Messaging session cannot be restored/ initiated by the 9-1-1 Center again unless the caller messages 9-1-1 again in a new session.

2. GENERAL:

At no time will a Telecommunicator use 'texting' lingo, shortcuts, or acronyms. All correspondence from the Telecommunicator will be in full-length form, with the exception of common acronyms, which include, but are not limited to:

- St for Street
- Rd for Road
- Hwy for Highway
- EMS for Emergency Medical Services
- NY for New York
- US for United States

a. The caller should be encouraged not to use 'texting' lingo, shortcuts, or acronyms so as to help eliminate any confusion on the part of both parties; however, callers are not required to oblige. In the event it becomes difficult to understand a caller's need due to the use of these shortcuts.

b. If the Telecommunicator is unable to explain to the caller that they need to call 9-1-1, the Telecommunicator will initiate a voice call to the originating number and attempt contact.

c. A caller should not be called back in cases where their safety, or the safety of another, is in question; however, if a responder requests that a callback be made on a request for service that was initially received via SMS Messaging, the Telecommunicator will inform the officer of such. If the officer still requests a callback at that point, the callback request will be honored.

The content of all SMS Messages to/from the 9-1-1 Center are public record. All communication from the 9-1-1 Center shall be of a professional nature and work-related.

3. NON-RESPONSE FROM TEXTER:

a. Response to this would depend upon the initial text that is received. If there is language within the message to indicate it might be a legitimate 9-1-1 text, then text message back “If you have an emergency, text or call 9-1-1”. If there is still no response the public safety telecommunicator will attempt a call back. The public safety telecommunicator will call back once to make this determination.

b. If the phone is busy or there is no answer, additional attempts to contact the caller will not be made by the public safety telecommunicator. If the call back attempt goes to voice mail, no message will be left

c. If the language within the text is garbled and might indicate a "misdialed or accidental text" then text message back "If you have an emergency, text or call 9-1-1". If there is still no response:

4. TRACING ANONYMOUS TEXT:

Currently no anonymous text can be sent. However, if they are through another carrier, any traceable information provided should be handled as it would for voice calls. If there is no information, no action can be taken.

5. MULTIPLE TEXT HANDLING:

a. Multiple text sessions will be prioritized in the same manner as 9-1-1 calls. Highest priority Text-to-9-1-1 call will be determined by the nature of the emergency. Make sure you respond to each message and ensure, if multiple texts are received about the same call, that they are indeed the same and not a different call.

b. Telecommunicators will need to make others in the room aware of multiple text sessions to ensure multiple calls are not entered.

6. MISDIRECTED TEXT:

If technically possible, transfer to the proper agency. If not technically possible, take pertinent information and relay to proper agency. Maintain contact with the complainant and handle as appropriate for call type. Release the complainant when appropriate for situation according to policy or when unit(s) is on-scene. The Telecommunicator may have to provide contact information for the proper agency on end of session or when appropriate.

7. TEXT FOR NON-EMERGENCY**:**

If a call is of a non-emergency nature and a text is received the public safety telecommunicator will advise the caller to please call our non-emergency number 736-0141 to report this non-emergency.

8. PRIORITY VOICE vs. TEXT:

   Calls shall be prioritized based on the nature of the call, whether voice or text.

9. TRACKING MOVING TEXT-TO-9-1-1 CALLERS**:**

   a. The Telecommunicator shall use the rebid feature to obtain a current location of the caller.

   b. If the caller leaves the agency jurisdiction, the Telecommunicator will transfer the text session to the agency responsible for that jurisdiction, only if they are capable of receiving text sessions. If the receiving agency does not have the capability of receiving text, the original Telecommunicator will maintain the session and relay information to the appropriate agency.

   c. If the text session enters another jurisdiction, then the incident will be passed onto that agency, either by transferring the session or by relaying all information by voice.

   d. If there is a session in progress, it will need to be passed on to any relieving personnel.

D. CALL TAKING INFORMATION CHECKLIST:

1. Location: When answering, "What is the address of your emergency," it is possible that the location they are calling from is not the location where the emergency is occurring; therefore the public safety telecommunicator must verify the caller's location. Use of the EMD and EPD protocols will be followed to gather information, the following are important to assist in guiding responders:

   a. City/Town/Village;

   b. Apartment number, floor /office/suite#;

   c. Nearest cross road;

   d. Color of house;

   e. Cars in driveway; and

f. Any other distinguishing characteristics that could aid first responders in recognizing the address.

g. Business name/building name

G. EDWARD Determinant:

1. The EDWARD Determinant is intended to be used for situations involving immediate life threat.

   a. In the PPDS protocol, the EDWARD response is reserved for Sinking Vehicle situations with persons trapped inside the vehicle.

2. EDWARD calls will be dispatched immediately from Case Entry.

   a. Immediately following dispatch, the EPD will follow the Pre-Arrival Instruction directors on the PPDS protocol system.

H. Notifications:

1. EPD's will perform the appropriate notifications (Fire, EMS, Animal Control) as directed by the protocol.

   a. Where appropriate, a "Pre-notification" to a required service may be done early in the protocol sequence.

J. Thruway Complaints: All calls dealing with the NYS Thruway will be transferred to the NYS Thruway Authority through the one button transfer; however

1. In the case of a personal injury MVA, ascertain the nearest mile marker east bound or west bound.

2. Dispatch fire and ambulance to the scene; advise thruway authority that rescue and ambulance are being dispatched.

3. Contact the toll booth; advise that the fire department and ambulance will be entering.

K. Social Worker: The Child Protective Services (CPS) Social Worker is not the same as a Child Advocacy Center Member; if someone calls for a social worker they are referring to CPS.

1. After hours, use the available cell phone number, during normal business hours, contact by business phone.

2. Enter into CAD, Oneida County for location, social worker (type of complaint), name and phone number of person to call.

L. Child Advocacy Center (CAC): Handles sex crime investigations for victims age 16 and under.

1. Investigations involving persons 17 years and older must be conducted by law enforcement.

2. When contacting a CAC investigator after business hours always attempt to call their cell phone first, if not available there, call phone at their residence. Make the appropriate entry into CAD.

M. Carbon Monoxide Detector Activation: Upon notification of carbon monoxide detector activation, inquire from the caller if anyone is experiencing headache, fatigue, flu-like symptoms, nausea, dizziness or confusion or if there are any pets that are sick or ill in the house.

1. A "yes" to any of the above questions will result in EMS being dispatched along with the respective fire department, in any emergency response.

2. If "no" illness is reported, dispatch the respective fire department(s); non-emergency to the scene.

3. Residents should be directed to leave the structure and to take shelter in an outside vehicle or at a neighbor's residence until the fire department or EMS arrives.

N. Stray, lost, or wandering animals: Get caller information, location of the Animal(s), and what type of hazard (ex. Cattle in the roadway)

O. PANIC ALARMS: When determined by following EPD Protocol 104 that an alarm is a Hold-Up/Panic/Duress alarm, the public safety telecommunicator is not to call back the residence/business where the alarm has been activated. Doing so, may put the victim in a life threatening situation.

P. CONTACTING FAMILY MEMBERS: Often patrol will request that you contact family members or friends of juveniles being held, subjects under arrest or persons involved in motor vehicle accidents (MVA's).

1. Identify yourself as a public safety telecommunicator from the Oneida County 911 Center and the agency you are calling for.

2. Expect most people to be alarmed by your call. If you are not calling for an emergency, advise the person of this as soon as possible.

3. When making notifications for persons under arrest, you do NOT have the authority to give the nature of the circumstances surrounding the arrest. If the person you contacted becomes persistent, simply state that you do not have the information, you are just making a notification for the arresting agency.

4. When you are making a notification regarding a MVA, do not tell the family the victim's condition is serious or critical. It is okay to advise the family that the victim's injuries are minor, if this is true. Many people panic when they are notified of a family emergency. Ask if the family member if they are okay to drive to the hospital. If it not, attempt to locate someone to drive the family member.

5. You will not be required to make death notifications over the phone. If friends or family of the victim of a fatal incident contact you, do not advise them that the victim is deceased. Have patrol contact the family as soon as they are located.

Q. OBTAINING THE NATURE OF THE EMERGENCY - EMD:

1. If the caller starts to give you a long medical history, rephrase and repeat the question as, "What's the problem now? What's happening now?"

2. If the caller's response does not enable you to select a Chief Complaint category, seek clarification of the Chief complaint they gave you.

3. Go to the appropriate Chief Complaint category when you have gathered all case Entry information. If you are still unable to identify the correct Chief Complaint category, select either Protocol 26 (second party callers) or Protocol 32 (third party callers).

4. Ask the remaining questions on the Case Entry tab, in the correct order.

5. Ask all of the Key Questions in the order they appear on the tab and follow the script.

6. When the call taker asks a question but the caller does not answer, the call taker must ask the question again. The call taker is allowed to move on after asking the question at least one more time then mark the question unknown.

7. Enter the incident into the CAD, where PRO QA will automatically assign the medical determinate.

8. Say to caller, "I'm sending the ambulance to help you now. Stay on the line and I will tell you exactly what to do next."

9. Politely but firmly focus the caller on answering all the questions as you ask them. Do not allow callers to offer additional information until they have answered all scripted questions. If callers lose their focus and do not concentrate on answering questions as you can, say "Sir/Madam I need you to answer this question so that I can get help to you as quickly as possible." Repeat this as often as necessary using the same phrasing.

S. THIRD PARTY CALLS - EMD:

1. Do not assume that third party callers do not know anything, even if they say they do not know anything!

2. Always attempt to ask all case entry and key questions when possible.

3. Always attempt to get the phone number of location of the incident.

4. Once the PST has made several attempts to gather information without success, he/she may choose to terminate the call, once it has been determined that the caller has no further information and cannot or will not get close to the incident.

5. For EMD always ask the caller if they will go back to the patient to render aid. If they agree, give Post-Dispatch Instruction (PDIs) and Pre-Arrival Instructions (PAIs) as appropriate and necessary.

T. PRE-ARRIVAL INSTRUCTIONS: (revised 06/01/20)

1. Pre-arrival instructions are required on all calls.

2. For calls handled using the Priority Dispatch Medical and Police Protocols Pre-Arrival Instructions will be provided as outlined in the protocol. For the purpose of this policy, pre-arrival instructions include post-dispatch instructions as outlined in these protocols.

    a. Do not ask permission to provide pre-arrival instructions.

    b. Should the workload of the dispatch center exceed call processing capabilities, (e.g. as a result of an unusual volume of 9-1-1 calls) the EPD will apply the "emergency rule" and temporarily suspend the provision of PAI's. This is integral to ensure the

safe and effective operation of the dispatch center for all individuals requiring service. Should unanswered 9-1-1 calls or other vital operations require it, the EPD should place callers requiring PAI's on hold, giving a reason for the necessity of doing so. EPD's will also advise the caller that they will return as soon as possible.

Or:

When the acting PST Supervisor suspends the provision of EPD due to overwhelming circumstances, the ED will follow the protocol through Key Questioning, after the final determinant code is sent, the ED will suspend all scripted pre-arrival and Post-Dispatch instructions and instead, release the call with the following pre-arrival instruction (or similar); "I need to hang up now to take another call, the police will be notified as soon as possible, if the situation gets worse in any way call us back immediately."

3. For calls not handled through the police and medical protocols.
    a. At minimum, each caller must be advised to "call back if anything changes or you have any further information."

<u>Structure Fire calls:</u>

1. People calling from within the building on fire will be advised "if it's safe to do so, leave the building, close the doors behind you and remain outside."

    a. Once outside meet with emergency crews and inform them if any people or animals are inside the structure.

2. If a caller is not able to exit the structure they will be advised to "go to a room with a window and close the door behind them." An accurate description of their location will be obtained including the side of the building, floor, and window location.

3. If a caller is outside of the building, they will be advised not to enter the building.

<u>Other Potentially Hazardous Conditions (i.e. Odor of Gas)</u>

1. Callers in a harmful or potentially harmful location will be advised, "If it's safe to do so, go to a safe location."

a. If the caller is able to safely remain on the line, the PST will remain on the line until they have made it to safety and the location of the caller can be obtained for responders.

U. MEDICAL FACILITIES:

Use Protocol 33 in its entirety on all calls from a medical facility with staff present at the time of call (nursing home, hospital, doctor's office, infirmary or clinic) to receive a response code.

W. MULTIPLE CALLERS FOR THE SAME EVENT:

1. When more than one call is received for the same incident, the (ED) must complete the Case Entry interrogation, and then determine if a complete ED interrogation is required, based on the caller's answer to Case Entry questions.

    a. The ED shall answer every emergency call with the expectation that the caller will be reporting new information not yet received from previous callers, including those cases where an incident record may already exist for the address/location provided by the caller.

    b. The ED will complete Case Entry according to standard Priority Dispatch System procedures for MPDS and PPDS.

    c. Before determining a reported event to be a duplicate of an active incident, the ED **must** confirm that the address/location and incident description is the same as an existing incident already entered in CAD. (Note: more than one shooting, traffic accident, Hazmat event, or any other injury or illness may occur in close proximity to each other, requiring a separate incident and response)

    d. When the caller is a third-party caller (not in the immediate vicinity of the event/victim), and the ED determines the event to be a duplicate incident, and no new information is offered by the current caller during the Case Entry interrogation, the ED may terminate the phone call once Case Entry interrogation is completed.

e. If new information is provided by the caller during Case Entry, the ED must complete the Key Question interrogation, and assign a final coding according to standard Priority Dispatch System procedures for MPDS and PPDS.

f. When the caller is a first or second-party caller (either a victim/patient or someone with the victim/patient), the Ed must complete the Key Question interrogation, assign final coding, and provide DLS instructions according to standard Priority Dispatch System procedures for MPDS and PPDS.

X. ACCEPTABLE ABBREVIATIONS FOR CAD ENTRY:

1. Personnel:

a. SGT: Sergeant
b. LT: Lieutenant
c. INV: Investigator
d. OIC: Officer in Charge
e. PO: Police Officer
f. OFCR: Officer
g. FTO: Field Training Officer
h. HQ: Headquarters
i. NYSP: New York State Police
j. OCSO: Oneida County Sheriff's Office
k. CFO: Camden Field Office
l. WFO: Waterville Field Office
m. BFO: Barneveld Field Office
n. IA: Inter Agency
o. PI: Private Investigator
p. PD: Police Department
q. FD: Fire Department
r. LE: Law Enforcement

2. Miscellaneous:

   a. ADV: Advise
   b. ALI: Automated Location Identification
   c. ANI: Automated Number Identification
   d. ANS: Answer
   e. APT: Apartment
   f. ASAP: As Soon as Possible
   g. ATC: Attempt to Contact
   h. ATL: Attempt to Locate
   i. ATTN: Attention
   j. BLDG: Building
   k. BOCB: Busy on Call Back
   l. BOLO: Be on the Look Out
   m. BUS: Business
   n. CANC: Cancel
   o. COMP OF: Complaining of
   p. DR: Disregard
   q. DUI: Driving Under the Influence
   r. DWI: Driving While Intoxicated
   s. ENR: En-route
   t. FTP: Failure to Pay
   u. FYI: For Your Information
   v. GOA: Gone on Arrival
   w. GOP: Guards on Post
   x. GSW: Gun Shot Wound
   y. JKT: Jacket
   z. LM: Loud Music
   aa. LP: Loud Party
   bb. MISC: Miscellaneous
   cc. MSAG: Master Street Address Guide

dd. MSG: Message

ee. NAOCB: No Answer on Call Back

ff. NATGRID: National Grid

gg. NO ANS: No Answer

hh. OCC: Occurred

ii. OCCUP: Occupied

jj. POSS: Possible

kk. POV: Personally Owned Vehicle

ll. PSAP: Public Safety Answering Point

mm. RAW: Right Away

nn. REQ: Requesting

oo. RESP: Responding

pp. RO: Registered Owner

qq. RP: Reporting Person

rr. RTL: Refusing to Leave

ss. UNK: Unknown

tt. VMOC: Voicemail on Call Back

3. Street Locations:

a. PK: Park

b. AVE: Avenue

c. RD: Road

d. ST: Street

e. TRL: Trail

f. PKWY: Parkway

g. LN: Lane

h. PL: Place

i. BLVD: Boulevard

j. CIR: Circle

k. CT: Court

l. DR: Drive

m. TERR: Terrace
n. ALY: Alley
o. CTR: Center
p. GTWY: Gateway
q. LP: Loop
r. PK: Pike
s. SQ: Square
t. WY: Way
u. N,S,E,W: North, South, East, West
v. NE & NW: Northeast and Northwest
w. SE & SW: Southeast and Southwest

4. Directions:

a. IFO: In Front Of
b. IRO: In Rear Of
c. NEC: Northeast Corner
d. NWC: Northwest Corner
e. SEC: Southeast Corner
f. SWC: Southwest Corner
g. EB: East Bound
h. NB: North Bound
i. WB: West Bound
j. SB: South Bound
k. WO: West Of
l. NO: North Of
m. EO: East Of
n. SO: South Of
o. AF: Across From
p. IAO: In Area Of
q. ETA: Estimated Time of Arrival

r. LOC: Location

s. TWDS: Towards

t. < >: Between

u. MM: Mile Marker

5. Colors:

a. BLK: Black

b. BLU: Blue

c. BLN: Blonde

d. WHI: White

e. ORG: Orange

f. PLE: Purple

g. GRN: Green

h. BRO: Brown

i. BLD: Bald

j. YEL: Yellow

k. RED: Red or Auburn

l. SDY: Sandy

m. HAZ: Hazel

n. MAR: Maroon

o. GRY: Gray

p. PNK: Pink

q. MUL: Multicolored

6. Suspects:

a. B/F: Black Female

b. W/F: White Female

c. FO: Female Other

d. H/F: Hispanic Female

e. B/M: Black Male
f. W/M: White Male
g. M/O: Male Other
h. H/M: Hispanic Male
i. F/JUV: Female Juvenile
j. M/JUV: Male Juvenile
k. AKA: Also Known As
l. LKA: Last Known Address
m. LSN: Last Seen
n. LSW: Last Seen Wearing
o. DOB: Date of Birth
p. SSN: Social Security Number
q. JUV: Juvenile
r. BF: Boyfriend
s. GF: Girlfriend
t. X: Example: Ex-Girlfriend or Ex-Boyfriend
u. SUBJ: Subject
v. SUSP: Suspect
w. BB CAP: Baseball Cap

7. Vehicles:

a. VEH: Vehicle
b. NISS: Nissan
c. TBIRD: Thunderbird
d. CADDY: Cadillac
e. PONT: Pontiac
f. SW: Station Wagon
g. SUV: Sport Utility Vehicle
h. VAN: Van
i. VW: Volkswagon
j. CHEV: Chevrolet

k. MERZ: Mercedes
l. MERC: Mercury
m. TK: Truck
n. PC: Passenger Car
o. HYUN: Hyundai
p. HOND: Honda
q. ACUR: Acura
r. DODG: Dodge
s. TT: Tractor Trailer

Canned Message List for PSAPs

First Canned Questions

If it's safe to do so dial 911.

What is the address of your emergency?

What City, town or village?

What is the Phone Number you are calling from ?

What is your Name?

Okay tell me exactly what happened?

Instructional Canned statements

Please use full, simple words

Do not use abbreviations

Please wait, you are being transferred

Stay calm, help is on the way

Please call our non-emergency number to report this non-emergency (315)736-0141

Ending session, if you need more help contact 9-1-1

Unlock the door

Subsequent Canned Questions

Location of suspect?

Are there any weapons?

Is anyone hurt?

What does the person look like?

What are they wearing?

Is the person breathing?

How old is the person?

Where is the fire?

Are there any people inside?

Do you have any further information, or need additional help?

An ambulance will be dispatched.

A fire/rescue crew will dispatched.

Law enforcement will be dispatched.

SOP for UPD SSO Program.pdf

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EDWARD NOONAN
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Standard Operating Procedure for the Utica Police School Safety Officer (SSO) Program

Situation

- In an effort to ensure safety and security at all Utica City School District (UCSD) schools and associated functions, UCSD has implemented the following safety and security safeguards:
    - UCSD contracts for Police Officers employed by the Utica Police Department to provide law enforcement related functions at Proctor High School as well as both Donovan and JFK Middle Schools pursuant to a Contracted Services Memorandum of Understanding (MOU) which was dually agreed upon by the City of Utica and UCSD.
        - UCSD will contract with the Utica Police Department for any other supplemental police services that UCSD requires.
    - Furthermore, UCSD contracts for Special Police Officers (SPOs) employed by the Oneida County Sheriff's Office to provide law enforcement related functions pursuant to a Contracted Services Memorandum of Understanding (MOU) which was dually agreed upon by the County of Oneida and UCSD.
    - Additionally, UCSD employs civilian School Security Personnel, posted at all UCSD schools, to perform all non-law enforcement related administrative functions as prescribed by the Utica City School Administrative Staff.

Mission

- The scope of this document is to outline the standard operating procedures for Utica Police Officers who are assigned to the Utica City School District as School Safety Officers (SSOs) as well as Utica Police Officers who are contracted to provide supplemental police services for an event at Proctor High School's D'Alessandro Stadium and or Proctor High School's Main Gymnasium.

Command & Control

- Captain James Holt is employed by the City of Utica Police Department as the Patrol Division – Patrol Support Branch Commander with one of his ancillary duties being the Utica Police Law Enforcement Liaison for the Utica City School District (UCSD). As the Utica Police Law Enforcement Liaison for UCSD, Capt. Holt is in charge of coordinating all law enforcement operations affiliated with UCSD.
    - Release and/or dissemination of any public information in regards to any police operations associated with UCSD will be coordinated by the Utica Police Chief and/or the Utica Police Public Information Officer.

- The UCSD Director of School Safety & Security is a civilian employee under the direction of the Superintendent of Schools for UCSD - Dr. Christopher Spence. This UCSD employee directs all non-law enforcement related security administrative operations for UCSD.
- The UCSD Assistant School Safety & Security Director is a civilian employee tasked with assisting the UCSD Director of School Safety & Security with non-law enforcement related security administrative operations for UCSD.

Execution

- All Utica Police Officers must dispense their duties in accordance with all of the Utica Police Department's Policies, Procedures, and Training.
- Posts
    - Proctor High School
        - Supervisor Post: A Police Supervisor will be posted at Proctor High School from 0700-1500 hours, said supervisor will coordinate all Utica Police SSO operations for Proctor High School and both Donovan / JFK Middle Schools. A marked Police Vehicle will be drawn by said supervisor to be utilized as needed.
            - Even though, Special Police Officers employed by the Oneida County Sheriff's Office are posted at all UCSD Elementary Schools, the Utica Police Department remains the primary law enforcement provider for all entities within the City of Utica to include all UCSD Elementary Schools therefore the Supervisor posted at Proctor High School is also responsible for ensuring all police related calls for service at UCSD Elementary Schools are handled appropriately.
            - If the Cafeteria (Optional) Post is not filled at Proctor High School, the Supervisor will assume some of this post's duties, in that this officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Cafeteria Entrance / Exit Security Check Point for the duration of the bused student arrivals, after the security screening for the morning bused students is complete, this officer shall maintain an intermittent presence outside the cafeteria within the "outside café" area, intermittently switching between the 1st floor and 2nd floor cafeteria "outside café" areas, otherwise the supervisor will conduct roaming patrols of the 1st, 2nd, 3rd, and 4th floors Furthermore, this Supervisor will provide relief (if necessary) for the other posts.
            - At dismissal, this officer will coordinate exterior security while maintaining a roaming presence inside the school.
            - The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
            - Any RMS entries generated by SSOs shall be reviewed, turned over to the proper case agent or investigating authority, and/or closed by the SSO Supervisor.
                - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review". Said entries

will be reviewed, turned over to the proper case agent or investigating authority, and/or closed by the SSO Supervisor.

- Said supervisor will ensure that all notifications re: UOF, Critical Incident, and any other concerns and/or questions associated with SSO operations at any UCSD school are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.
- If a supervisor is unavailable or not assigned to UCSD, a senior officer will assume the above responsibilities under the supervision of Capt. Holt and/or the Squad Commander.

➢ Proctor Hilton Ave. Main Entrance Post: A Police Officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Hilton Ave. Main Office Entrance / Exit Security Check Point from 0700-1500 hours.

- The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
- At dismissal, this officer will post on the exterior of the Hilton Ave. entrance / exit doorway to oversee student dispersal / pickup.
- Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".

➢ Proctor Arcuri Entrance Post: A Police Officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Arcuri Entrance / Exit Security Check Point from 0700-1500 hours.

- The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
- At dismissal, this officer will post on the exterior of the entrance / exit doorway to oversee student dispersal / pickup.
- Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".

➢ Proctor Cafeteria Post: *Optional Post* (if manpower permits)

- 0700-1500 hours, this Police Officer will be posted inside the school behind the 1st floor Cafeteria Security Check Point Metal Detection System & X-Ray Bag Scanner for the duration of the bused student arrivals, after the security screening for the morning bused students is complete, this officer shall maintain a presence outside the cafeteria within the "outside café" area, intermittently switching between the 1st floor and 2nd floor cafeteria "outside café" areas.
- The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.

- At dismissal, this officer will assist with security outside the Arcuri Entrance / Exit.
- Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".

➢ Pertinent Notes: No more than one SSO at any post (no congregating), only marked Police Vehicles can park in the half circle off Hilton Ave. in front of the Hilton Ave. Main Entrance / Exit, SSOs shall be dressed in full uniform attire and shall remain attentive and vigilant to all public safety threats for the purpose of keeping students and staff safe.

o Events at Proctor High School D'Alessandro Stadium (reference the below picture as a visual aid)

➢ A Police Supervisor will be posted inside the stadium roaming the area below the bleachers – Concession area, Restroom area, Locker Room area, Field, Track, etc.
- Upon completion of the event, the Supervisor will direct one of the Police Officers posted inside the stadium to escort the visiting team from their locker room to the Loop Rd. Handicap Entrance / Exit Gate where they will meet their buses for departure.

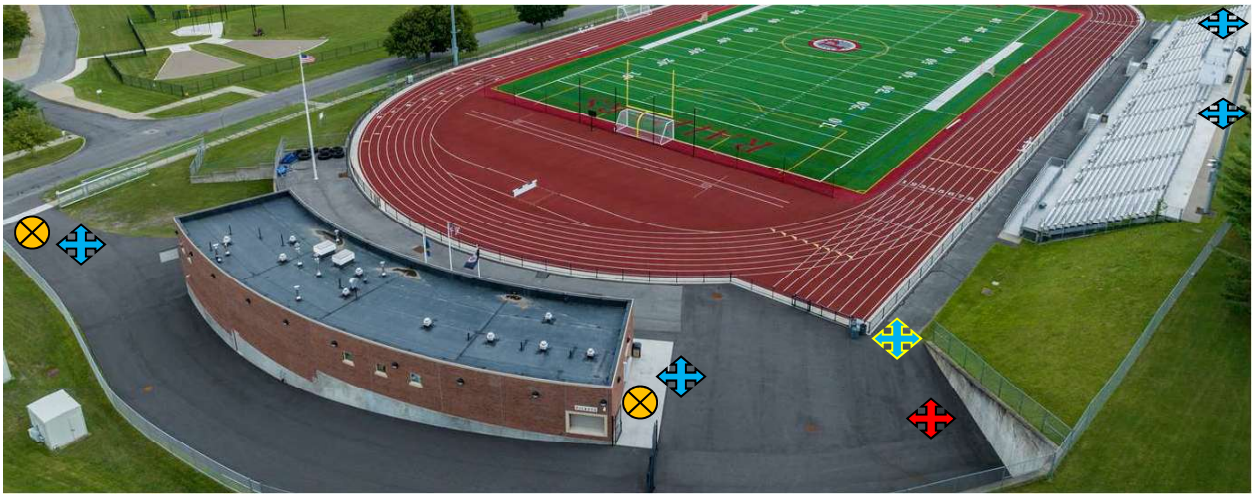
➢ A Police Officer will be posted inside the stadium behind the Weapons Detection System at the Armory Dr. Entrance / Exit Gate

➢ A Police Officer will be posted inside the stadium at the Ticket Office Entrance / Exit Gate

➢ A Police Officer will be posted inside the stadium on the west side of the Press Box atop the bleachers at the Loop Rd. Handicap Entrance / Exit Gate

➢ A Police Officer will be posted inside the stadium on the east side of the Press Box atop the bleachers

➢ Two Officers will each be assigned to marked police vehicles outside the stadium for mobile patrols of the area surrounding the stadium.
- Before the event, the officers will erect barricades on Armory Dr. / Tilden Ave. and Armory Dr. / Arthur St. (effectively closing all traffic on Armory Dr. between the Arthur St. and Tilden Ave. intersections, access to the Proctor High School Parking Lot fronting Armory Dr. can be accessed from the Arthur St. / Hilton Ave. entrance / exit). This closure of Armory Dr. from Arthur St. to Tilden Ave. will be maintained for the duration of the event, until the event has ended and all attendees have dispersed.
- Before the event, MVCC officers will close Loop Rd. from Tilden Ave. to the MVCC Parking Lot off Loop Rd.
- Buses for the visiting team will be directed to pick up their departing team at the Loop Rd. Handicap Entrance / Exit Gate



- Events at Proctor High School Main Gymnasium
  - A Police Supervisor will be posted at the event coordinating police operations.
    - Upon completion of the event, the Supervisor will direct one of the Police Officers posted at the event to escort the visiting team from their locker room to the Cafeteria Entrance / Exit where they will meet their parents and/or buses for departure.
  - A Police Officer will be posted inside the Proctor High School Arcuri Entrance / Exit behind the Metal Detection System & X-Ray Bag Scanner.
  - A Police Officer will be posted inside the Main Gymnasium on the track behind the bleachers opposite the team benches and the scorer's table.
  - A Police Officer will be posted inside the Main Gymnasium on the track behind the bleachers on the same side of the team benches and the scorer's table.
  - A Police Officer will be assigned to a marked police vehicle outside the Proctor High School Arcuri Entrance / Exit for mobile patrols of the adjoining parking lot and immediate area.
- Donovan Middle School
  - Donovan Main Entrance Post: A Police Officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Main Office Entrance / Exit from 0700-1500 hours.
    - After 0900 hours, this Officer may roam the school from time to time, paying special attention to the cafeteria during all lunch periods.
    - This officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
    - At dismissal, this officer will post on the exterior of the entrance / exit doorway to oversee student dispersal / pickup.
    - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records

Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".

- If a supervisor is unavailable or not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.

➢ Donovan Roamer Post: *Optional Post* (if manpower permits)

- From 0700-0900 hours, this officer will pay special attention to the exterior drop-off areas to oversee student arrival.
- After 0900 hours, this officer will act a roamer and relief officer for the Police Officer posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Main Office Entrance / Exit. Furthermore, this officer will be posted inside the cafeteria during all lunch periods.
- At dismissal, this officer will remain a roamer inside the school.
- Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".
- If a supervisor is unavailable not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.

➢ Pertinent Notes: No more than one SSO at any post (no congregating), SSOs shall be dressed in full uniform attire and shall remain attentive and vigilant to all public safety threats for the purpose of keeping students and staff safe.

o JFK Middle School

➢ JFK Main Entrance Post: A Police Officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Main Office Entrance / Exit from 0700-1500 hours.

- After 0900 hours, this Officer may roam the school from time to time, paying special attention to the cafeteria during all lunch periods.
- This officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
- At dismissal, this officer will post on the exterior of the school to oversee student dispersal / pickup.
- Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".
- If a supervisor is unavailable or not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.

➢ JFK Roamer Post: *Optional Post* (if manpower permits)

- From 0700-0900 hours, this officer will pay special attention to the exterior drop-off areas to oversee student arrival.
- After 0900 hours, this officer will act a roamer and relief officer for the Police Officer posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Main Office Entrance / Exit. Furthermore, this officer will be posted inside the cafeteria during all lunch periods.
- At dismissal, this officer will remain a roamer inside the school.
- Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".
- If a supervisor is unavailable or not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.

➢ Pertinent Notes: No more than one SSO at any post (no congregating), SSOs shall be dressed in full uniform attire and shall remain attentive and vigilant to all public safety threats for the purpose of keeping students and staff safe.

Administration & Logistics

- Access
  - Proctor High School
    - ➢ At the beginning of their shift, Officers assigned to Proctor High School will obtain a master key accompanied by an access control card/fob from the Security Room which will allow for swipe and/or key access throughout the school.
  - Donovan and JFK Middle School
    - ➢ At the beginning of their shift, Officers assigned to the Middle Schools will obtain a master key from the Main Office which will allow for access throughout the school.
- Communications
  - Proctor High School
    - ➢ Officers will place their Police Radio on Zone "UPD HOME", Channel 6 – "PRCTR RPTR", officers utilizing this channel will be able to transmit to Utica Police Dispatch on Channel 1 – "UPD DISPCH" through the Proctor Repeater Antenna.
    - ➢ At the beginning of their shift, in addition to their Police Radio, Officers assigned to Proctor High School will obtain a Security Radio from the Security Room which will allow for all internal school security transmissions.
  - Donovan and JFK Middle School
    - ➢ Officers will place their Police Radio on Zone "UPD HOME", Channel 1 – "UPD DISPCH" to transmit to Utica Police Dispatch as normal.
    - ➢ At the beginning of their shift, in addition to their Police Radio, Officers will obtain a Security Radio for all internal school security transmissions at their assigned school.
  - Public Information
    - ➢ Public information regarding any police operations associated with UCSD will not be disseminated to the public by any officer without permission and

coordination from Utica Police Chief or the Utica Police Public Information Officer.

- Records
  - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review". Said entries will be reviewed, turned over to the proper case agent or investigating authority, and/or closed by the SSO Supervisor.
  - All requests for Utica Police Records involving a juvenile must be directed to the Utica Police Records Clerk.
    - Per Utica Police Policy, Regarding juvenile records, the Utica Police Department's Records Unit will maintain juvenile records associated with police operations separate from adult records. Furthermore, said juvenile records may not be made available to the public (Family Court Act § 381.3). The Utica Police Records Clerk is responsible for the collection, dissemination and retention of juvenile records.
- Shifts
  - 0700-1100 hours
    - Please note: If any Officer obtains permission to work modified shift hours other than the normal shift hours as noted above, please ensure that Captain Holt and/or the Squad Commander are made aware of same so that coverage can be coordinated to cover your absence.
  - 1100-1500 hours
    - Please note: If any Officer obtains permission to work modified shift hours other than the normal shift hours as noted above, please ensure that Captain Holt and/or the Squad Commander are made aware of same so that coverage can be coordinated to cover your absence.
- Shift Coverage
  - Maximum of 8 Officers assigned to UCSD on all school days
    - 4 Police Officers assigned to Proctor High School
      - 1 Supervisor
        - Posted at Proctor High School however responsible for supervision of law enforcement related matters at all schools throughout UCSD
      - 3 Officers
    - 2 Police Officers at JFK Middle School
    - 2 Police Officers at Donovan Middle School
  - Minimum of 5 Police Officers assigned to UCSD on all school days
    - 3 Police Officers assigned to Proctor High School
      - 1 Supervisor
        - Posted at Proctor High School however responsible for supervision of law enforcement related matters at all schools throughout UCSD
      - 2 Officers
    - 1 Police Officer at JFK Middle School
    - 1 Police Officer at Donovan Middle School
- Miscellaneous

- Any officer working the Utica Police School Resource Officer Program aka UCSD Interior Security Overtime Details at Proctor High School, Donovan or JFK Middle Schools must complete an overtime slip for UCSD Contracted Services – UCSD Interior Security at ……..
  - In turn, a UCSD Interior Security Overtime Report will be compiled monthly and turned over to the Utica Police Payroll Clerk as well as the Chief Secretary for billing and compensation purposes.
- Any other supplemental Police Services requested by UCSD will require the completion of a contract by UCSD for instance Proctor Football Game Security Detail, School Board Meeting Security Detail, etc.
- School Emergency Response Specifications
  - SHELTER-IN-PLACE = used to shelter students and staff inside the building
    - Listen for instructions
    - Students in hallways should return to assigned classroom
    - Teachers take attendance
    - All other staff assist students
    - Stay clear of windows
    - If instructed, move out of classroom to designated area, stay together at all times, teachers retake attendance
    - Listen for updates
  - HOLD-IN-PLACE = used to limit movement of students and staff while dealing with short term emergencies
    - Listen for instructions
    - Students in hallways should return to assigned classroom
    - Teachers take attendance
    - All other staff assist students
    - Listen for updates
  - EVACUATE = used to evacuate students and staff from the building
    - Listen for instructions
    - Lead students to designated assembly or announced assembly area, close classroom door after exiting, use secondary route if necessary, bring attendance list and class roster, teachers take attendance
    - If evacuating off site, take attendance before moving from and upon arrival at off site location
    - Listen updates
  - LOCKOUT = used to secure school buildings and grounds during incidents that pose an imminent concern outside the school
    - Listen for instructions
    - Lock all exterior windows
    - Leave blinds and lights as they are
    - Teachers take attendance
    - Classroom instruction continues as normal
    - All outdoor activities are terminated
    - Listen for updates
  - LOCKDOWN = used to secure school buildings and grounds during incidents that pose an immediate threat of violence in and around the school
    - When lockdown is announced, move quickly to execute directed actions

- If safe, teachers shall gather nearby students into their classroom from hallways and common areas
- Lock classroom doors, barricade if necessary
- Move students to a safe area in the classroom out of site of the door and windows
- Leave windows, blinds, lights, as they are
- Keep everyone quite, silence cell phones
- Take attendance if possible
- Do not communicate through the door or answer the room phone
- Do not respond to the public address announcements or fire alarm
- Stay hidden until physically released by law enforcement personnel

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ONEIDA COUNTY DEPARTMENT OF EMERGENCY SERVICES **STANDARD OPERATING POLICY & PROCEDURE**	NUMBER: **OG-203**
	SUPERSEDES: **All Previous**
	EFFECTIVE DATE: **August 1, 2012**
SUBJECT: **Utica Police Dispatch Policy**	REVISED DATE: **August 30, 2023**
	DISTRIBUTION: **ALL AUTHORIZED MANUALS** **1 Each - All Telecommunicators**
AUTHORITY: **Edward Stevens** **Director of the Oneida County 911 Center**	ISSUED BY: **Edward Stevens** **Director of the Oneida County 911 Center**
REFERENCES:	

PURPOSE:

To state the Oneida County 911 Communications Center's policies and procedures regarding the dispatching of the City of Utica's Police Department.

To provide the citizens of Utica with the highest quality of service through the expedient and efficient answering of calls for emergencies and other services from the Oneida County 911 Center public safety telecommunicators.

POLICY:

It shall be the policy of the Oneida County 911 Communications Center to:

A. Provide the dispatching and directing of all mobile units of the Utica Police Department twenty four (24) hours a day, three hundred sixty five (365) days a year to achieve the most immediate responses possible to emergencies and other calls for service.

B. Describe the staffing, duties and responsibilities of the Utica Patrol Division and patrol operations.

C. Comply with all State and local laws, rules, regulations and standards that may relate to this Policy.

DEFINITIONS:

A. PRIORITY ONE: "Crimes in Progress Calls." Require immediate dispatch and response. These include, but are not limited to:

1. Alarm: burglary or robbery;
2. Assault in progress- fight;
3. Bomb threat;
4. Child abuse;
5. Crimes in progress;
6. Suicide attempt;
7. Kidnapping;
8. EDP (Emotionally Disturbed Person);
9. Motor Vehicle Accident, PI, Unknown or major traffic tie up;
10. Officer in trouble;
11. Missing Person (child under seventeen, endangered, etc.);
12. Prowler calls;
13. Rape;

14. Person with a weapon;

15. Fire calls;

16. Shots fired/shooting;

17. Domestic incidents;

18. Crime report, suspect still at scene;

19. Burglaries;

20. Any other situation indicating urgency;

B. PRIORITY TWO: Dispatched within one hour of when communications receives the call. If communications is unable to dispatch a car within one hour the PST will notify a patrol supervisor of the holding call. The PST will continue to notify the patrol supervisor at the conclusion of every subsequent hour that the call is not dispatched. Priority 2 calls include, but are not limited to the following:

1. Disturbance calls- noise, music, non-emergency annoyance, etc.;

2. Found property;

3. Miscellaneous accident reports;

4. Missing persons (no unusual circumstances);

5. Parking complaints;

6. Peace Officer;

7. Routine reports;

8. Special attention requests (loud music, barking dogs, etc);

9. Stolen vehicle reports (BOLO information will be immediately dispatched)

C. TALK-GROUP: Assigned talk group channels. The 911 Center has access to Channel 1, the main dispatch channel and Channel 2, to be used for DMV/Data or other non-emergency police related transmissions. All dispatching of incidents and emergency transmissions shall be on Channel 1.

D. IN-SERVICE: The Officer is available to accept assignments.

E. OUT-OF-SERVICE: The Officer is not available to accept assignments and not in radio contact.

PROCEDURES:

I. COMMUNICATIONS:

A. GENERAL PROCEDURES:

1. Patrol personnel shall maintain radio contact with the PST at all times, unless he/she otherwise specifies to the PST.

2. All radio transmissions shall be conducted in such a manner as to reflect a professional image and make efficient use of airtime. No personal conversations, non-essential discussions or interference with communications are allowed.

3. Questions or concerns regarding procedures, laws, etc. shall be made to the field supervisors or unit commanders, not the PST.

B. CALLS FOR SERVICE:

1. All officers will monitor departmental radio communications via their vehicle or portable radio and answer promptly when their unit number is called.

2. When a call is received for service that will be dispatched, it must immediately be entered into the CAD system, regardless of priority status.

3. The priorities for dispatching calls are:

   a. Priority 1 Calls: Require immediate dispatch and response.

      i. The PST will dispatch a minimum of two units as well as a supervisor to respond immediately to the scene of a felony crime in progress that involves a weapon or injury to a person.

      ii. The PST will, when appropriate, and or when notified by a supervisor, clear channel one of any non-emergency radio traffic. Normal radio traffic can be resumed once the scene is safe and/or a supervisor advises communication to resume normal traffic.

      iii. The first arriving unit will verify that a crime has occurred as soon as possible and advise communications and other responding units, in order to minimize unnecessary emergency response to unfounded calls.

      iv. The PST will dispatch the zone car along with a Supervisor to all structure fires. *(revised 9/30/19)*

   b. Priority 2 Calls: Will be dispatched within one hour of when a PST receives the call.

   c. Other Calls: Can be either Priority 2 calls or may be transferred to specific offices for service.

   d. Telephone Complaints: When taking a call over the telephone that meets the following requirements, the PST will transfer the call to the UPD Report Line at 315-223-3428, except during the hours of 0000-0700 a car will be dispatched.

- Petit larceny and criminal mischief crimes such as vandalism or theft of items worth less than $1000.

    i. ALL reports of larcenies from a vehicle requires a response from a uniformed officer regardless of value, whether it is in progress or not and the presence of suspect information. (Revised 9/1/2021)

- The crime is not in progress.

- There is no suspect present

- There is no significant evidence of the crime present.

e. If an incident meets all of these criteria, the PST will transfer the caller to the UPD Report Line.

f. If the caller demands that a patrol car be dispatched to an incident that meets the criteria for the telephone report line the caller will be advised that:

"Your report will be completed during this telephone call and it will be forwarded to a police supervisor for review. All of the information needed at this time can be gathered over the phone. If a supervisor determines that additional steps must be taken to investigate this incident you will be contacted in the near future."

g. The Platoon commander's office will always be immediately notified of any domestic violence incidents that occur within the City of Utica involving Police Officers. The Platoon Commander's office will also be notified immediately of any domestic incidents that occur outside to Utica involving off-duty Police Officers of this department.

4. PST responsibility for a pursuit.

- The PST shall immediately broadcast that a pursuit is in progress and inform all units to clear channel and hold channel 1 clear for the primary pursuing units transmissions.

- The PST will then assign a supervisor to the pursuit and advise all units to utilize channel 2 for transmissions not relevant to the pursuit.

- The PST will notify surrounding agencies when applicable.

- The PST will notify all units when the pursuit has been terminated.

C. CALLS FOR SERVICE - RESPONDING OFFICER RESPONSIBILITIES:

1. The Department will deploy its field units in a manner that provides the greatest service to its citizens. This best occurs when field units remain within their assigned zone/patrol area; however, officers may be dispatched out of their zone/patrol area to respond to emergencies or other matters as deemed necessary.

2. Priority 1 Calls/Crimes in Progress: If needed, ANY available departmental unit will be utilized to affect an immediate response. The order in which the 911 Center will utilize is as follows:

   a. Patrol Units

   b. Marked Units (Special Operations, Traffic, Extra Duty units, etc.)

   c. Uniformed Supervisors

   d. Non-Uniform Units

      i. If no units are available for a priority 1 call, the PST may use the alert tone and ask for any unit who can clear to respond to the incident. If the PST does not receive a response he/she will clear a car from any non-emergency report call and advise the street patrol supervisor of their actions.

3. Priority 2 Calls: ANY of the following listed Department units will be utilized by the PST in the following order:

   a. Patrol Units

   b. Marked Units (Traffic, Extra Duty units, etc.)

   c. Uniformed Supervisors

4. As soon as any patrol unit in that patrol area or an adjoining area becomes available, they will be sent to relieve the Investigator, Sergeant or Superior Officer who was used to cover a call.

5. When a call is dispatched, the unit given the call will take the call and respond to the scene. If there is any question as to whether the above procedures have been followed properly by the PST, the unit will direct such inquiry to the supervisor following the completion of the call. At no time will there be any discussion over the radio, regarding whether a particular call should be dispatched to that unit.

6. Supervisors and superior officers shall have the authority to either increase or decrease the number of vehicles responding to a call for service and change the response code.

7. On calls requiring more than two cars, a supervisor will respond as the third unit. If no supervisor is available the PST will send a supervisor or a superior officer as the third car as soon as one is available.

8. Upon receipt of a request for service or assistance, which is not received through the PST, an officer must immediately notify the PST of the type of incident and the location.

D. PUBLIC SAFETY TELECOMMUNICATOR (PST) NOTIFICATION:

1. Patrol Zone Officers: At the start of each shift, during the first Time Test, the patrol officers will notify the PST of the car number and portable number that they will be using.

2. Special Assignments/Details: When an officer, other than a member of the on-duty patrol squad, has signed out a portable radio, that officer will notify the PST by telephone or via CAD as to the detail/assignment that they are on and the portable number that they will be using. This assignment notification can be made over channel 2 when the preferred communication forms (phone and CAD) are not available. The PST will acknowledge the message and note the information in the CAD.

3. PST Responsibilities: The PST will note on the Dispatcher Radio Log Cover Sheet all of the officers that were on special details and the corresponding radio numbers.

4. MVCC Public Safety: MVCC public safety requests notification for in progress incidents that UPD is dispatched to in the immediate area of their campus, such as shots fired calls, pursuits, and officer safety information. If a sworn officer is listed on the line-up notify them via MRD, if there isn't a sworn officer working, call their dispatcher on the phone as soon as time allows. (revised 3/1/20)

E. RADIO TESTS:

Radio checks are to be done on Channel 1; all cars in service will be checked including SOU, K-9 and DWI.

From the hours of 0800 and 2000, radio checks will take place every hour.

From the hours of 2000 and 0730, radio checks will take place every half hour.

If so ordered by a supervisor, a radio check can be canceled.

II. PATROL OPERATIONS:

A. PATROL ORGANIZATION AND RESPONSIBILITIES: The Patrol Division is responsible for providing direct police services to the public. The Patrol Division has primary responsibility for providing continuous patrol coverage and traffic control. In order to provide for continuous patrol coverage, Patrol is divided into three "platoons" (eight hours of duty) based on department needs. A Lieutenant commands each of the three platoons, designated as the A, B and C platoons, of which are further subdivided into three squads, A1, A2, A3. Subordinate supervisory officers assigned to each squad are accountable to their respective platoon commander. The amount of police officers and supervisory officers staffing the Patrol Division is controlled by the Chief of Police.

Officers have a duty to respond to calls for service. This response shall be in accordance with departmental rules and regulations. Any indiscriminate or uncontrolled police response to calls for service is neither prudent nor authorized.

The department has established a system for classifying police calls for service and for prescribing the number of police units to be dispatched based upon a number of factors. The number of vehicles responding to a call for service and the response code will be controlled by departmental orders and directed by the public safety telecommunicator (PST) on duty. However, it shall be the policy of the department that field supervisors and superior officers have the authority to increase or decrease the number of vehicles responding.

B. NON-UNIFORMED PORTABLES: Personnel assigned to non-uniformed units will use portable radios assigned to their specific unit and will record the unit number on their daily activity report.

C. PATROL OPERATIONS: ASSIGNED AREAS: Elements of the Patrol Division shall be deployed to provide law enforcement services twenty-four hours a day, seven days per week, throughout the year.

1. Shift changes for members of the Patrol Division shall be staggered in order to provide for uninterrupted patrol coverage. Normal shift change times for patrol units shall occur as follows:

   a. On even days of the week, the even numbered zone cars are group one and the odd numbered zone cars are group two.

   b. On odd days of the week, the odd numbered zone cars are group one and the even numbered zone cars are group two.

   c. Shift change commences at the conclusion of each roll call at the direction of the patrol supervisor when he or she notifies communications to clear the first group. The patrol supervisor will clear the second group at his/her discretion.

2. The change of shift time(s) for any other supplementary Patrol component of the patrol division, if any, shall occur at times designated by the Chief of Police or his/her designee.

3. This schedule does not preclude shift supervisors from modifying relief order as necessary.

4. Officers assigned to the Uniformed Patrol Division shall patrol and respond to calls for service within the confines of their assigned zone, unless directed by the PST or a supervisor to patrol or respond to a call in another zone.

5. If an officer is involved in an investigation or in pursuit of a person or motor vehicle and is required to leave their assigned zone, the PST shall be notified immediately.

6. On completion of an investigation or other police action, officers shall return to service and their zone immediately.

7. If a second vehicle is sent to a call, the assisting officer(s) shall return to service and their respective zones as soon as it is determined that their services are not needed.

8. When leaving a mobile unit, an officer will call in their location and nature of the detail to the 911 Center. The PST shall record each instance on his/her log as is normal procedure. When an officer is out of service for a period of time in excess of ten (10) minutes, the PST shall radio check the status of the officer. An officer receiving a status check will immediately inform the PST regarding the status of his/her call. If the officer does not immediately respond, informing the PST why they are still out of service, the PST shall dispatch an additional unit or a supervisor to assure the officer's safety.

9. Upon conducting a motor vehicle stop for any reason, the officer, and prior to exiting his/her patrol car shall contact the PST and give his/her location, license plate information, description of the stopped vehicle, make, model, color, 2dr, 4dr, and the number of occupants. The PST will status check the officer after two (2) minutes unless the officer advises before two minutes that they "all set". The officer shall notify the PST when they are clear of the stop.

10. When an officer exits his/her patrol car for the purpose of conducting any type of premise check, they shall notify the PST of their location and the location to be checked if different. The officer shall notify the PST of his/her return to the police vehicle. If practical these checks will be made by the officer(s) while remaining in service, available for emergency calls.

    i. In the event of an unsecured premise, the officer must immediately notify the PST, who in turn will notify a supervisor.

    ii. No inspection shall be made by the officer until after the PST and/or supervisor have been notified and the direction in which to proceed is given.

11. Whenever officers intend to enter an establishment that serves alcoholic beverages in order to check for violation(s) of the law, they must first notify the PST, by radio, of the location of the premises to be checked.

12. Unless otherwise directed, officers are to carry their portable radio and utilize the same anytime they are away from their mobile unit.

13. Members are responsible for inspecting and reporting hazardous or potentially hazardous conditions of their assigned zones. If a hazardous condition is observed which endangers life or property, or which may create a civil liability to the City of Utica, the condition shall be immediately reported to the PST on Channel 2 who shall notify the appropriate agency. Hazardous conditions include but are not limited to the following:

    iii. Holes, unprotected excavations or broken pavement in the street;

    iv. Irregularities in curbs or sidewalks;

    v. Power, cable or telephone lines down;

    vi. Unauthorized or damaged traffic signals or signs;

    vii. Blind corners where trees or shrubs obstruct the view;

    viii. Obstructions of any kind on any street or sidewalk;

    ix. Improperly protected construction material or equipment;

    x. Any construction not protected by light or barricade;

    xi. Large numbers of persons congregating in a building in such a manner that their presence might constitute a fire hazard;

    xii. Street lights out;

    xiii. Buildings or property frequented or inhabited by homeless persons, which need to be secured to prevent entry; and

    xiv. Any other hazards which may endanger life or property.

    <u>NOTE:</u> If the hazard represents a serious threat to life and property, the reporting officer shall notify their supervisor, isolate the hazard and wait for the appropriate agency to eliminate or minimize the hazardous condition.

14. UPD Tactical Operations Unit (TAC) has been established and operates according to the following procedures.

Handset Designations

- 20 – TAC Commander
- 21 – TAC Supervisor
- 7 – TAC Supervisor / K-9 Unit
- 22 – TAC Unit
- 23 – TAC Unit
- 24 – TAC Unit
- 25 – TAC Unit
- 27 – Nuisance Abatement

III. ANIMAL CONTROL OFFICER (ACO):

1. The ACO provides basic domestic animal control services including control of stray or lost domestic animals, responding to domestic animal complaints and assuring compliance with licensing requirements.

2. The ACO works 0800-2000, and is assigned to the Services Division and is available after hours in an on call capacity.

3. If a call for service is received during the ACO's regular tour of duty he will be dispatched to handle the call. If the ACO is not available or not on duty a patrol car will be dispatched.

4. The ACO or on-duty officer will be responsible for the removal of deceased domestic animals located in public roadways. The DPW or NYS DOT (for state roads) will be contacted for the removal of any deceased wildlife located in the public roadway. (Revised 8/30/2023)

IV. DNT:

1. Click on **shortcut to email** (outlook)
2. Click on **public folders** (located on the left side of the screen)
3. Click on **all public folders**
4. Click on **DNT** (Do Not Tag)
5. Select the date that the vehicle needs to be entered for and double click on the day in the blue bar.

Remember if they are calling before midnight the vehicle needs to be entered into the following day.

6. Enter the information in the appropriate boxes

7. Click **save and close**

The only acceptable reasons for a vehicle to be left on the street overnight is if it's broken down, driveway construction, or a visitor.

Vehicle will only be excused for a maximum off three (3) nights.

No vehicles are allowed on the street for any reason if a snow emergency is in effect.

V. Crisis Response Team (CRT): revised (7/1/2023)

The CRT has been established by the Utica Police Department to more effectively handle the rise in mental health related calls for service and therefore will be the primary responder to ALL calls for service with a mental health nexus when on duty and available.

1. CRT units will call in and out of service over the radio.

2. While in service, these units will be the primary responder to calls with a mental health nexus.

3. When CRT units are out of service or unavailable, Patrol Zone Cars will be the primary responder to all calls for service with a mental health nexus.

4. Backup units shall accompany the CRT unit for any calls for service when applicable.

Staffing Table 07-03-25 signed.pdf

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Utica Police Department
Staffing Table – Compliment 165 (163 Active Sworn Members) 14 Civilians, 3 Injured/Extended Absence

Chief of Police

Chief's Secretary
1 Civilian

Deputy Chief
Operations

Professional Standards Unit
1 Sergeant

Criminal Investigations Division
1 Captain
1 Lieutenant

Day CID
1 Sergeant
5 Inv.
1 Police Off.
1 Police Off. (LD)

Major Crimes Days
2 Inv.

Crime Scene Unit
1 Inv.
1 Police Off.

Juvenile Aid Unit
1 Sergeant
2 Inv.
1 Police Off.
1 Police Off. (Nights)

Child Advocacy Center
1 Inv.

Sex Offender Unit
1 Inv.

Mohawk Valley Crime Analysis Center Liaison
1 Police Off. (LD)

FBI JTTF
1 Inv.

Special Investigations Unit
1 Sergeant
2 Inv.
1Police Off.

Warrants Unit
2 Inv.
1 Police Off.

Night CID
2 Sergeants
2 Inv.
2 Police Off.

Major Crimes Nights
3 Inv.

GIVE
1 Inv.
1 Police Off..

Uniform Patrol Division

Patrol
1 Captain

A Platoon
1 Lieutenant
5 Sergeants
17 Police Off.

Matron
1 Civilian

B Platoon
1 Lieutenant
5 Sergeants
22 Police Off.

C Platoon
1 Lieutenant
5 Sergeants
27 Police Off.

Crime Prevention Unit
1 Lieutenant
2 Sergeants
5Police Off.

Patrol Support
1 Captain
1 Sergeant

Traffic Unit
2 Police Off.

Domestic Violence Unit
1 Police Off.

Parking / Animal Enforcement
2 Civilians

Community Outreach Team
3 Police Off.

City Hall Security
1 Police Off.

Crisis Response Team
2 Police Off.

Support Division
1 Captain

Building Maintenance
3 Civilians

Training Unit (MVPA)
1 Lieutenant

Firearms
Ancillary Duties

MIS
1 Sergeant
1 Police Off.

Records Unit
1 Police Off.
2 Civilians

Logistics and Resources Unit
1Sergeant

Accreditation
1 Police Officer

Admin. Aid
1 Civilian

Budget & Grants
1 Civilian

Property Unit
1 Off.
1 Off. (temp)

Fleet Maintenance
3 Civilians

Approved by: W. Villano
Chief of Police

Date: 7/3/25

Table Of Organization 07-03-25 signed.pdf

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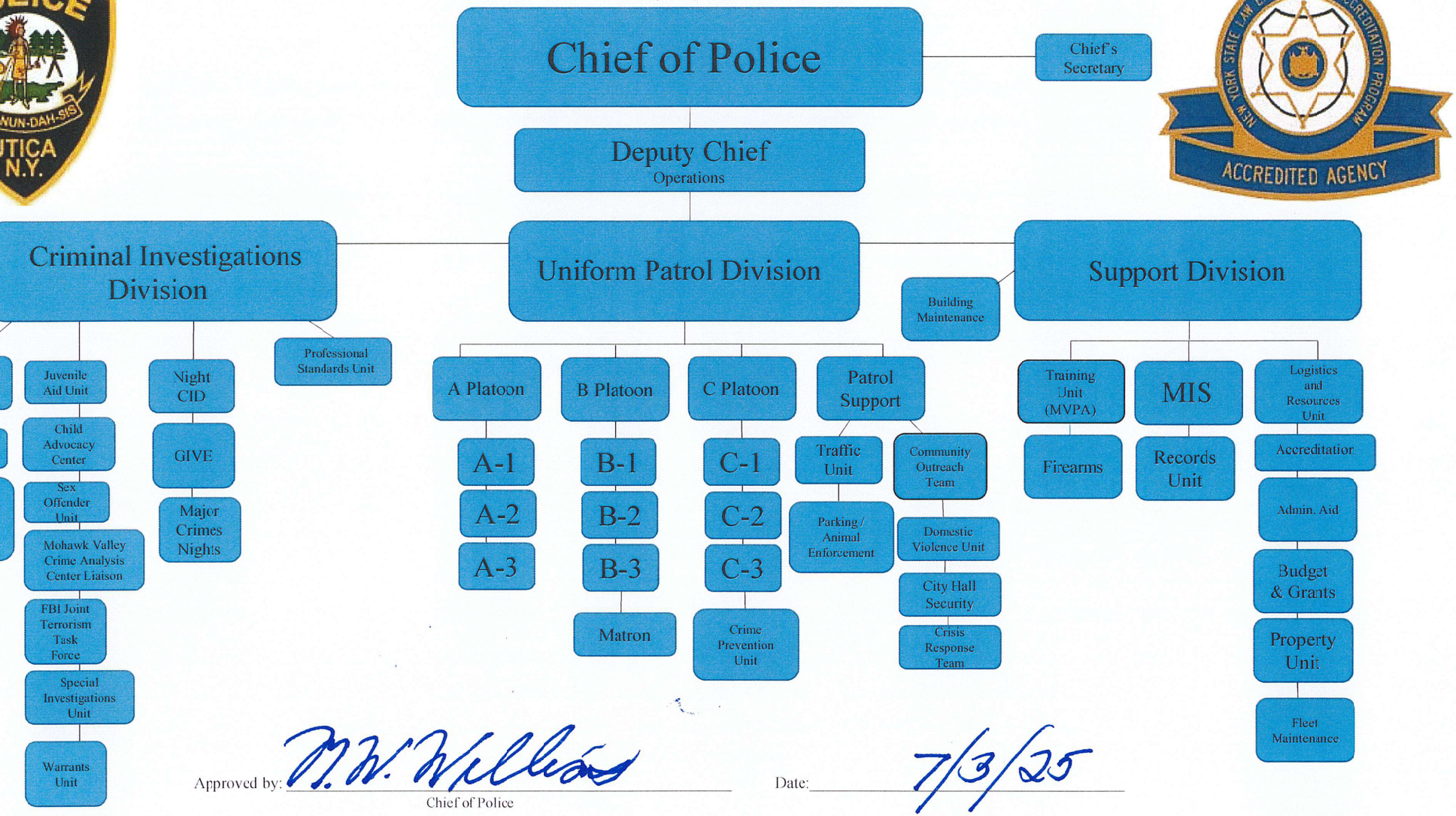
Utica Police Department
Table of Organization



Approved by: D. W. Williams
Chief of Police

Date: 7/3/25

Agency Background Investigation Checklist_fillable.pdf

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New York State Law Enforcement Accreditation Program
Background Investigation Checklist

Candidate Name: _____ **DOB:** _____ **Phone:** _____

Task	Date	Comments	Initials
*Comprehensive Application			
*Personal History Statement			
*Fingerprint Criminal History			
Identity Verification			
Family References			
Personal References			
Current & Previous Employers			
Current & Prior Neighbors/Landlords			
Educational Institutions			
Department of Motor Vehicles			
**Armed Forces			
Affiliations/Social Media			
Court Records			
Credit Agencies			
Law Enforcement Agencies			
In-Person Interview			
*Central State Registry Check (if applicable) ops.registry.record.search@dcjs.ny.gov			
*National Decertification Index Search https://www.iadlest.org/our-services/ndi/about-ndi			
*Written Test Score (if applicable)			
*Medical Exam (§6000.4)			
*Physical Agility Test Results (§6000.8)			
*Psychological Exam (§6000.11)			

*Supporting documentation is required to demonstrate compliance
**If the candidate has served, a copy of their DD-214 is required

Additional Comments:

_____

_____

Background Investigator: _____ **Date:** _____

Investigator Signature: _____

NEW YORK STATE | Division of Criminal Justice Services

2025 Goals and Objectives Review.pdf

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Utica Police Department's

2025 Goals & Objectives Yearly Review
for the
Criminal Investigation Division
Support Division
Uniform Patrol Division

January 31, 2026

Criminal Investigations Division Goals & Objectives Yearly Review for 2025

Criminal Investigation Section

Goal: Utilize new and upcoming Unmanned Ariel Vehicle (drones) technology to supplement and enhance criminal investigations.

Objective #1: Find and apply for Federal or State grant opportunities to purchase the equipment for the start-up program. (COMPLETED, BJA GRANT SUBMITTED 10/25)

Objective #2: Train members from the Criminal Investigation, and possibly Uniform Patrol Division, to complete the necessary Part 107 UAV certification. (PO B. COMESKEY HAS TAKEN AND PASSED THE PART 107 UAV CERTIFICATION)

Objective #3: Establish an agency Drone as First Responder (DFR) Program. (IN PROGRESS, SPOKEN TO SEVERAL VENDORS AND RECEIVED QUOTES FOR A DFR PROGRAM)

Crime Scene Unit

Goal: Evaluate and improve the forensic analysis of tested firearm cartridges to aid in projectile and casing comparisons.

Objective: Replace the current Kevlar test-firing chamber with a modern projectile retrieval system that will aid in the correlation of firearm evidence via the National Integrated Ballistic Information Network. (COMPLETED, WATER TANK WAS DELIVERED AND OPERATIONAL)

Juvenile Aid Unit

Goal: Improve the intelligence collect on youth crime/delinquency by standardizing the offender debriefing process.

Objective: Create a standardized juvenile offender debriefing form that the Juvenile Aid Unit investigators will complete during all offender interviews. The debrief form will focus on gang/group and criminal/delinquency activity. This information will be shared with the Mohawk Valley Crime Analysis Center for evaluation and link analysis. (COMPLETED, FORM IS UPDATED AND IS CURRENTLY UTILIZED ON DEBRIEFS)

Professional Standards Unit

Goal: Improve internal investigations by staying informed on changes to law, current trends, and best practices for the unit.

Objective #1: Implement the new "Blue Team" frontline software for our IAPro platform throughout the department, which will aide in reporting use of force incidents and track employee performance as an early warning function. (COMPLETED)

Objective #2: Send assigned PSU members to at least one educational training relative to their duties to improve their knowledge and performance. (COMPLETED, BACKGROUND INVESTIGATORS TRAINING DEC 1&2 2025)

Special Investigations Section

Goal: To improve the information sharing and inter-divisional communications between the Special Investigations Unit (SIU) and the Crime Prevention Unit in order to advance the street-level narcotics enforcement within the City of Utica.

Objective: SIU will share narcotic hotspot locations, Crime Stopper, and other pertinent information on the sale and distribution of narcotics with our Crime Prevention Unit. (COMPLETED—Information is shared with CPU on a monthly basis. SIU supervisor and CPU Supervisors work together to effectively and efficiently combat street level narcotics enforcement.)

Warrants Unit

Goal: Establish the means to execute "Orders to Produce" of subjects with warrants who are incarcerated outside of Oneida County.

Objective: Work with the Oneida County District Attorney's Office to establish protocols to produce subjects with Utica City Court warrants, who are incarcerated outside of Oneida County. Also, along with the OCDA's office, establish a relationship with the adjoining County Correctional facilities to assist us with this. (COMPLETED) The Utica Police Department and the OCDA Office created a working plan that UPD officers would receive the order to produce from the Utica City Court judge to produce an individual in custody outside of Oneida County. UPD officers would then transport that individual to UCC for one, and only one appearance in which the OCDA office would attempt to successful resolve the case on that appearance. If they case could not be resolved, UPD officers would not be responsible for any future transports pending extremely extenuating circumstances.

Respectfully submitted,

Captain Brian D. Bansner
Criminal Investigations Division Commander

Support Division Goals & Objectives Yearly Review for 2025

Management Information Services (MIS) Unit

Goal: Migrate key network equipment from the basement server room to the second-floor server room.

Objective: Currently there is key network equipment that is mounted in racks in the basement server room. Having it in this location is not advantageous as it requires numerous Ethernet and fiber optic connections that run from there to the second-floor server room. These connections and the equipment housed in the basement are vulnerable to disruption by construction, building maintenance projects, flooding, and power outages- as they are not supported by adequate backup power supplies. These disruptions lead to periodic loss of network functions and greatly complicate the job of maintaining the network and implementing improvements.

The plan is to move the Firewall's, Spectrum Fiber Optic internet connection, and other switch equipment to the second-floor server room, effectively eliminating these vulnerabilities and the complications of having the equipment separated. This equipment will be connected to the new dual uninterruptable power supplies (installed November 2024) that will carry the load and keep equipment powered during times when the building switches to generator power or power fails all together.

****Summary:** *A project has been completed in which new Firewall's were installed in the second floor server room, and switches were moved along with Fiber Optic Internet connection from the basement up there as well. This improvement will go a long way in ensuring that the network is safeguarded from flooding and other preventable vulnerabilities.* **(GOAL COMPLETED).**

Records Unit

Goal: Designate and area within the Records office to add file cabinets to create storage for Permanent Retention Records to better protect them and organize them.

Objective: Designate and area within the Records office to add file cabinets to create storage for Permanent Retention Records such as Homicide, Suicide, Active Missing Persons, Arson, and Stolen/Missing Firearms not yet recovered. Currently these records are stored in various locations throughout the office and basement storage area due to a current lack of space and available file cabinets to put them in. This makes it hard to keep track of these records, and any that are currently kept in the basement is subjected to moisture which can cause them to deteriorate over time.
****Summary:** *A project was completed in which a filing cabinet was placed in the main Records office, allowing same to be designated storage for Permanent Retention Records. This will ensure that these important records are kept secure and safe from accidentally being destroyed in any future records purges.* **(GOAL COMPLETED).**

Training Unit

Goal: Incorporate the Interleaving Method and Spacing Practice into Police Academy training.

Objective: Studies have shown that the Interleaving Method of training is superior to the Block Method that has been used to train up to this point. Interleaving is the opposite of Blocked practice. Blocked practice repeats the task or lesson over and over again for a number of repetitions before moving on to the next task to practice. Interleaving switches up the amount and order in which the task is practiced. Interleaving results in greater retention.
Spacing Practice is a learning strategy that involves reviewing information at spaced intervals, which helps to solidify memory by actively engaging the brain at different time periods, rather than cramming information all at once. These training methods will be implemented in the Recruit Curriculum for Defensive Tactics, Active Shooter, Report Writing, Penal and Vehicle/Traffic Law, Vehicle Stops, and Reality Based Training Scenarios. These methods have been found to create a more “durable” memory, increase the speed and accuracy of performance, and causes officers to make more informed and effective decisions during high stress encounters.

*****Summary:** ***In the Police Academy classroom this goal was achieved by deliberately structuring lessons so key concepts are revisited across multiple blocks of instruction rather than taught once and left behind. Training days would begin with brief review questions or scenarios that connect prior lessons to the current topic, setting expectations and focus for learning. Throughout the courses, instructors returned to lesson content through short refreshers, scenario discussions, and cumulative assessments, ensuring recruits repeatedly apply and strengthen critical knowledge as training progresses***. **(Goal Completed)**

Logistics and Resources Unit

Goal: To achieve re-accreditation, which will keep the department operating within DCJS approved standards for the next 5 years. The Utica Police Department will ensure all new standards set forth by DCJS are implemented into policy and followed by all personnel throughout this period.

Objective: The Utica Police Department will go through the re- accreditation process in the summer of 2025 with the Department of Criminal Justice Services. With a successful review, the Utica Police Department will continue with its accredited status for another five-year period (2025-2030).

****Summary:** ***The Utica Police Department successfully completed re-accreditation with the Department of Criminal Justice Services, which is in effect from 2025-2030***. **(Goal Completed)**

Budget and Grants Unit

Goal: Purchase new duty weapons for each officer in the department to replace our current aging weapon system.

Objective: The Utica Police Department will seek to obtain the necessary funding to purchase new duty weapons that will include upgraded optics, weapons lights and holsters. The new weapons will be in line with current industry standards and recommended guidelines for our operational environment.

****Summary:** ***In November, the placed a purchase order for 180 new Glock model 45 COA GEN5 9mm handguns along with new weapon lights and holsters***. **(Goal Completed).**

Respectfully Submitted,
Captain Michael Murphy
Support Division Commander

Uniform Patrol Division Goals & Objectives Yearly Review for 2025

Uniform Patrol Division Goals & Objectives for 2025

Uniformed Patrol Branch

Goal #1: Decrease the number of shots fired incidents by increasing checks of GIVE initiated micro hot spots through utilization the Department's newly acquired Patrolfinder technology for a 3-month trial which is anticipated to start in 2025.

Objective: By utilizing the "Patrolfinder" technology, Utica Police command staff personnel will have the ability to very accurately track the number of times an officer patrols in the vicinity of a GIVE micro hot spot. This technology may also give way to the elimination of time consuming documentation of the checks further incentivizing officers to conduct more frequent checks of the locations. Empirical studies show that gun-related violence tends to cluster in specific areas within a city. These concentrated locations account for a significant proportion of crimes committed within larger geographical areas. Using this technology, the objective is to have these areas that require special attention patrolled more often thus leading to a decrease in the number of confirmed shots fired incidents that patrol responds to on an annual basis.

SUPPORTING DATA AS OF DECEMBER 16th 2025:

All Shooting Incidents would include shots fired, NFS, and Gun homicides

2022: 131
2023: 106
2024: 83
2025: (72) YTD

- **DATA indicates that we are clearly on pace to obtaining this goal and objective. 72 shots fired incidents to date is an extraordinary statistic in relation to past years.**

Crime Prevention Unit

Goal. #1: To increase the amount of training that Crime Prevention Unit (CPU) members receive throughout the year.

Objective: Members assigned to the crime prevention unit will increase the number of hours spent in training in 2025. Members will be encouraged to attend as much training as possible in regards to citizen contacts, street encounters, use of force, response to resistance, de-escalation, search and seizure law, criminal law, case law, constitutional law, stop and frisk and DeBour doctrine. These trainings will aid in reducing the liability that the city is exposed to by members who engage in this kind of pro-active police work.

- ***CPU Training Data was provided to the Deputy Chief via an attached Microsoft Excel spreadsheet. I checked with both Lt. Charles Parkosewich and former CPU Commander Charles Goldstein. They could not provide me with any CPU training records for 2024. After speaking to Lt. Parkosewich he informed me that this goal was certainly obtained as officers have informed him that they attended many more trainings in 2025 as compared to 2024.***

Respectfully submitted,
Captain Howard Brodt
Uniform Patrol Division Commander

2025 Uniform Patrol Division Goals & Objectives Review

Patrol Support Branch

Traffic Unit

Goal: Continue to be attentive to traffic complaints/concerns, specifically traffic complaints/concerns of city officials and/or residents, by conducting/participating in at least three traffic enforcement details each month, with a focus on abating said traffic concerns by means of vigilance and enforcement.

Objective: At the beginning of each month, the Patrol Support front line supervisor will set a plan for at least three traffic enforcement details to be completed by the end of the month in question, aimed at abating recent traffic complaints/concerns of city officials and/or residents. The details will be supervised by the Patrol Support front line supervisor and conducted by members of the Traffic Unit with assistance of other resources as necessary. The results of each detail will be codified and documented within our departmental records management system (Type: "Detail-Traffic") for review and/or reference.

This goal was accomplished in that the Traffic Unit conducted and/or administered over 70 documented proactive traffic details aimed at abating traffic complaints and concerns within the city throughout the 2025 calendar year.

Domestic Violence Unit

Goal: Continue to ensure all high risk domestic violence victims, serviced by our agency, are aware of and have been afforded all attainable domestic violence services and protections by conducting a monthly audit to ensure there are no service gaps and/or shortfalls.

Objective: At the beginning of each month, the officer assigned to the Domestic Violence Unit will conduct an audit of all high risk domestic violence victims (as designated by the Law Enforcement Danger Assessment "DA-LE") who were serviced by our agency the prior month, to ensure that said victims are aware of and have been afforded all attainable domestic violence services and protections, if service gaps and/or shortfalls are noted, the Domestic Violence officer conducting the audit shall take the

appropriate action(s) necessary to rectify the noted gaps and/or shortfalls. The Patrol Support front line supervisor will ensure said monthly audit is completed.

This goal was accomplished, for 20 + years the Utica Police Department has had a long standing commitment to combating domestic violence, said commitment is affirmed by the fact that our department employs a full-time dedicated Domestic Violence Officer who works alongside a YWCA Victim Advocate, said domestic violence team are active participants within the county wide established Domestic Violence High Risk Team. Furthermore, in January 2025 our department was the proud recipient of STRIVE (Strategies to Respond to Intimate Violence Effectively) funding which allowed our domestic violence team to expand their domestic violence reduction efforts. Thus, in an effort to effectively combat and reduce domestic violence within our community, our domestic violence team consistently reviews all domestic violence incidents that occur within the city to include all completed DA-LEs and upon noting any concerns, gaps, and/or shortfalls our team utilizes STRIVE initiatives and partnerships to ensure domestic victims are aware of and have been afforded all attainable domestic violence services and protections.

Crisis Response Team (CRT)

Goal: Expand the Crisis Response Team's outreach by ensuring co-responder shift coverage continues when the Officer assigned to either shift (day shift and/or afternoon shift) is off-duty/unavailable however their cohort (Crisis Counselor) is on-duty/available.

Objective: Whenever the Officer assigned to either Crisis Response Team (day shift and/or afternoon shift) is off-duty/unavailable however their Crisis Counselor is on-duty/available, the respective Patrol Squad Commander will be notified at which time the Squad Commander will arrange for the Crisis Counselor to be paired with an Officer who is crisis intervention trained from their patrol shift. In doing so, the Crisis Response Team's shift coverage will be less likely to have gaps in availability therefore their outreach will inherently expand which will allow for increased opportunity to engage emotionally distressed individuals and connect them with mental health services.

This goal was accomplished, in that a directive was issued to each Platoon's Squad Commander establishing said practice without issue.

Community Outreach Team (COT)

Goal: Continue to build community relationships by expanding community engagement methods.

Objective: Develop, plan, market, coordinate, and facilitate new initiatives/methods for community engagement. One such initiative is the prospect of obtaining a repurposed Ice Cream Truck to be utilized by members of the Community Outreach Team for community engagement throughout the city's various neighborhoods and at select local events.

Goal: Expand the Community Outreach Team's focus to include assisting with the coordinated community response to humanely addressing the concerns presented by the city's seemingly growing homeless demographic.

Objectives: Proactively address quality of life concerns posed by the city's homeless population through enforcement of laws aimed at abating the imposing concerns while also humanely working to connect said population with needed services to resolve their homelessness.

Unfortunately, due to manpower constraints, the Community Outreach Team was disbanded at the end of July 2025, much to his credit, going forward Utica Police Chief Mark Williams, directed our department's command staff to remain committed to ensuring our personnel are afforded the opportunity to be assigned to community outreach and engagement initiatives whenever staffing allows.

METRO SWAT

Goal: Maintain the DCJS (MPTC) SWAT Team Certification Standards.

Objectives: Complete an audit of said standards to ensure the team's compliance with same, address any shortfalls, one such current shortfall is in regards to the "Command and Supervision" Training Standard in that the Team Commander must complete approved SWAT Command training set forth by the National Tactical Officers Association.

This goal was partially accomplished in that the METRO SWAT Team completed an audit of the DCJS MPTC SWAT Team Certification Standards noting the aforesaid shortfall in regards to the "Command and Supervision" Training Standard in that the Team Commander has completed the "SWAT Command Decision Making and Leadership I" (introductory SWAT command training course) set forth by the National Tactical Officers Association however said Team Commander has not completed the SWAT Command Decision Making and Leadership II (advanced SWAT command training course). It should be noted that given said shortfall, Utica Police Deputy Chief Noonan and METRO SWAT Commander Utica Police Captain Holt were scheduled to attend the SWAT Command Decision Making and Leadership II (advanced SWAT command training course) in May 2025 however said course was abruptly canceled due to lack of attendees, said training course has not been offered again "in person" to date. Nonetheless, Captain Holt intends to attend said training course upon the next "in person" offering. Finally, please note that METRO SWAT's DCJS MPTC SWAT Team Certification is valid through May 23, 2027 at which time submission of a recertification application will be necessary.

Respectfully,
Captain James R. Holt Jr.
Utica Police Department
Patrol Division / METRO SWAT

Copy of FTO Checklist.pdf

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FTO Checklist

Week:

Call Type:	1	2	3	4	5	6	7	8	9	10	11	12
DIR												
SIR												
Arrest												
EDP (9.41/22.09)												
MVA												
MV Stop												
Citizen Stop												
Ejustice Entries (File 1, 6, 7, 8, etc)												
Death Investigation												
Missing Person Inv												
ET Work												
DWI Investigation												
Shots Fired												
Sex Crimes Investigation												
Robbery												
Burglary												
Homicide												

Early Warning System Notification and Review Form.pdf

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EARLY WARNING SYSTEM NOTIFICATION AND REVIEW FORM

Date of Initial Notification: _____

Officer Name: _____

Supervisor Name: _____

(If any of the below questions are marked "Yes", the submission of an Intra-Agency Memorandum will be required.)

1. Determination if there are any similarities between incidents:

☐ Yes – There are similarities between the incidents (e.g., location, time, personnel involved, and nature of incident).

☐ No – There are no similarities.

2. Determination if a trend or pattern of behavior is indicated:

☐ Yes – A trend or pattern of behavior is identified (e.g., repeated incidents or consistent circumstances).

☐ No – No trend or pattern of behavior identified.

3. Determination if other possible indicators of stress are present:

☐ Yes – Other indicators of stress are present (e.g., unusual leave, tardiness, family problems, decreased work performance).

☐ No – No indicators of stress identified.

Additional Comments/Observations:

_____

_____

_____

_____

Supervisor's Signature: _____ Date:_____

(This report must to submitted to the Division Commander within 15 days of the initial notification)

Sexual Harassment Complaint Form.pdf

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Complaint Form for Reporting Sexual Harassment

NEW YORK STATE | Combating Sexual Harassment

Utica Police Department

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment or gender discrimination, you are encouraged, but not required, to complete this form and submit it to the Office of the Chief of Police. No employee will be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy, and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address: Work Phone:

Job Title: Email:

Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone: Work Address:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of sexual harassment is made about:

   Name: Title:

   Work Address: Work Phone:

   Relationship to you: ☐Supervisor ☐Supervisee ☐Co-Worker ☐Other (please specify)

2. Please describe what happened and include as many details as possible. You may use additional sheets of paper if necessary. If you have any relevant documents, please include them. .

3. Date(s) sexual harassment occurred:

   Is the sexual harassment continuing? ☐Yes ☐No

4. If possible, please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously provided information (verbal or written) about related incidents? If yes, when and to whom did you provide information?

This is not required, but if you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ *Date:* _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Sexual harassment occurs on a spectrum and employers are encouraged to view all potential allegations with an open mind. Disciplinary action should meet the severity of the alleged actions.

Employers should document the findings of the investigation and basis for your decision along with any corrective actions taken. Notify the employee and the individual(s) against whom the report was made of the investigation’s outcome and corrective actions taken. This may be done via email.

SOP for Utica Police SSO Program.pdf

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UTICA POLICE DEPARTMENT

OFFICE OF THE CHIEF OF POLICE

413 ORISKANY STREET WEST, UTICA, NEW YORK 13502
(315) 223-3400 Fax: (315) 223-3409

MARK W. WILLIAMS
CHIEF OF POLICE

EDWARD NOONAN
DEPUTY CHIEF

Standard Operating Procedure for the Utica Police School Safety Officer (SSO) Program

Situation

- In an effort to ensure safety and security at all Utica City School District (UCSD) schools and associated functions, UCSD has implemented the following safety and security safeguards:
    - UCSD contracts for Police Officers employed by the Utica Police Department to provide law enforcement related functions at Proctor High School as well as both Donovan and JFK Middle Schools pursuant to a Contracted Services Memorandum of Understanding (MOU) which was dually agreed upon by the City of Utica and UCSD.
        - UCSD will contract with the Utica Police Department for any other supplemental police services that UCSD requires.
    - Furthermore, UCSD contracts for Special Police Officers (SPOs) employed by the Oneida County Sheriff's Office to provide law enforcement related functions pursuant to a Contracted Services Memorandum of Understanding (MOU) which was dually agreed upon by the County of Oneida and UCSD.
    - Additionally, UCSD employs civilian School Security Personnel, posted at all UCSD schools, to perform all non-law enforcement related administrative functions as prescribed by the Utica City School Administrative Staff.

Mission

- The scope of this document is to outline the standard operating procedures for Utica Police Officers who are assigned to the Utica City School District as School Safety Officers (SSOs) as well as Utica Police Officers who are contracted to provide supplemental police services for an event at Proctor High School's D'Alessandro Stadium and or Proctor High School's Main Gymnasium.

Command & Control

- Captain James Holt is employed by the City of Utica Police Department as the Patrol Division – Patrol Support Branch Commander with one of his ancillary duties being the Utica Police Law Enforcement Liaison for the Utica City School District (UCSD). As the Utica Police Law Enforcement Liaison for UCSD, Capt. Holt is in charge of coordinating all law enforcement operations affiliated with UCSD.
    - Release and/or dissemination of any public information in regards to any police operations associated with UCSD will be coordinated by the Utica Police Chief and/or the Utica Police Public Information Officer.

- Michael Siriano is employed by the Utica City School District as the Director of School Safety & Security under the direction of the Superintendent of Schools for the Utica City School District Dr. Christopher Spence. Mr. Siriano is a civilian in charge of all non-law enforcement related security administrative operations at UCSD.
- Jeffrey Jalonack is the Assistant School Safety & Security Director for UCSD. Mr. Jalonack is a civilian tasked with assisting the UCSD Director of School Safety & Security with non-law enforcement related security administrative operations at UCSD.

Execution

- All Utica Police Officers must dispense their duties in accordance with all of the Utica Police Department's Policies, Procedures, and Training.
- Posts
    - Proctor High School
        - Supervisor Post: A Police Supervisor will be posted at Proctor High School from 0700-1500 hours, said supervisor will coordinate all Utica Police SSO operations for Proctor High School and both Donovan / JFK Middle Schools. A marked Police Vehicle will be drawn by said supervisor to be utilized as needed.
            - Even though, Special Police Officers employed by the Oneida County Sheriff's Office are posted at all UCSD Elementary Schools, the Utica Police Department remains the primary law enforcement provider for all entities within the City of Utica to include all UCSD Elementary Schools therefore the Supervisor posted at Proctor High School is also responsible for ensuring all police related calls for service at UCSD Elementary Schools are handled appropriately.
            - If the Roamer (Optional) Post is not filled at Proctor High School, from 0700-0900 hours the Supervisor will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Cafeteria Entrance / Exit.
            - After 0900 hours, this Supervisor will act as a roamer and relief for the other posts. Furthermore, this Supervisor will pay special attention to the cafeteria during all lunch periods.
            - Any RMS entries generated by SSOs shall be reviewed, turned over to the proper case agent or investigating authority, and/or closed by the SSO Supervisor.
                - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review". Said entries will be reviewed, turned over to the proper case agent or investigating authority, and/or closed by the SSO Supervisor.
            - Said supervisor will ensure that all notifications re: UOF, Critical Incident, and any other concerns and/or questions associated with SSO operations at any UCSD school are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.
            - If a supervisor is unavailable or not assigned to UCSD, a senior officer will assume the above responsibilities under the supervision of Capt. Holt and/or the Squad Commander.

- Proctor Main Entrance Post: A Police Officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Main Office Entrance / Exit from 0700-1500 hours.
    - The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
    - At dismissal, this officer will post on the exterior of the entrance / exit doorway to oversee student dispersal / pickup.
    - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".
- Proctor Arcuri Entrance Post: A Police Officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Arcuri Entrance / Exit from 0700-1500 hours.
    - The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
    - At dismissal, this officer will post on the exterior of the entrance / exit doorway to oversee student dispersal / pickup.
    - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".
- Proctor Roamer Post: *Optional Post* (if manpower permits)
    - 0700-0900 hours, this Police Officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Cafeteria Entrance / Exit.
    - After 0900 hours, this Police Officer will act as a roamer and relief for permanent posts. Furthermore, this officer will be posted inside the cafeteria during all lunch periods.
    - The officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
    - At dismissal, this officer will remain a roamer inside the school.
    - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".

- Events at Proctor High School D'Alessandro Stadium (reference the below picture as a visual aid)
    - A Police Supervisor will be posted inside the stadium roaming the area below the bleachers – Concession area, Restroom area, Locker Room area, Field, Track, etc.

- Upon completion of the event, the Supervisor will direct one of the Police Officers posted inside the stadium to escort the visiting team from their locker room to the Loop Rd. Handicap Entrance / Exit Gate where they will meet their buses for departure.

➢ A Police Officer will be posted inside the stadium behind the Weapons Detection System at the Armory Dr. Entrance / Exit Gate

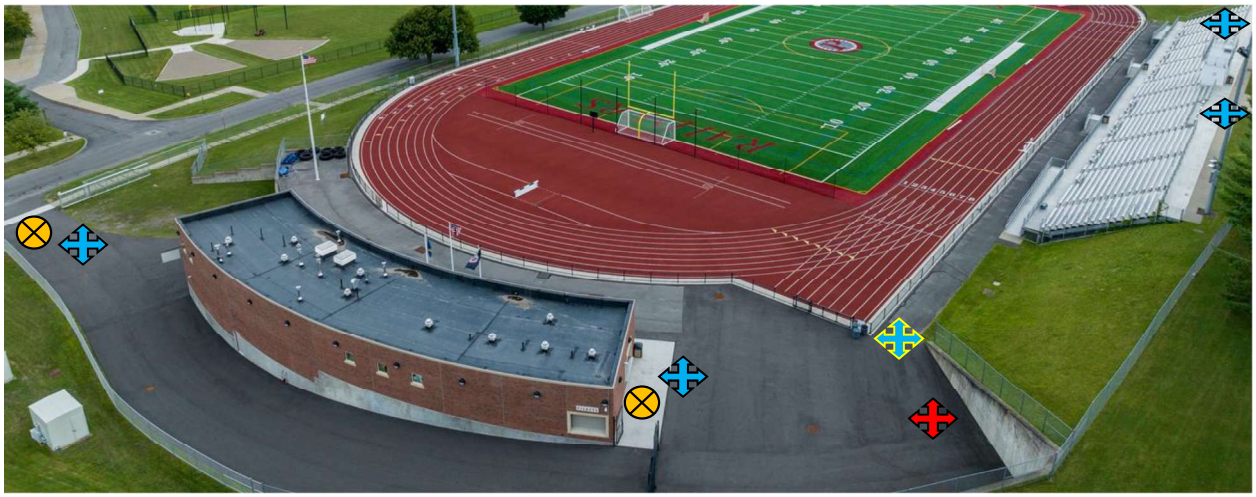
➢ A Police Officer will be posted inside the stadium at the Ticket Office Entrance / Exit Gate

➢ A Police Officer will be posted inside the stadium on the west side of the Press Box atop the bleachers at the Loop Rd. Handicap Entrance / Exit Gate

➢ A Police Officer will be posted inside the stadium on the east side of the Press Box atop the bleachers

➢ Two Officers will each be assigned to marked police vehicles outside the stadium for mobile patrols of the area surrounding the stadium.

- Before the event, the officers will erect barricades on Armory Dr. / Tilden Ave. and Armory Dr. / Arthur St. (effectively closing all traffic on Armory Dr. between the Arthur St. and Tilden Ave. intersections, access to the Proctor High School Parking Lot fronting Armory Dr. can be accessed from the Arthur St. / Hilton Ave. entrance / exit). This closure of Armory Dr. from Arthur St. to Tilden Ave. will be maintained for the duration of the event, until the event has ended and all attendees have dispersed.
- Before the event, MVCC officers will close Loop Rd. from Tilden Ave. to the MVCC Parking Lot off Loop Rd.
- Buses for the visiting team will be directed to pick up their departing team at the Loop Rd. Handicap Entrance / Exit Gate



o Events at Proctor High School Main Gymnasium

➢ A Police Supervisor will be posted at the event coordinating police operations.

- Upon completion of the event, the Supervisor will direct one of the Police Officers posted at the event to escort the visiting team from their locker room to the Cafeteria Entrance / Exit where they will meet their parents and/or buses for departure.

- A Police Officer will be posted inside the Proctor High School Arcuri Entrance / Exit behind the Metal Detection System & X-Ray Bag Scanner.
- A Police Officer will be posted inside the Main Gymnasium on the track behind the bleachers opposite the team benches and the scorer's table.
- A Police Officer will be posted inside the Main Gymnasium on the track behind the bleachers on the same side of the team benches and the scorer's table.
- A Police Officer will be assigned to a marked police vehicle outside the Proctor High School Arcuri Entrance / Exit for mobile patrols of the adjoining parking lot and immediate area.

- Donovan Middle School
  - Donovan Main Entrance Post: A Police Officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Main Office Entrance / Exit from 0700-1500 hours.
    - After 0900 hours, this Officer may roam the school from time to time, paying special attention to the cafeteria during all lunch periods.
    - This officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
    - At dismissal, this officer will post on the exterior of the entrance / exit doorway to oversee student dispersal / pickup.
    - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".
    - If a supervisor is unavailable or not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.
  - Donovan Roamer Post: *Optional Post* (if manpower permits)
    - From 0700-0900 hours, this officer will pay special attention to the exterior drop-off areas to oversee student arrival.
    - After 0900 hours, this officer will act a roamer and relief officer for the Police Officer posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Main Office Entrance / Exit. Furthermore, this officer will be posted inside the cafeteria during all lunch periods.
    - At dismissal, this officer will remain a roamer inside the school.
    - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".
    - If a supervisor is unavailable not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure,

Critical Incident, concerns, and/or questions are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.

- JFK Middle School
  - JFK Main Entrance Post: A Police Officer will be posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Main Office Entrance / Exit from 0700-1500 hours.
    - After 0900 hours, this Officer may roam the school from time to time, paying special attention to the cafeteria during all lunch periods.
    - This officer assigned to this post may respond to a call for service or take a break if necessary as non-law enforcement UCSD security personnel who are posted at said entrance / exit will handle access control, however the officer assigned to this post will return as soon as possible.
    - At dismissal, this officer will post on the exterior of the school to oversee student dispersal / pickup.
    - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".
    - If a supervisor is unavailable or not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.
  - JFK Roamer Post: *Optional Post* (if manpower permits)
    - From 0700-0900 hours, this officer will pay special attention to the exterior drop-off areas to oversee student arrival.
    - After 0900 hours, this officer will act a roamer and relief officer for the Police Officer posted inside the school behind the Metal Detection System & X-Ray Bag Scanner at the Main Office Entrance / Exit. Furthermore, this officer will be posted inside the cafeteria during all lunch periods.
    - At dismissal, this officer will remain a roamer inside the school.
    - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review".
    - If a supervisor is unavailable or not assigned to UCSD, ensure that all notifications re: UOF, Personnel Complaints, Officer Injury/Exposure, Critical Incident, concerns, and/or questions are directed to Capt. Holt and/or the Squad Commander for resolve and/or tasking.

Administration & Logistics

- Access
  - Proctor High School
    - At the beginning of their shift, Officers assigned to Proctor High School will obtain a master key accompanied by an access control card/fob from the Security Room which will allow for swipe and/or key access throughout the school.
  - Donovan and JFK Middle School

        - At the beginning of their shift, Officers assigned to the Middle Schools will obtain a master key from the Main Office which will allow for access throughout the school.
- Communications
    - Proctor High School
        - Officers will place their Police Radio on Zone "UPD HOME", Channel 6 – "PRCTR RPTR", officers utilizing this channel will be able to transmit to Utica Police Dispatch on Channel 1 – "UPD DISPCH" through the Proctor Repeater Antenna.
        - At the beginning of their shift, in addition to their Police Radio, Officers assigned to Proctor High School will obtain a Security Radio from the Security Room which will allow for all internal school security transmissions.
    - Donovan and JFK Middle School
        - Officers will place their Police Radio on Zone "UPD HOME", Channel 1 – "UPD DISPCH" to transmit to Utica Police Dispatch as normal.
        - At the beginning of their shift, in addition to their Police Radio, Officers will obtain a Security Radio for all internal school security transmissions at their assigned school.
    - Public Information
        - Public information regarding any police operations associated with UCSD will not be disseminated to the public by any officer without permission and coordination from Utica Police Chief or the Utica Police Public Information Officer.
- Records
    - Officers who are assigned to a SSO post will document their actions associated with all calls for service within the Utica Police Records Management System (RMS), said RMS entries will be marked "Waiting for B Platoon Review". Said entries will be reviewed, turned over to the proper case agent or investigating authority, and/or closed by the SSO Supervisor.
    - All requests for Utica Police Records involving a juvenile must be directed to the Utica Police Records Clerk.
        - Per Utica Police Policy, Regarding juvenile records, the Utica Police Department's Records Unit will maintain juvenile records associated with police operations separate from adult records. Furthermore, said juvenile records may not be made available to the public (Family Court Act § 381.3). The Utica Police Records Clerk is responsible for the collection, dissemination and retention of juvenile records.
- Shifts
    - 0700-1100 hours
        - Please note: If any Officer obtains permission to work modified shift hours other than the normal shift hours as noted above, please ensure that Captain Holt and/or the Squad Commander are made aware of same so that coverage can be coordinated to cover your absence.
    - 1100-1500 hours
        - Please note: If any Officer obtains permission to work modified shift hours other than the normal shift hours as noted above, please ensure that Captain Holt and/or the Squad Commander are made aware of same so that coverage can be coordinated to cover your absence.

- Shift Coverage
    - Maximum of 8 Officers assigned to UCSD on all school days
        - 4 Police Officers assigned to Proctor High School
            - 1 Supervisor
                - Posted at Proctor High School however responsible for supervision of law enforcement related matters at all schools throughout UCSD
            - 3 Officers
        - 2 Police Officers at JFK Middle School
        - 2 Police Officers at Donovan Middle School
    - Minimum of 5 Police Officers assigned to UCSD on all school days
        - 3 Police Officers assigned to Proctor High School
            - 1 Supervisor
                - Posted at Proctor High School however responsible for supervision of law enforcement related matters at all schools throughout UCSD
            - 2 Officers
        - 1 Police Officer at JFK Middle School
        - 1 Police Officer at Donovan Middle School
- Miscellaneous
    - Any officer working the Utica Police School Resource Officer Program aka UCSD Interior Security Overtime Details at Proctor High School, Donovan or JFK Middle Schools must complete an overtime slip for UCSD Contracted Services – UCSD Interior Security at ……..
        - In turn, a UCSD Interior Security Overtime Report will be compiled monthly and turned over to the Utica Police Payroll Clerk as well as the Chief Secretary for billing and compensation purposes.
    - Any other supplemental Police Services requested by UCSD will require the completion of a contract by UCSD for instance Proctor Football Game Security Detail, School Board Meeting Security Detail, etc.
    - School Emergency Response Specifications
        - <u>SHELTER-IN-PLACE</u> = used to shelter students and staff inside the building
            - Listen for instructions
            - Students in hallways should return to assigned classroom
            - Teachers take attendance
            - All other staff assist students
            - Stay clear of windows
            - If instructed, move out of classroom to designated area, stay together at all times, teachers retake attendance
            - Listen for updates
        - <u>HOLD-IN-PLACE</u> = used to limit movement of students and staff while dealing with short term emergencies
            - Listen for instructions
            - Students in hallways should return to assigned classroom
            - Teachers take attendance
            - All other staff assist students
            - Listen for updates
        - <u>EVACUATE</u> = used to evacuate students and staff from the building

- Listen for instructions
- Lead students to designated assembly or announced assembly area, close classroom door after exiting, use secondary route if necessary, bring attendance list and class roster, teachers take attendance
- If evacuating off site, take attendance before moving from and upon arrival at off site location
- Listen updates

➢ LOCKOUT = used to secure school buildings and grounds during incidents that pose an imminent concern outside the school

- Listen for instructions
- Lock all exterior windows
- Leave blinds and lights as they are
- Teachers take attendance
- Classroom instruction continues as normal
- All outdoor activities are terminated
- Listen for updates

➢ LOCKDOWN = used to secure school buildings and grounds during incidents that pose an immediate threat of violence in and around the school

- When lockdown is announced, move quickly to execute directed actions
- If safe, teachers shall gather nearby students into their classroom from hallways and common areas
- Lock classroom doors, barricade if necessary
- Move students to a safe area in the classroom out of site of the door and windows
- Leave windows, blinds, lights, as they are
- Keep everyone quite, silence cell phones
- Take attendance if possible
- Do not communicate through the door or answer the room phone
- Do not respond to the public address announcements or fire alarm
- Stay hidden until physically released by law enforcement personnel

CSU_CRU-1 Summary Report.pdf

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	Agency Case Number	

Collision Date:	Location:	
Time of Collision:	C/T/V:	County:

CRU Primary:	Equipment Utilized:		Operated by:
CSU / CRU Member(s) Assisting:	☐	Digital Camera	
	☐	Drone	
	☐	OSCR	
Report Type: Select Option	☐	Total Station	
Diagram Attached: Select Option	☐	Laser Scanner	

Did the collision occur at an intersection? Select Option Is this collision associated with a roadway? Select Option

Primary Roadway:	Intersecting Roadway:
Roadway Type: Select Option	Roadway Type: Select Option
Condition: Select Option Speed Limit: Select Option MPH	Condition: Select Option Speed Limit: Select Option MPH
Centerline Markings: Select Option	Centerline Markings: Select Option
White Fog Lines: Select Options	White Fog Lines: Select Options

Temperature: °F Weather Conditions: Select Option	Secondary Weather Conditions:
Roadway Conditions: Select Option	Secondary Roadway Conditions:
Conditions similar to time of Collision: Select Option	

Number of Vehicles Involved:	Number of Vehicle Occupants:	Number of Pedestrians/Bicyclist Involved:

Choose an optior #1			Choose an optior		
Year:	Make:	Model:	Year:	Make:	Model:
Registration:	VIN:		Registration:	VIN:	

Position	Name: Last, First, MI		Position	Name: Last, First, MI	
	DOB:	Injuries: Select Option		DOB:	Injuries: Select Option
	DOB:	Injuries:		DOB:	Injuries:
	DOB:	Injuries:		DOB:	Injuries:
	DOB:	Injuries:		DOB:	Injuries:
	DOB:	Injuries:		DOB:	Injuries:
	DOB:	Injuries:		DOB:	Injuries:

Submitted By:	Shield:	Date Submitted:	Submitted
CRU Investigator			Date:

Peer Reviewed By:	Shield:	Date Submitted:	

Final 2024 Review Utica Police Department.pdf

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Utica Police Department's

2024 Goals & Objectives Yearly Review
for the
Criminal Investigation Division
Support Division
Uniform Patrol Division

January 31, 2025

Criminal Investigations Division Goals & Objectives Yearly Review for 2024

Criminal Investigations Section

Goal: Improve criminal investigations through technology and training.

Objective #1: During the 2023 calendar year we lost three trained Computer Voice Stress Analysis (CVSA) operators due to retirements and promotion. In 2024 we wills end at least one (1) CID member to be trained in CVSA protocols. Proposed training will be completed paid for by the 2024 Edward Byrne Memorial Justice Assistance Grant (JAG).
Status: Completed. Investigator Jacob Penree and Sergeant Dzenan Sabanovic attending and completed the training held Rochester, NY from July 22 through July 26, 2024.

Objective #2: Update the current outdated CVSA equipment.
Status: Completed. JAG funding was used to upgrade the current CVSA equipment to the latest version (CVSA III).

Objective #3: Send at least one (1) CID member to be trained in Bosch Crash Data Retrieval technology. Only one CID member, who is due to retire, is currently grained in this retrieval process.
Status: In December 2024, Investigator Dan Gymburch registered for this online/self-paced Institute of Police Technology and Management Bosch CDR Tool Technology training.

Crime Scene Unit/Technology Unit

Goal: Take inventory and review current equipment for upgrades and research and acquire new technology that will assist with streamlining and improving crime scene unit work.

Objective: Research available products and new technologies to document accident reconstruction scenes. Test and evaluate available systems prior to acquiring the new technology.

Status: Completed. Using funds from the DCJS Technology Grant the Utica Police Department purchased a FARO handheld scanner for seamless integration with the current 3D scanning System. This allows for expedited, comprehensive scanning of scene, specifically outdoor crash investigation scene.

Juvenile Aid Unit

Goal: Increase manpower to the unit due to increase workload as the result of the state's "Raise the Age" unfunded mandate legislation.

Objective: Train a night CID Investigator in the juvenile aid responsibilities and make their primary job function juvenile aid investigation during the night shift. This will help reduce the need for call back and reduce the case workload to the existing dayshift JAU investigators.

***Add a fourth investigator to the JAU complement (Personnel permitting) ***

Status: Completed. In April of 2024, an additional investigator was added to the Juvenile Aid Unit roster. As a result, there are currently three dayshift JAU investigators and one investigator working an evening shift. The addition of a fourth JAU investigator was the result of an evaluation of 2023 case assignment data study.

Mohawk Valley Crime Analysis Center

Goal #1: Advance digital signage program within the MVCAC Network.

Goal #2: Increase the number of pole cameras in the City of Utica.

Objective #1: Distribute five (5) digital signage boards to appropriate jurisdictions.

Objective #2: Increase the number of pole cameras in high crime areas as determined by statistical data to assist with capturing crimes in progress and assist with the arrest and prosecution of those who commit crimes.

Status: Digital Signage Boards-in progress. Signage boards were provided to law enforcement agencies in Herkimer County (Frankfort/Ilion) with more expected in the 2025 calendar year.

Pole cameras- Completed. The City of Utica currently has fifty-five (55) city owned pole cameras in designated areas across the City. Furthermore, the MVCAC partners with multiple private and outside municipal entities for live feed access to their surveillance systems.

Special Investigations Unit

Goal: Dispute the flow of Illegal fentanyl being trafficked in the City of Utica.

Objective: Work in conjunction with federal, state, and local law enforcement partners to target and dismantle a high-level drug trafficking organizations by way of a Title III wiretap investigation.

Status: Completed. In September of 2024, the Utica Police Department Special Investigations Unit partnered with the New York State Attorney General's Office on an active wiretap investigation regarding the sale and distribution of fentanyl through Upstate New York, to include targets in Utica. The investigation is continuing.

NEEDS TO BE REDACTED IF MADE PUBLIC

Warrants Unit

Goal: Increase the closure rates of current open warrants by making the public aware of open warrants in the City of Utica.

Objective: Publish open Utica Police Department open warrants on the City of Utica website and social media platforms. CID will be responsible for updating the Utica Police Department website with the current open warrants. Our Public Information Officer will be responsible for all press releases and social media postings related to updated active Utica Police Department warrants. We want to increase public awareness of those who have open warrants with UPD via periodic media releases.

Status: Completed. Three times a week our active warrant listing is updated to the City of Utica Web.

Respectfully submitted,

Captain Stanley Fernalld
Criminal Investigations Division Commander

Support Division Goals & Objectives for 2024 (REVIEW)

BUDGET & GRANTS UNIT

GOAL: To utilize state grant funding to procure new law enforcement technologies, which will replace and/or supplement several items within the Utica Police Department's current supply.

OBJECTIVE: The Utica Police Department will seek grant funding provided by the New York State Division of Criminal Justice Services to procure items needed to enhance public safety efforts within the City of Utica. Items that are part of this technological upgrade include pole cameras, license plate readers, 3D crime scene laser scanner, thermal imagers, in-car computer units, portable 2-way radios, and vehicle black box connectors. Utilizing state funding will save the City of Utica approximately $950,000.

Summary:
In July 2024, the Utica Police Department received $951,450 through the New York State Division of Criminal Justice Services' Law Enforcement Technology Grant. Funds have been used to purchase equipment and software to advance technology within the department without having to use budgetary funds.. **(GOAL COMPLETED).**

Logistics & Resources Unit

Goal: To introduce hybrid (gas/electric) vehicles into the patrol fleet in an effort to reduce fuel expenditures for the City of Utica, along with minimizing strain on engines and associated repairs.

Objective: The Utica Police Department will purchase and outfit a new Ford Explorer Police Interceptor equipped with a hybrid engine to be utilized in the role of a patrol supervisor vehicle. High engine hours in patrol vehicles are contributing to more

frequent costly repairs. Vehicles see many of these engine hours build up during periods of engine idle, which is generally during times when officers are either on the scene of an incident or in between calls for service and completing paperwork from their mobile workspaces. Hybrid technology allows the engine the turn off, while the vehicle and associated equipment continue to operate by way of battery power. Through user feedback and fleet maintenance tracking, hybrid technology will be evaluated to determine if these vehicles can effectively operate during normal patrol use.

Summary:
A hybrid Ford Police Interceptor SUV was transferred to the Crime Prevention Unit, where it was converted into a supervisor vehicle. Through feedback from unit supervisor, personnel preferred the standard engine version over the hybrid engine mainly due to engine performance differences and issues with vehicle electronics not functioning properly or powering down if the vehicle was turned off. It is yet to be determined if a hybrid type vehicle would offer any type of increased benefit to the department. ***(GOAL COMPLETED)***

Management Information Services (MIS) Unit

Goal: Upgrade the critical network security appliance (firewalls) of the Utica Police Department network system. The general lifespan of average computing components, to include servers, firewalls, battery backups, and other computing devices, is about five years. The Utica Police Department Firewall and the high availability (HA) appliance are nearing their life expectancy and need to be upgraded to continue normal operation and to protect the network from ever-evolving external threats.

Objective: The firewall's function is to protect the internal network infrastructure from external attacks and other threats, while the HA's function is to provide redundant protection in the event of the firewall's failure so that network protection continues uninterrupted. The MIS Unit, in partnership with the other contracted entities, will replace a primary network security appliance and the high availability (HA) appliance of the Utica Police Department network system. All current network configurations will be reviewed and replicated on the new security appliances so that network communication continues uninterrupted.

This upgrade will increase network protection while at the same time providing for continued uninterrupted operation of the Utica Police Department computer system.

Summary:
A project has been completed in which the Uninterrupted Power Supplies (UPS's) and Power Distribution Units (PDU's) were replaced in order to prevent disruption of power to network appliances during switchover to generator power. Now that this groundwork has been completed, we are working with our contractor to finish the firewall

configurations. Firewall installation will be completed in January of 2025. **(GOAL COMPLETED).**

Records Unit

Goal: Provide members of the Records Unit with advanced training to increase job efficiency, accuracy, compliance with records requests, and overall job functions.

Objective: A formal training relevant to the Records Unit job functions will be purchased. Each member of the Records Unit will be assigned training that is relevant to their individual job position.

Summary:
During the past year the Records Unit members were given access to and completed trainings on "Managing Police Records" as well as "Releasing and Redacting Law Enforcement Records". **(GOAL COMPLETED).**

Training Unit

Goal: It is the responsibility of the Training Unit to remain vigilant on all changes and modifications to police training, changes to curriculum and opportunities to elevate and enhance the skills of agency instructors. The NYS Department of Criminal Justice Services (DCJS) has developed a new firearms curriculum. The Training Unit will ensure that the skills in the new DCJS curriculum will be implemented into the curriculum of our annual in-service training.

Objective: The new DCJS approved firearms curriculum is structured to match how the brain learns and retains skills. It also implements the use of de-escalation and decision-making skills. This curriculum will eventually be mandatory to deliver at the Basic Course for Police Officers. A DCJS approved 5-day instructor workshop has been created and presented throughout the state for the purpose of training current firearms instructors with these new learning objectives.

The agencies cadre of firearms instructors who have attended the DCJS firearms instructor workshop will be tasked with implementing the skills learned into our agency's annual in-service firearms training. The Training Unit will also be tasked with sending more of our firearms instructors to the 5-day firearms workshop to further enhance their skills and to deliver the material as needed.

Summary:

In response to DCJS' roll out of the new Firearms Curriculum, and in an effort to provide our officers with the most up to date, science based training methods, The Training Unit sent several instructors to receive the DCJS updated firearms training. The Training Unit sent three Police Instructors to the two week long "Pilot Course" and two Police Instructors to the five day "Firearms Workshop"; bringing the total number of Firearms Instructors certified in the new curriculum to seven.
In September of this year during our biannual Firearms In-Service Training, Firearms Staff introduced the new DCJS curriculum to the members of the Utica Police Department. An emphasis was placed on weapons safety, movement, positional work, teaching fundamentals and the new qualification standards. This new material was also covered in August of this year during the Mohawk Valley Police Academy's Firearms Training, where it was received by the six new Utica Police hires. **(GOAL COMPLETED)**

Respectfully submitted,

Captain Brian D. Bansner #0399
Support Division Commander

2024 Uniform Patrol Division Goals & Objectives

Crisis Response Team (CRT)

Goal: Expand the Crisis Response Team's outreach by adding an afternoon shift which will continue to engage emotionally distressed individuals and connect them with mental health services.

Objectives: Add an afternoon shift to CRT. Update policy and procedure for CRT to provide a roadmap for the Crisis Response Team as a whole.

Status: This goal was accomplished in September 2024 with the transfer of PO Amanda Maciol to the Crisis Response Team and pairing her with co-responder Counselor Frederick Gambrel, in that the new Crisis Response Team would work from 1600-0000 hours in advancement of the Crisis Response Team's goal of adding an afternoon shift to engage emotionally distressed individuals and connect them to the appropriate services. The Crisis Response Team's policy and procedures are set, same are reviewed monthly during a meeting involving the Crisis Response Team's stakeholders.

METRO SWAT

Goal: Maintain the DCJS MPTC SWAT Team Certification Standards.

Objectives: Complete an audit of said standards to ensure the team's compliance with same, address any shortfalls, one such current shortfall is in regards to the "Command and Supervision" Training Standard in that the Team Commander must complete approved "SWAT Command" training set forth by the National Tactical Officers Association.

Status: This goal was partially accomplished in that the METRO SWAT Team completed an audit of the DCJS MPTC SWAT Team Certification Standards noting the

aforesaid shortfall in regards to the "Command and Supervision" Training Standard in that the Team Commander has yet to complete a "SWAT Command" training set forth by the National Tactical Officers Association. Given said shortfall, METRO SWAT coordinated with DCJS to allow for extra time to accomplish said "SWAT Command" training so that Captain Holt who is the Team Commander could instead attend the FBI National Academy Class 292 from September 2024 through December 2024. In turn, DCJS granted METRO SWAT said reprieve with the stipulation that said "SWAT Command" training would be accomplished in 2025. Furthermore, DCJS affirmed that METRO SWAT's DCJS MPTC SWAT Team Certification is valid through May 23, 2027 at which time a recertification application is necessary.

Traffic Unit

Goal #1: Create a parking plan that incorporates the roadways surrounding the Wynn Hospital and Adirondack Bank Center/Nexus Center.

Objective #1: Complete a comprehensive parking survey with insight from all stakeholders, utilizing said survey strategize a plan that is agreeable to all stakeholders, offer legislation in support of the plan, implement any approved legislation, and conduct the necessary outreach and enforcement to ensure legal parking throughout the targeted area.

Status: This goal was accomplished by way of meeting with Mayor Galime in May 2024 so that he could provide his vision for a parking plan that incorporated the roadways surrounding the Wynn Hospital and Adirondack Bank Center/Nexus Center. After meeting with the Mayor, the task of making the parking plan reality was tasked to the Traffic Unit. In turn, the Traffic Unit made contact with all stakeholders in the targeted area so that their insight on the proposed parking plan could be gleaned. After contacting all stakeholders, the Traffic Unit completed a parking survey detailing all parking initiatives and the reasoning for same associated with the proposed parking plan. In June 2024, said parking survey was reviewed by Chief Williams and approved at which time the parking plan which included the aforesaid survey and all applicable legislation was submitted to the Common Council for legislative action. In July 2024, the parking plan to include all legislation was approved by the Common Council, same was forwarded to the Department of Public Works Sign Shop for construction/erection of the applicable signage.

Goal #2: Take the lead in inspiring the creation a traffic safety plan that incorporates the roadways surrounding the Adirondack Bank Center/Nexus Center.

Objective #2: Engage all stakeholders and assist in the completion of a comprehensive traffic safety plan that incorporates the roadways surrounding the Adirondack Bank Center/Nexus Center, offer legislation specific to city owned roadways in support of the plan, implement any approved legislation, and conduct the necessary

outreach and enforcement to ensure compliance with traffic control devices throughout the targeted area.

Status: This goal was accomplished in early 2024 by way of planning meetings with all stakeholders took place to discuss a traffic safety plan for the surrounding area. Said stakeholders being the City of Utica Engineering/Police/Fire, County of Oneida Planning, New York State Department of Transportation, and the Adirondack Bank Center/Nexus Center Facilities Manager. A traffic safety plan for the targeted area was devised which included enhanced crosswalk and pedestrian safety signage as well as a four-way stop utilizing stop signs at the intersection of Broadway and Whitesboro St. After said planning meetings, the task of making the traffic safety plan reality was tasked to the Traffic Unit. In turn, the Traffic Unit completed a survey detailing said traffic safety plan's initiatives and the reasoning for same. The survey was reviewed by Chief Williams and approved at which time the traffic safety plan which included the aforesaid survey and all applicable legislation was submitted to the Common Council for legislative action. Said traffic safety plan to include all legislation was approved by the Common Council, same was forwarded to the Department of Public Works Sign Shop for construction/erection of the applicable signage.

Uniformed Patrol Branch

Goal #1: Enable members of the Patrol Division, specifically members of the Uniform Patrol Branch opportunities to cross-train in various specialized units throughout the department, all in an effort to broaden their law enforcement career knowledge and experience.

Objective: Provide members of the Patrol Division, specifically members of the Uniform Patrol Branch with opportunities to broaden their law enforcement career knowledge and experience by offering temporary assignment to any of the department's various specialized units such as but not limited to General Criminal Investigations, Warrants, Special Investigations, Crime Prevention, etc. With that said, the aspiring officers who exhibit the necessary work ethic, decision making, and drives will be selected to be cross-trained in a prospective unit by the officer's Command Staff as designated by the Chief of Police.

Status: This goal was accomplished by way of numerous temporary training transfers involving various members of the Patrol Division who were transferred to various specialized units throughout the course of 2024:

- PO Kyle Fee to the Crime Prevention Unit
- PO Andrew Citrinitti to the Crime Prevention Unit
- PO Steven Gray to the Crime Prevention Unit
- PO James Femia to the Juvenile Aid Unit
- PO Carlie Cimpi to the Juvenile Aid Unit
- PO Michael Flo to the GIVE Unit

- PO Steven Gomez to the Warrants Unit
- PO Patrick West to the General Investigative Unit.

Goal #2: Continue to broaden the law enforcement career specific knowledge base of our Supervisors within the Patrol Division through targeted training.

Objective #2: Provide supervisors within the Patrol Division with targeted training in an effort to develop well rounded supervisors who are abreast of all law enforcement pertinent laws, policy, procedure, and best practices which will allow for sound decision making and informed risk mitigation.

Status: This goal was accomplished by way of the following targeted training initiative: In November 2024, numerous members across all divisions in the Utica Police Department to include numerous officers and supervisors assigned to the Patrol Division attended a one day (8 hour) search and seizure training taught by the Program Manager for Lexipol- Retired Chief Michael Ranalli. The training was targeted in association with the GIVE program as to provide information and clarity on complex legal concepts and issues connected to reality based applications, in doing so attendees would hopefully enhance confidence, be able to make more effective decisions when faced with search and seizure issues, and in doing so reduce liability when faced with street encounters.

Respectfully submitted,

Captain James R. Holt Jr.
Patrol Division Commander

2025 Utica Police Department Goals Objectives.pdf

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Utica Police Department's

2025 Goals & Objectives for the Criminal Investigations, Support & Uniform Patrol Divisions.

January 16, 2025

Criminal Investigations Division Goals & Objectives for 2025

Criminal Investigation Section

Goal: Utilize new and upcoming Unmanned Ariel Vehicle (drones) technology to supplement and enhance criminal investigations.

Objective #1: Find and apply for Federal or State grant opportunities to purchase the equipment for the start-up program.

Objective #2: Train members from the Criminal Investigation, and possibly Uniform Patrol Division, to complete the necessary Part 107 UAV certification.

Objective #3: Establish an agency Drone as First Responder (DFR) program.

Crime Scene Unit

Goal: Evaluate and improve the forensic analysis of tested firearm cartridges to aid in projectile and casing comparisons.

Objective: Replace the current Kevlar test-firing chamber with a modern projectile retrieval system that will aid in the correlation of firearm evidence via the National Integrated Ballistic Information Network.

Juvenile Aid Unit

Goal: Improve the intelligence collect on youth crime/delinquency by standardizing the offender debriefing process.

Objective: Create a standardized juvenile offender debriefing form that the Juvenile Aid Unit investigators will complete during all offender interviews. The debrief form will focus on gang/group and criminal/delinquency activity. This information will be shared with the Mohawk Valley Crime Analysis Center for evaluation and link analysis.

Professional Standards Unit

Goal: Improve internal investigations by staying informed on changes to law, current trends, and best practices for the unit.

Objective #1: Implement the new "Blue Team" frontline software for our IAPro platform throughout the department, which will aide in reporting use of force incidents and track employee performance as an early warning function.

Objective #2: Send assigned PSU members to at least one educational training relative to their duties to improve their knowledge and performance.

Special Investigations Section

Goal: To improve the information sharing and inter-divisional communications between the Special Investigations Unit (SIU) and the Crime Prevention Unit in order to advance the street-level narcotics enforcement within the City of Utica.

Objective: SIU will share narcotic hotspot locations, Crime Stopper, and other pertinent information on the sale and distribution of narcotics with our Crime Prevention Unit.

Warrants Unit

Goal: Establish the means to execute "Orders to Produce" of subjects with warrants who are incarcerated outside of Oneida County.

Objective: Work with the Oneida County District Attorney's Office to establish protocols to produce subjects with Utica City Court warrants, who are incarcerated outside of Oneida County. Also, along with the OCDA's office, establish a relationship with the adjoining County Correctional facilities to assist us with this.

Respectfully submitted,

Captain Stanley Fernalld
Criminal Investigations Division Commander

Support Division Goals & Objectives for 2025

Management Information Services (MIS) Unit

Goal: Migrate key network equipment from the basement server room to the second-floor server room.

Objective: Currently there is key network equipment that is mounted in racks in the basement server room. Having it in this location is not advantageous as it requires numerous Ethernet and fiber optic connections that run from there to the second-floor server room. These connections and the equipment housed in the basement are vulnerable to disruption by construction, building maintenance projects, flooding, and power outages- as they are not supported by adequate backup power supplies. These disruptions lead to periodic loss of network functions and greatly complicate the job of maintaining the network and implementing improvements.

The plan is to move the Firewall's, Spectrum Fiber Optic internet connection, and other switch equipment to the second-floor server room, effectively eliminating these vulnerabilities and the complications of having the equipment separated. This equipment will be connected to the new dual uninterruptable power supplies (installed November 2024) that will carry the load and keep equipment powered during times when the building switches to generator power or power fails all together.

Records Unit

Goal: Designate and area within the Records office to add file cabinets to create storage for Permanent Retention Records to better protect them and organize them.

Objective: Designate and area within the Records office to add file cabinets to create storage for Permanent Retention Records such as Homicide, Suicide, Active Missing Persons, Arson, and Stolen/Missing Firearms not yet recovered. Currently these records are stored in various locations throughout the office and basement storage area due to a current lack of space and available file cabinets to put them in. This makes it hard to keep track of these records, and any that are currently kept in the basement is subjected to moisture which can cause them to deteriorate over time.

Training Unit

Goal: Incorporate the Interleaving Method and Spacing Practice into Police Academy training.

Objective: Studies have shown that the Interleaving Method of training is superior to the Block Method that has been used to train up to this point. Interleaving is the opposite of Blocked practice. Blocked practice repeats the task or lesson over and over again for a number of repetitions before moving on to the next task to practice. Interleaving switches up the amount and order in which the task is practiced. Interleaving results in greater retention.

Spacing Practice is a learning strategy that involves reviewing information at spaced intervals, which helps to solidify memory by actively engaging the brain at different time periods, rather than cramming information all at once. These training methods will be implemented in the Recruit Curriculum for Defensive Tactics, Active Shooter, Report Writing, Penal and Vehicle/Traffic Law, Vehicle Stops, and Reality Based Training Scenarios. These methods have been found to create a more “durable” memory, increase the speed and accuracy of performance, and causes officers to make more informed and effective decisions during high stress encounters.

Logistics and Resources Unit

Goal: To achieve re-accreditation, which will keep the department operating within DCJS approved standards for the next 5 years. The Utica Police Department will ensure all new standards set forth by DCJS are implemented into policy and followed by all personnel throughout this

period.

Objective: The Utica Police Department will go through the re- accreditation process in the summer of 2025 with the Department of Criminal Justice Services. With a successful review, the Utica Police Department will continue with its accredited status

for another five-year period (2025-2030).

Budget and Grants Unit

Goal: Purchase new duty weapons for each officer in the department to replace our current aging weapon system.

Objective: The Utica Police Department will seek to obtain the necessary funding to purchase new duty weapons that will include upgraded optics, weapons lights and holsters. The new weapons will be in line with current industry standards and recommended guidelines for our operational environment.

Respectfully submitted,

Captain Brian D. Bansner #0399
Support Division Commander

Goals & Objectives for the Uniform Patrol Division 2025

Uniformed Patrol Branch

Goal: Decrease the number of shots fired incidents by increasing checks of GIVE initiated micro hot spots through utilization the Department's newly acquired Patrolfinder technology for a 3-month trial which is anticipated to start in 2025.

Objective: By utilizing the Patrolfinder technology, Utica Police command staff personnel will have the ability to very accurately track the number of times an officer patrols in the vicinity of a GIVE micro hot spot. This technology may also give way to the elimination of time consuming documentation of the checks further incentivizing officers to conduct more frequent checks of the locations. Empirical studies show that gun-related violence tends to cluster in specific areas within a city. These concentrated locations account for a significant proportion of crimes committed within larger geographical areas. Using this technology, the objective is to have these areas that require special attention patrolled more often thus leading to a decrease in the number of confirmed shots fired incidents that patrol responds to on an annual basis.

Crime Prevention Unit

Goal: To increase the amount of training that Crime Prevention Unit (CPU) members receive throughout the year.

Objective: Members assigned to the crime prevention unit will increase the number of hours spent in training in 2025. Members will be encouraged to attend as much training as possible in regard to citizen contacts, street encounters, use of force, response to resistance, de-escalation, search and seizure law, criminal law, case law, constitutional law, stop and frisk and DeBour doctrine. These trainings will aid in reducing the liability

that the city is exposed to by members who engage in this kind of pro-active police work.

Patrol Support Branch

Traffic Unit

Goal: Continue to be attentive to traffic complaints/concerns, specifically traffic complaints/concerns of city officials and/or residents, by conducting/participating in at least three traffic enforcement details each month, with a focus on abating said traffic concerns by means of vigilance and enforcement.

Objective: At the beginning of each month, the Patrol Support front line supervisor will set a plan for at least three traffic enforcement details to be completed by the end of the month in question, aimed at abating recent traffic complaints/concerns of city officials and/or residents. The details will be supervised by the Patrol Support front line supervisor and conducted by members of the Traffic Unit with assistance of other resources as necessary. The results of each detail will be codified and documented within our departmental records management system (Type: "Detail-Traffic") for review and/or reference.

Domestic Violence Unit

Goal: Continue to ensure all high risk domestic violence victims, serviced by our agency, are aware of and have been afforded all attainable domestic violence services and protections by conducting a monthly audit to ensure there are no service gaps and/or shortfalls.

Objective: At the beginning of each month, the officer assigned to the Domestic Violence Unit will conduct an audit of all high risk domestic violence victims (as designated by the Law Enforcement Danger Assessment "DA-LE") who were serviced by our agency the prior month, to ensure that said victims are aware of and have been afforded all attainable domestic violence services and protections, if service gaps and/or shortfalls are noted, the Domestic Violence officer conducting the audit shall take the appropriate action(s) necessary to rectify the noted gaps and/or shortfalls. The Patrol Support front line supervisor will ensure said monthly audit is completed.

Crisis Response Team (CRT)

Goal: Expand the Crisis Response Team's outreach by ensuring co-responder shift coverage continues when the Officer assigned to either shift (day shift and/or afternoon shift) is off-duty/unavailable however their cohort (Crisis Counselor) is on-duty/available.

Objectives: Whenever the Officer assigned to either Crisis Response Team (day shift and/or afternoon shift) is off-duty/unavailable however their Crisis Counselor is on-duty/available, the respective Patrol Squad Commander will be notified at which time the Squad Commander will arrange for the Crisis Counselor to be paired with an Officer who is crisis intervention trained from their patrol shift. In doing so, the Crisis Response Team's shift coverage will be less likely to have gaps in availability therefore their outreach will inherently expand which will allow for increased opportunity to engage emotionally distressed individuals and connect them with mental health services.

Community Outreach Team (COT)

Goal: Continue to build community relationships by expanding community engagement methods.

Objective: Develop, plan, market, coordinate, and facilitate new initiatives/methods for community engagement. One such initiative is the prospect of obtaining a repurposed Ice Cream Truck to be utilized by members of the Community Outreach Team for community engagement throughout the city's various neighborhoods and at select local events.

Goal: Expand the Community Outreach Team's focus to include assisting with the coordinated community response to humanely addressing the concerns presented by the city's seemingly growing homeless demographic.

Objectives: Proactively address quality of life concerns posed by the city's homeless population through enforcement of laws aimed at abating the imposing concerns while also humanely working to connect said population with needed services to resolve their homelessness.

METRO SWAT

Goal: Maintain the DCJS (MPTC) SWAT Team Certification Standards.

Objectives: Complete an audit of said standards to ensure the team's compliance with same, address any shortfalls, one such current shortfall is in regard to the "Command and Supervision" Training Standard in that the Team Commander must complete approved SWAT Command training set forth by the National Tactical Officers Association.

Respectfully submitted,

Captains James Holt & Howard Brodt
Uniform Patrol Division Commanders

Seek Attack Pro Thermal Imagers.pdf

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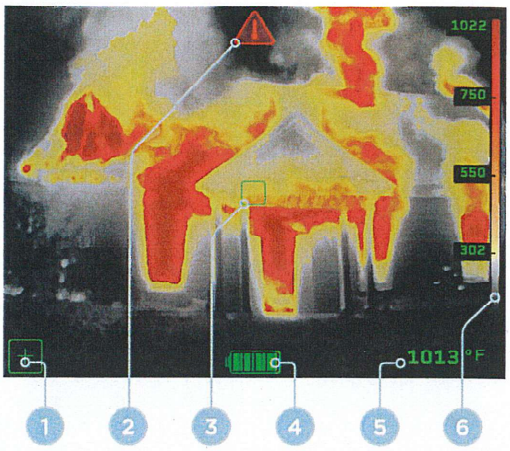
AttackPRO+ Quick Reference Card

Technical Specifications

Specifications	Description
Thermal Sensor	320 x 240 (76,800 pixels) 7.8-14µm
Detection Distance	12 inches to 1,000 feet
Field of View	Wide, 57 ° HFOV, 42 ° VFOV
Start up time	< 5 secs
Object Temperature	-4 to 1,022 °F (-20 to 550 °C)
Operating Temperature	-4 to 131 °F (-20 to 55 °C) no time limit up to 302 °F (150 °C) - max 15 min up to 500 °F (260 °C) - max 5 min
Frame Rate	> 25Hz Fast Frame
Thermal Sensitivity	< 35 mK
Gain Mode	Auto Mixed Gain Mode, pixel by pixel
Image Modes	TI BASIC (white hot & color above 302 °F/ 150 °C)
Accuracy	Typical: +/-5°C or 5% of reading @ ambient 22 °C
Display	3.5" color LCD, 320 x 240, Impact resistant glass
Flashlight	300 Lumens LED
IP Rating	IP67
Battery	Li-Ion, 3.6V 4900mAh, Rechargable
Battery Operating Time	6hrs (thermal imaging only @ 77 °F/25 °C) 3hrs (imaging w/ flashlight @ 77 °F/25 °C)
User Interface	Two button tactile operation
USB interface	USB Type-C for firmware updates
Weight	2.5lbs (1.17kg)
Size (approx.)	11" x 4.5" x 5" (280mm x 115mm x 130mm)
Drop/Impact	2m, multi-orientation onto concrete
Performance	Certified to NFPA 1801:2021 Standard on Thermal Imagers for the Fire Service

User Interface



On-Screen Device Icons:

1. TI Basic+ Mode indicator
2. Overtemp indicator
3. Spot temperature reticle (when TI Basic+ enabled)
4. Battery charge status
5. Spot temperature reading (when TI Basic+ enabled)
6. Temperature color bar

Battery Status:

- >75% charge remaining
- >50% charge remaining
- >25% charge remaining
- <25% charge remaining

(>5min remaining when flashing)

Cleaning Instructions and Care: Clean the lenses and display using a lint-free cloth and commercial lens cleaning solution. Clean the camera housing using mild soap and warm water.

DO NOT USE SOLVENTS WHEN CLEANING THE PRODUCT

Imagery for illustration purposes only. Specifications subject to change without notice. Please visit support.thermal.com for the latest specifications and support.

Seek thermal

thermal.com

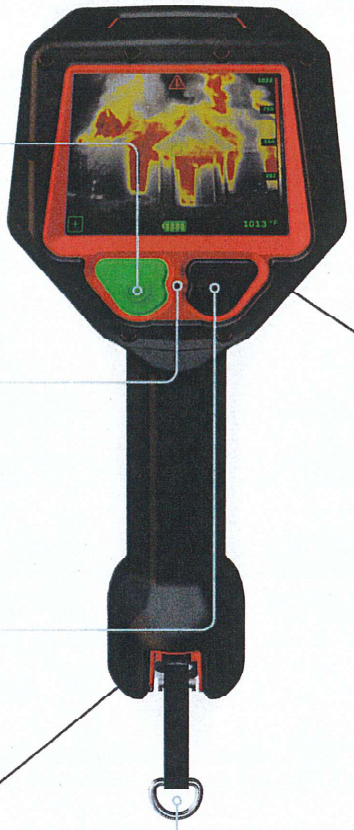
PN 4779 REV 1

AttackPRO+ Quick Reference Card

On / Off / TI Basic:
Press and Release to Power On. Press and Release to return to the default TI Basic mode. Press and Hold for 3 seconds to Power Off.

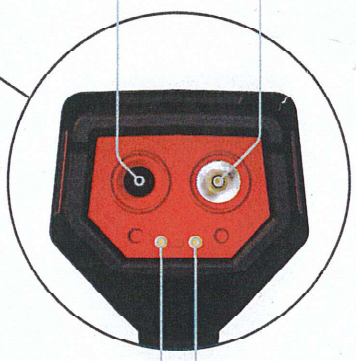
°C / °F:
Using a paper clip or pen tip, Press and Release to change from °C to °F.

Flashlight / TI Basic+:
Press and Release to turn the flashlight On/Off. Press and Hold 3 seconds to Enable/Disable Center Reticle and Spot Temperature (TI Basic+).



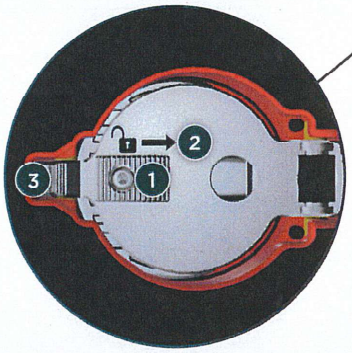
Thermal 320 x 240 sensor

300 Lumens Flashlight



Truck Charger Contacts

Lanyard Attach Loop







Removing the Battery:

1. Slide the spring-loaded thumb lock in the direction of the arrow (shown).
2. Press down on the thumb lock.
3. Slide the release latch toward the front of the camera.

Inserting the Battery:

1. Align plastic rib on battery housing with channel inside of grip.
2. Insert fully and press on bottom plate to latch.
3. Ensure the spring-loaded thumb slide is in locked position.

Seek thermal

thermal.com

Copy of FTO Call Log Shet.pdf

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FTO Call Log Sheet

Week:

Call Type:	1	2	3	4	5	6	7	8	9	10	11	12
DIR												
SIR												
Arrest												
EDP (9.41/22.09)												
MVA												
MV Stop												
Citizen Stop												
Ejustice Entries (File 1, 6, 7, 8, etc)												
Death Investigation												
Missing Person Inv												
ET Work												
DWI Investigation												
Shots Fired												
Sex Crimes Investigation												
Robbery												
Burglary												
Homicide												

Memo 22-03.pdf

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MEMO# 22-03

TO: All Sworn Personnel
Issuing Authority: Chief Mark Williams
DATE: 08/25/22
SUBJECT: Missing Arrest Data

Anytime anyone within our agency receives a notice of Missing Arrest Data similar to the notice attached, the following steps shall be taken:

1. **The notice shall be forwarded to the Patrol Division Support Lieutenant.**

2. **In turn, the Patrol Division Support Lieutenant will conduct a MasterCard search of the subject in question for the purpose of ascertaining the subject's contact information (address, phone #, etc.). The subject's contact information found within RMS will be cross checked with the contact information on file with the NYS Court System (this will be accomplished by crosschecking the contact information with Utica City Court Clerk Elaine Martin – ezmartin@nycourts.gov).**

3. **Upon obtaining contact information for the subject in question, the Patrol Division Support Lieutenant will attempt to make contact with the subject so that an appointment can be scheduled for the subject to submit the missing arrest data (fingerprints and/or photographs) via the agency's RICI system. The Patrol Division Support Lieutenant will coordinate same with the Booking Officer on-duty at the time of the scheduled appointment to confirm that the missing arrest data in question has been submitted accordingly.**

4. **If after several attempts the missing data is unable to be obtained and submitted (for whatever the reason may be.....inaccurate contact information, missed appointments, refusal to submit missing data, etc.), the Patrol Division Support Lieutenant will contact Utica City Court Clerk Elaine Martin – ezmartin@nycourts.gov and ask that a "Missing Arrest Data Letter" along with a "Notice to Present" from Utica City Court similar to the letter/notice attached be sent to the subject in question advising the subject that they are missing arrest data and they must present to submit said arrest data at the Utica Police Department Patrol Division – Booking Officer. Simultaneously, the Patrol Division Support Lieutenant will notify MIS that a "Permit Tab" for the missing arrest data in question must be created within the subject's MasterCard file annotating the need for same to submit the missing arrest data should they be taken into custody for any reason by the Utica Police Department.**

5. **Upon noting that a subject has a Permit Tab for missing arrest data, the on-duty Booking Officer shall submit the prescribed missing arrest data and notify MIS so that the Permit Tab for the missing arrest data created in the subject's MasterCard file can be deleted.**

Missing Arrest Data Example.pdf

FLIR Scion User Manual.pdf

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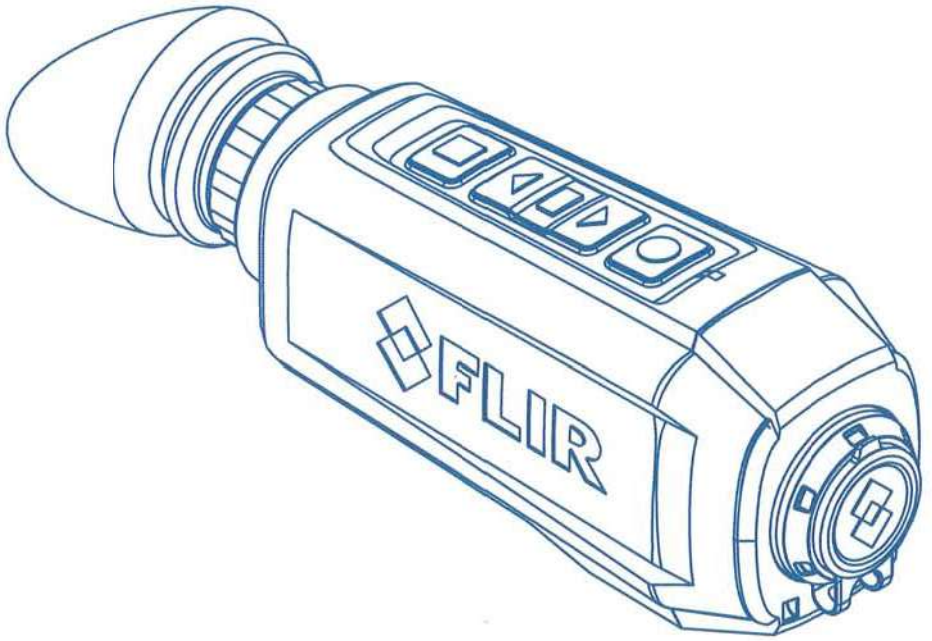
FLIR

FLIR SCION™

Thermal Monocular



USER MANUAL

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This product is protected by patents, design patents, patents pending, or design patents pending.

If you have questions that are not covered in this manual, or need service, contact FLIR OTS customer support for additional information prior to returning a camera.

Phone:1-888-959-2259

Email: **US_CBUsupport@flir.com**

This documentation is subject to change without notice.

Proper Disposal of Electrical and Electronic Equipment (EEE)

The European Union (EU) has enacted Waste Electrical and Electronic Equipment Directive 2002/96/EC (WEEE), which aims to prevent EEE waste from arising; to encourage reuse, recycling, and recovery of EEE waste; and to promote environmental responsibility.

In accordance with these regulations, all EEE products labeled with the "crossed out wheeled bin" either on the product itself or in the product literature must not be disposed of in regular rubbish bins, mixed with regular household or other commercial waste, or by other regular municipal waste collection means. Instead, and in order to prevent possible harm to the environment or human health, all EEE products (including any cables that came with the product) should be responsibly discarded or recycled.

To identify a responsible disposal method where you live, please contact your local waste collection or recycling service, your original place of purchase or product supplier, or the responsible government authority in your area.

Business users should contact their supplier or refer to their purchase contract.

Important Instructions and Notices to the User:

Modification of this device without the express authorization of FLIR Commercial Systems, Inc. may void the user's authority under FCC rules to operate this device.

Note 1: This equipment has been tested and found to comply with the limits for a Class B digital device, pursuant to Part 15 of the FCC rules. These limits are designed to provide reasonable protection against harmful interference in a residential installation.

This equipment generates, uses, and can radiate radio frequency energy and, if not installed and used in accordance with the instructions, may cause harmful interference to radio communications. However, there is no guarantee that the interference will not occur in a particular installation. If this equipment does cause harmful interference to radio or television reception, which can be determined by turning the equipment off and on, the user is encouraged to try to correct the interference by one or more of the following measures:

- Reorient or relocate the receiving antenna
- Increase the separation between the equipment and receiver
- Connect the equipment into an outlet on a circuit different from that of the receiver
- Consult the dealer or an experienced radio/ television technician for help.

Industry Canada Notice:

This Class B digital apparatus complies with Canadian ICES-003.

Avis d'Industrie Canada:

Cet appareil numérique de la classe B est conforme à la norme NMB-003 du Canada

FLIR Outdoor & Tactical Systems

9 Townsend West Nashua, NH 03063

Phone: **1-888-959-2259**
or **(603) 324-7600**

Fax: **1-888-959-2260**

E-mail: **US_CBUsupport@flir.com**

www.flir.com

Export Information

Equipment described herein may require US Government authorization for export purposes Diversion contrary to US law is prohibited.

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SAFETY STATEMENT

- Read and follow all instructions
- Read all warnings
- Only use the attachments/accessories specified by the manufacturer
- All service must be provided by t he manufacturer

WARNING:
DO NOT DISASSEMBLE THE DEVICE.
Disassembly can cause permanent damage and void the warranty.

WARNING:
This product contains natural rubber latex, which may cause allergic reactions!

CAUTION:
Use of controls or adjustments or performance of procedures other than those specified herein may result in hazardous radiation exposure.

CAUTION:
- Do not point the camera at high-intensity radiation sources such as the sun, lasers, or arc welders
- Do not leave fingerprints on the camera's infrared optics. Clean only with low pressure fresh water and a lens cloth
- Keep the equipment clean. Protect it from moisture, dramatic temperature drops, and electrical shocks
- DO NOT force the equipment controls past their stopping points
- DO NOT leave the equipment activated during breaks in operation
- DO NOT store the equipment with the batteries installed
- Thoroughly clean and dry each item before placing them into the storage case

NOTES:
- To avoid losing unsaved data, DO NOT remo the batteries or disconnect the external pow source while the product is on
- Inadvertent sun damage is not considered a defect in material or workmanship, and is therefore not covered in the product warran

Scion™ Thermal Monocula

The Scion thermal imaging monocular is used a handheld viewer, and it has the ability to sa an image or a video clip.

Nevertheless, in the industry and throughout this manual, this type of device is also referre to as a camera.

SECTION 1. INTRODUCTION

1.1 Monocular

This manual covers the FLIR Scion thermal monocular and all applicable components. It is recommended that you read and understand this manual to optimize the monocular's operation.

1.2 Introduction

The FLIR Scion™ OTM captures clear thermal imaging and leverages a refined user interface to quickly detect objects of interest in complete darkness and through glaring light or haze. Built around FLIR's powerful Boson core, the Scion OTM produces 9 or 60 Hz thermal imaging and records geotagged video and still images for playback long after the day is done. A rugged, IP67-rated housing and intuitive controls allow single-hand operation in harsh weather conditions, maintaining reliable thermal imaging in the most demanding outdoor environments.

Built to equip law enforcement professionals with superior thermal surveillance, the FLIR Scion™ PTM packs the same features as Scion OTM's, coupled with FLIR TruWITNESS® compatibility. That package can instantly stream encrypted thermal footage of any pursuit, evidence recovery, or search and rescue effort to the command center via wireless network. The Scion PTM is only available in 60 Hz.

NOTE:
Internal recording and image capture cannot be used when USB-C is plugged into a computer.

1.3 Features

- FLIR BOSON 320 x 256 or 640 x 512 (depending on model) 12 µm VOx Microbolometer
- High definition display
- 6 thermal palette choices
- Picture-in-Picture mode
- Digital zoom up to 8x (depending on model)
- 2 GB internal storage, expandable up to 128 GB with optional micro SD™ Card
- Bluetooth® and Wi-Fi enabled
- IP67-rated
- Up to 4.5 hours of battery life at 20°C
- Limited 3-year warranty
- 10-year warranty on FLIR detector

1.4 Register Your SCION

In order to validate the warranty on your product, FLIR Outdoor & Tactical Systems must register the product at:

www.flir.com/support-center/support-hq/

1.5 Infrared Thermal Vision versus Image Intensified Night Vision

Breach makes images from heat, not light, a feat impossible for the naked eye or image intensified (I^2) night vision devices. This allows you to see clearly without any visible light. People, animals, and objects all generate or reflect heat and are clearly seen by the Breach in even the most adverse conditions.

Scion enables the user to:

- See people or objects in difficult terrain, reduced visibility, or total darkness
- See through smoke, dust, and light fog
- See more and further than low light night vision

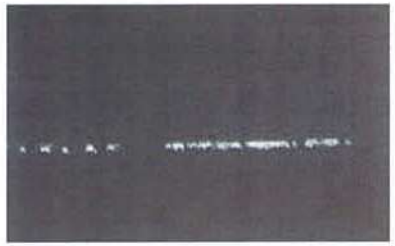


IMAGE INTENSIFIED I^2

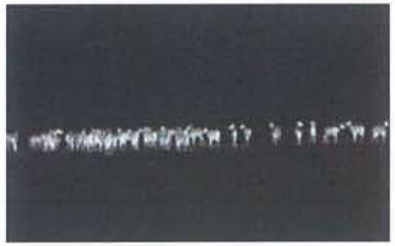


THERMAL IMAGING

1.6 Detection, Recognition, Identification



DETECTION
I see something.



RECOGNITION
It's a four-legged animal.



IDENTIFICATION
I can tell it is an Elk.

SECTION 2. GETTING STARTED

2.1 UNPACKING AND INSPECTING

The FLIR Scion monocular is available with the features, options, and accessories described in this manual. Refer to the packing list enclosed with your product to determine the actual contents of your product package.

In addition to the product, the following items are included in the product package:

- FCC Declaration of Conformity
- CE Declaration of Conformity



Thermal Monocular



2 (Two) CR123A Lithium Battery



USB Cable



Lens Cloth



Thank You Card

2.2 Battery

The FLIR Scion monocular uses 2, 4, or 6 standard CR123A Lithium batteries.

BATTERY STATUS INDICATOR

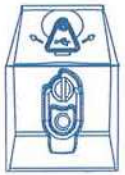
While the monocular is ON, a battery status indicator is always shown in the corner of the display. This indicator provides an estimation of the remaining battery charge.

Battery Installation

Verify that the equipment is off before installing battery.

Install battery as follows:

1. Open battery door by turning door latch 90 degrees
2. Remove battery tray
3. Install 2, 4, or 6 CR123 batteries in tray following proper polarity
4. Install tray inside battery compartment
5. Securely close battery compartment with screw latch



Battery Door

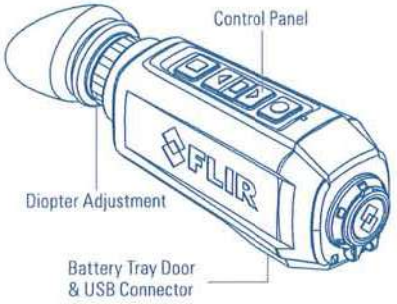


Battery Tray

SECTION 3. OPERATING THE SYSTEM

3.1 System Controls

This section details the use of the Breach controls.

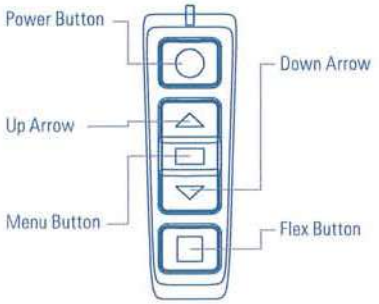


3.1.1 Diopter Adjustment

The diopter adjustment allows a user to alter the viewfinder to accommodate that individual's eyesight for optimum image sharpness. While looking through the eyepiece, rotate the diopter adjustment ring to optimize the sharpness of the image in the viewfinder.

3.1.2 Control Panel Buttons

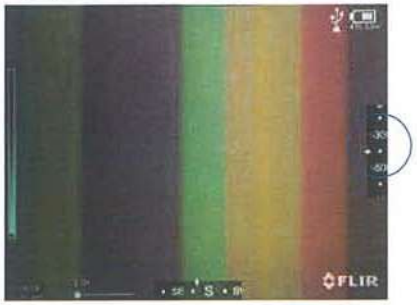
The control panel buttons configures operational settings.



3.1.2.1 Digital Zoom Control

- Short press the UP arrow to zoom in using step e-zoom
- Short press the DOWN arrow to zoom out using step e-zoom
- Long press the UP arrow to zoom in using progressive e-zoom
- Long press the DOWN arrow to zoom out using progressive e-zoom

The actual e-Zoom value will be displayed at the top of the scale. The scale will continue to display until e-Zoom is returned to 1x.



3.1.2.5 SNAPSHOT

The snapshot function is used to capture images and to record video.

Taking A Picture

Short press the FLEX button to capture an image. The image file name will briefly appear on the bottom-right section of the display.

Recording Video

Long press the FLEX button to START/STOP recording. A REC icon will appear in the top-right corner of the screen while the camera is recording. A total recorded time will also be visible next to the REC icon. When completed, the recording file name will be displayed on the bottom-right section of the display.

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3.1.2.6 UCMNUC/FFC

As the camera changes temperature, its pixels may drift due to internal and external temperature change. The pixels do not drift uniformly. The camera software compensates for the drift up to an accurate position point. This UCMNUC/FFC function is triggered when the limit is reached. A uniform mechanical shutter is placed between the lens and the detector for a moment, and the signal is processed. Push the two control buttons ▲ and ▼ at the same time for three seconds to manually trigger a **User-Controlled Manual Non-Uniformity Correction / Flat-Field Correction**.

3.2 Using USB-C Connector

Remove the connector protective cap. Connect USB-C cable.

To view video using the USB-C, connect the cable to a USB input of a computer. Then it can be viewed like an external webcam.

To read/copy/delete files on the internal memory of Scion, operate it like any external mass storage device connected by an USB cable.

To power the Scion from an external source plug the cable into any standard USB power

SECTION 4. MAIN MENU

4.1 Main Menu

Most setup options can be accessed from the MAIN MENU.

To display the MAIN MENU, hold down the central MENU button on the control panel.



Once the MAIN MENU is displayed, use the UP and DOWN arrows buttons to navigate through the items on the menu.

Push the MENU button to view the settings available for the item selected.

Use the UP and DOWN arrows buttons to adjust the settings when specified on the menu screen when highlighted.

Short press the POWER button to return to previous menu level or exit menu structure.

4.2 PALETTE MENU

The PALETTE menu allows you to select from a choice of temperature imaging modes.

The palettes act as color templates for visualization of temperature changes in the scene.



Navigate through the PALETTE menu with the UP and DOWN arrows.

There are six palettes available. Please see the following images for examples of Scion's color palettes.

WHITE HOT

Most commonly used palette. Hot objects appear white. Good for scenes with either high or low contrast.



IRONBOW

Ironbow uses color to show heat distribution and identify subtle details. Hot objects are shown in lighter, warm colors while colder objects are dark, cool colors.



BLACK HOT

Hot objects appear black. Scenes appear more lifelike than White-Hot, especially at night.



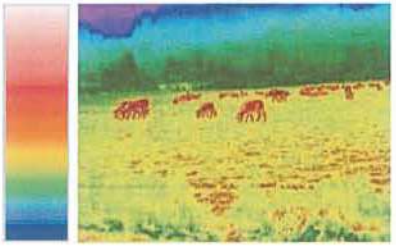
LAVA

The Lava palette identifies warm objects with light, warm colors. Cooler objects appear blue. Lava quickly detects body heat and captures detail in low-contrast environments.



RAINBOW

The Rainbow palette pinpoints small temperature changes and uses vibrant colors to identify objects in areas with minimal heat differences.



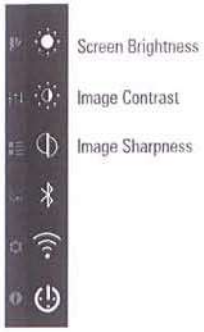
GRADED FIRE

Graded Fire combines the lifelike detail of White Hot with easy-to-spot highlighted areas. Ranging from dark red to bright yellow, bursts of color help detect targets and capture key details.



4.3 LEVELS MENU

The LEVELS menu settings allow the user to take advantage of advanced signal processing algorithms, and improve the quality of the image under a variety of different thermal environments.





Screen brightness level:
For example This menu allows for the adjustment of the screen brightness level. Press OK to select option, use arrows to change value. Press power button to exit selection.

PRESETS

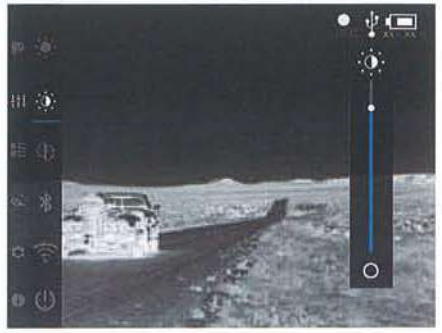
A group of default settings for various environmental conditions that are optimized toward best camera performance is available: Default, Sky/Sea, Indoors and Outdoors.For example, turning the "Sky/Sea" preset will improve contrast, but at the possible loss of some scene content. This is especially helpful in scenes with great expanses of visible sky or water.The following table is provided all presets and their settings.

ITEM	RANGE	DEFAULT
Contrast	50 to 250	100
Sharpness	0 to 800	90
Gain	25 to 800	138
AGC Speed	0 to 100	85

CONTRAST

Active Contrast Enhancement (ACE) – a digital contrast correction that allows for a smart scene optimization based on dynamic adjustments, where a variety of contrast levels occur. See presets table for adjustment range and default value. Lower values will cause hotter objects to have greater contrast, and higher values will cause colder objects to have greater contrast.



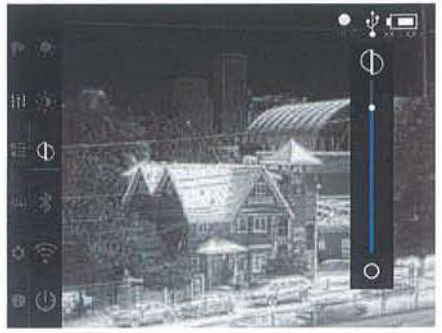


Contrast

SHARPNESS

Second Generation Digital Detail Enhancement (DDE) – a sharpness correction that digitally enhances the picture, significantly improving edge sharpening and further reducing image noise. See presets table for adjustment range and default value. Lower values will create an image with softer edges. Higher values will make objects sharper, enhance details, and increase the signal-to-noise ratio.





Sharpness

GAIN

Automatic Gain Control (AGC) – a correction that used to automatically adjust the gain to an appropriate range, the weaker the image signal, the stronger the gain. See presets table for adjustment range and default value.



Gain 25



Gain 800

GAIN CORRECTION

AGC SPEED

AGC Speed - parameter that allows the user to control the refresh rate of Automatic Gain Control (AGC). See presets table for adjustment range and default value.

4.4 IMAGE GALLERY

The IMAGE GALLERY allows the operator to delete selected image and video files stored in the camera.



IMAGE GALLERY

4.5 SETTINGS MENU

The SETTINGS MENU allows for the settings of time and date, clock style, units selection.



SETTINGS MENU

SECTION 5. VIEW MODES

CHANGING VIEW MODES

Short press MENU button to cycle through different view modes



1. **FULL mode**

– Minimal overlay for best situational awareness



2. **Picture-in-Picture (PiP)**

– 2x zoomed-in view of center area

– Sample area size: 160 × 120 pixels

– Display area size: 320 × 240 pixels



3. Lock Span mode

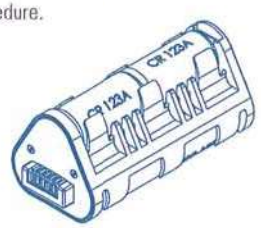
– Auto Gain Control (AGC) is locked at current level to view rich details even in low dynamic range scenes

–Short press POWER button to lock and unlock AGC

SECTION 6. MAINTENANCE/WARRANTY

6.1 BATTERY REPLACEMENT

Refer to Part 2.2 for battery installation procedure.



Battery Tray

6.2 CLEANING SCION

Wipe the housing with a damp cloth as needed. CAUTION: Do not use abrasives or solvents to clean the housing, lens, or display window. Do not use ammonia-based cleaning products to clean the lens. Doing so may damage the anti-reflective coating of the lens.

The Scion thermal camera lens is designed for the harsh outdoor environment and has a coating for durability and anti-reflection, but it may require cleaning occasionally. Avoid scratching the lens and/or leaving fingerprints on the optics. The camera optics can be damaged by improper cleaning. Clean the lens according to the instructions below when image quality degradation is noticed or excessive dirt or other contaminant is on the lens.

Do not use abrasive materials, such as paper or scrub brushes as this will possibly damage the lens by scratching it. Only wipe the lens clean when there is visible contamination on the surface.

6.3 PREFERRED METHOD FOR CLEANING THE LENS

Materials:

- Optical-grade cloth
- Pure water (de-ionized or other)
- Isopropyl alcohol (IPA)

Saturate a piece of the lens tissue with the water and drape it over the lens. Let the surface tension of the water pull the tissue onto the lens surface and then drag the tissue across the lens surface. Repeat several times with different pieces of tissue.

Repeat the same step using IPA instead of water. Drag the final piece of tissue over the lens several times to prevent pooling, which could leave a residue behind.

6.4 GLOBAL LIMITED WARRANTY

Visit: **flir.com/support-center/warranty** to view the Scion's warranty policy.

PRODUCT REGISTRATION

In order to validate the warranty on your product, FLIR Outdoor & Tactical Systems must register the product at: **www.flir.com/supportcenter/support-hq/.**

OBTAINING WARRANTY SERVICE

9 Townsend West Nashua, NH 03063

Phone: 1-888-959-2259 or (603) 324-7600

Fax: 1-888-959-2260

E-mail: OTS-Support@flir.com

www.flir.com

SECTION 7. SPECIFICATIONS

The table below contains the latest product specifications for the Scion. These specifications are subject to change without notice.

SCION OTM 9 Hz Models

SCION MODEL	OTM130	OTM230	OTM260
Core Technology	BOSON 12 µm VOx Microbolometer		
Detector Resolution	320 × 256		640 × 512
Refresh Rate	9 Hz		
Lens System	13.8 mm	18 mm	
Field of View (H × W)	16° × 12°	12° × 9°	24° × 18°
Optical Magnification	1.5x	1.9x	1x
Digital Zoom	1X | 2X | 4X		1X | 2X | 4X | 8X
Video Recording	Yes		
Image Capturing	Yes		
Internal Memory	2 GB Internal Storage / Optional microSD™ Card (up to 128 GB)		
Focusing Range	∞		
Eye Relief	16 mm		
Display	Quad-VGA (1280x960) High definition display		
Display Focus	Manual		
User Interface			
Temperature Imaging Modes (Thermal Palettes)	White Hot; Black Hot; Iron Bow; Rainbow; Graded Fire; Lava		
Viewing Modes	Scouting, Picture-in-Picture , Lock Span Mode		
Picture White Recording (PWR)	Yes		
Date/Time Stamp	Yes		
Auto Power OFF	Yes		
Magnetic Compass	Yes		
Accelerometer	Yes		
Interfacing			
USB Type	USB-C; Power In; Video Out; Video and Image File Transfer		

SCION MODEL	OTM130	OTM230	OTM260
Power			
Battery Life	Up to 4.5 hours at 20°		
Battery Type	6x CR123A 3V Lithium Battery		
Communications			
NFC (Near-Field Communication)	Yes		
Bluetooth™	BLE 4.1+		
Wi-Fi	Video Streaming		
GPS	No	Yes	
Physical			
Weight	Without Batteries: 452 g; WithBatteries 572 g		
Size	227 × 76.8 × 60.5 mm (9 × 3 × 2.4 in)		
Color (Housing)	Gray / Black		
Mounting	¼-20 Tripod Mount		
Country of Origin	USA		
Included in Box	SCION, Battery tray, 2xCR123, USB-C cable,Black MOLLE pouch, Quick Start Guide		

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SECTION 7. SPECIFICATIONS

SCION OTM 60 Hz Models

SCION MODEL	OTM 136	OTM 236	OTM 266	OTM 336
Core Technology	BOSON 12 µm VOx Microbolometer			
Detector Resolution	320 × 256		640 × 512	
Refresh Rate	60 Hz			
Lens System	13.8 mm	18 mm		25 mm
Field of View (H × W)	16° × 12°	12° × 9°	24° × 18°	18° × 13°
Optical Magnification	1.5x	1.9x	1x	1.3x
Digital Zoom	1X | 2X | 4X		1X | 2X | 4X | 8X	
Video Recording	Yes			
Image Capturing	Yes			
Internal Memory	2 GB Internal Storage / Optional microSD™ Card (up to 128 GB)			
Focus	∞			Manual
Eye Relief	16 mm			
Display	Quad-VGA (1280x960) High definition display			
Display Focus	Manual			
User Interface				
Temperature Imaging Modes (Thermal Palettes)	White Hot; Black Hot; Iron Bow; Rainbow; Graded Fire; Lava			
Viewing Modes	Scouting, Picture-in-Picture, Lock Span Mode			
Picture While Recording (PWR)	Yes			
Date/Time Stamp	Yes			
Auto Power OFF	Yes			
Magnetic Compass	Yes			
Accelerometer	Yes			
Interfacing				
USB Type	USB-C; Power In; Video Out; Video and Image File Transfer			
Power				
Battery Life	Up to 4.5 hours at 20°c			
Battery Type	6x CR123A 3V Lithium Battery			

SCION MODEL	OTM 136	OTM 236	OTM 266	OTM 336
Communications				
NFC (Near-Field Communications)	Yes			
Bluetooth™	BLE 4.1+			
Wi-Fi	Video Streaming			
GPS	No		Yes	
Physical				
Size	239 × 76.8 × 60.5 mm (9 × 3 × 2.4 in)		227 × 76.8 × 60.5 mm (8.4 × 3 × 2.4 in)	
Weight	With Batteries: 452 g; Without Batteries 572 g			
Color (Housing)	Green / Black			
Mounting	¼-20 Tripod Mount			
Country of Origin	USA			
Included in Box	SCION, Battery tray, 2xCR123, USB-C cable, Black MOLLE pouch, Quick Start Guide			

SCION PTM 60 Hz Models

SCION MODEL	PTM166	PTM336	PTM366
Core Technology	BOSON 12 µm VOx Microbolometer		
Detector Resolution	640 × 512	320 × 256	640 × 512
Refresh Rate	60 Hz		
Lens System	13.8 mm	25 mm	
Field of View (H × W)	31° × 24°	9° × 6.5°	18° × 13°
Optical Magnification	.7x	2.6x	1.3x
Digital Zoom	1X | 2X | 4X | 8X	1X | 2X | 4X	1X | 2X | 4X | 8X
Video Recording	Yes		
Image Capturing	Yes		
Internal Memory	2 GB Internal Storage / Optional microSD™ Card (up to 128 GB)		
Focus	∞	Manual	
Eye Relief	16 mm		
Display	Quad-VGA (1280x960) High definition display		
Display Focus	Manual		
User Interface			
Temperature Imaging Modes (Thermal Palettes)	White Hot; Black Hot; Iron Bow; Rainbow; Graded Fire; Lava		
Viewing Modes	Scouting, Picture-in-Picture, Lock Span Mode		
Picture While Recording (PWR)	Yes		
Real Time Clock (RTC)	Yes		
Date/Time Stamp	Yes		
Auto Power OFF	Yes		
Magnetic Compass	Yes		
Accelerometer	Yes		
NFC (Near Field Communications)	Yes		

SCION MODEL	PTM166	PTM336	PTM366
Interfacing			
USB Type	USB-C; Power In; Video Out; Video and Image File Transfer		
Power			
Battery Type	6x CR123A 3V Lithium Battery		
Battery Life	Up to 4.5 hours at 20°c		
Communications			
NFC (Near Field Communications)	Yes		
Bluetooth™	BLE 4.1+		
Wi-Fi	Video Streaming		
GPS	No	Yes	
FLIR TruWITNESS® Integration	Yes		
Physical			
Weight	Without Batteries: 452 g; With Batteries 572 g		
Size	227 × 76.8 × 60.5 mm (8.4 × 3 × 2.4 in)	239 × 76.8 × 60.5 mm (9.4 × 3 × 2.4 in)	
Color (Housing)	Black		
Mounting	¼-20 Tripod Mount		
Country of Origin	USA		
Included in the Box	SCION, Battery tray, 2xCR123, USB cable, Black MOLLE pouch, Quick Start guide		

UPD Goals and Objectives Review 2022.pdf

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Utica Police Department's

2022 Goals & Objectives Yearly Review
for the
Criminal Investigation Division
Support Division
Uniform Patrol Division

January 31, 2023

Criminal Investigations Division Goals & Objectives Yearly Review for 2022

Criminal Investigations Section

First Goal: Cold case (Homicide/Missing Person) peer review (NOT COMPLETED)

Objective: Met with assigned investigators and supervisors monthly to review open cold cases. Meetings were held in the beginning of 2022 but had to be paused because of the high number of in-progress investigations.

Second Goal: Improve case management storage among all investigators. (COMPLETED)

Objective: Each investigator will be issued an external hard drive for case file storage to relieve OEMS case management storage.

Each investigator was issued a portable external hard drive capable of holding a very large amount of case files. This allows the investigators to clean out the pending CID DEMS folders so the storage limits on that are not exceeded. It also has allowed them, in certain unique situations, to transfer extremely large video files to the DA's Office by utilizing the external hard drives. This also allows the investigators to store old case files in a manner that they can easily be accessed and re-transferred at any point in the future if need be. The implementing of the external hard drives has been a large success.

Special Investigation Unit

Goal: Consolidate regional narcotics units to streamline county wide narcotics interdiction efforts. (COMPLETED)

Objective: Partnered with the Oneida County Sheriff's Office to merge narcotics units and resources.

In April of 2022 the Utica Police Department merged narcotic investigative units with the Oneida County Sheriff's Office. The units share narcotics intelligence and assist with joint investigations.

Warrants Unit

Goal: Make the public aware of open warrants in the City of Utica to increase the closure rates of current open warrants. (COMPLETED)

Objective: Publish open Utica Police Department open warrants on City of Utica Website and social media platforms. The City of Utica IT Manager will be responsible for updating the Utica Police Department website with the updated active Utica Police Department Warrants.The Public Information Officer will be responsible for all press releases/ social media posted related to updated active Utica Police Department warrants. Improve public awareness of access to active warrants via periodic media releases.

The Utica Police Department Top Ten Warrants list is disseminated monthly by the MVCAC. The Utica Police Department Warrants Unit participates in the Mohawk Valley Crime Stoppers 'Wanted Person of the Week' along with the Rome Police Department, Oneida Police Department, and Oneida County Sheriff's Office. The 'Wanted Person of the Week' is broadcasted by the Bill Keeler Show every Thursday morning and also disseminated on the UPD Facebook page.

The publication of all open UPD warrants on the City of Utica website was not completed due to issues with list maintenance and the ability to keep the list accurate daily.

Crime Scene/Technology Unit

Goal: Take inventory and review current equipment for upgrades and research and acquire new technology that will assist with streamlining and improving crime scene unit work. (COMPLETED)

Objective: Research available products and new technologies to document accident reconstruction scenes. Test and evaluate available systems prior to acquiring the new technology.

In 2022 the Utica Police Department Crime Scene Unit purchased FARO – 3D scanner technology that improved the efficiency and final product of 3D scans. FARO allows for CSU personnel to document a scene with greater speed and accuracy while producing a more polished finished product.

***Upgrade the card identification printer/computer in CSU lab.

This responsibility was transferred to the Logistics and Resources Unit of the Administrative Division.

Juvenile Aid Unit

Goal: Increase manpower to the unit due to increased workload as the result of "raise the age." (COMPLETED)

Objective: Train a night CID Investigator in juvenile aid responsibilities and make their primary job function juvenile aid investigation during the night shift. This will help reduce call back and case work to the existing day shift juvenile aid investigators.

In 2022 a third investigator was added to the Juvenile Aid Unit. This investigator was assigned to evenings. The investigator handled evening investigations and took a week rotation on the JAU call back.

***Add a fourth investigator to the JAU complement (personnel permitting).

NOT COMPLETED DUE TO STAFFING SHORTAGES.

Mohawk Valley Crime Analysis Center

First Goal: Advance digital signage program within MVCAC Network. (COMPLETED).

Second Goal: Increase the number of pole cameras in the City of Utica.

Objectives: Distribute five (5) digital signage boards to appropriate jurisdictions.

Increase the number of pole cameras in high crime areas as determined by statistical data to assist with capturing crimes in progress and assist with the arrest and prosecution of those who commit these crimes.

Digital signage was added to the following police departments: Ilion, New Hartford, Herkimer and Rome. Whitestown was to receive digital signage but there are IT issues that are delaying the installation at this location. NYSP Marcy and NYS Parole also attempted to have digital signage installed but there are IT issues preventing the installation at these locations.

Five new pole cameras were installed in the City of Utica this year. The locations are Court Street/Cornelia Street, Eagle/Elm, Genesee Street/Parkside Court, Park Avenue/Eagle Street and SunsetAvenue/Burrstone Road. This is a continuing project, and many more cameras are expected to be installed this year.

Respectfully submitted,

Captain Stanley Fernalld
Criminal Investigations Division Commander

Support Division Goals & Objectives Yearly Review for 2022

Training Unit

Goal: As a result of the collaborative efforts of the members of the City of Utica's police reform committee, there were several police reform initiatives proposed in 2021. The training unit will meet the requirements of the City of Utica's police reform committee as they pertain to training by implementing additional implicit bias and procedural justice training on multiple media platforms.

Objective: Adult learners retain information depending on how information is presented. Some are visual learners; some can retain information by reading the material and others are best served by an auditory platform. To accommodate all of the ways that adults learnt, the training unit will present the required police reform trainings in multiple media platforms, on-line learning, class presentation, and guest speakers.

SUMMARY:

In 2021, police reform initiatives were directed to provide training on multiple learning platforms. As a result, it was the Training Unit's goal to provide online training on police reform topics. In 2022, all members of the Utica Police Department were able to receive Police One online training platform in the following reform topics: Officer Wellness, Use of Force, De-Escalation, Mental Health, Procedural Justice and Implicit Bias.

These virtual trainings were in addition to the routine monthly in-service training our police officers receive. Monthly in-service training is provided in-person to our officers 8 months out of the year. To ensure that all officers receive the required hours of in-service training it is scheduled for 6 days per month at 8 hours per day. The topics provided this year were Use of Force, Legal Updates, Duty to Intervene and Use of Force.

All Utica Police Officers also receive monthly training bulletins through our Lexipol KMS system.

In addition, two 40-hour Crisis Intervention Team trainings were provided in June and September of 2022. These trainings were conducted by the UPD CIT instructors and instructors from the department of mental health.
As a result, the goal of the Training Unit to include online learning platforms on police reform topics was **successfully completed**.

Records Unit

Goal: Formulate a program in which records can be disseminated to individuals electronically. This will allow for the expeditious dissemination of records as well as avoiding an unnecessary trip for the public and unnecessary person to person contact during the pandemic.

Objective: Create a system that will allow for the transfer of records to the appropriate individual. Instructions will have to be disseminated on our various social media and webpage platforms as to how to acquire records electronically. An email address for records would need to be established and a security vetting process designed to positively identify that the appropriate person is receiving records. Additionally, an electronic payment system will need to be implemented in conjunction with the City of Utica Comptroller's Office.

SUMMARY:
A partnership with the CARFAX, Inc and LexisNexis Risk Solutions was established, which allows citizens to acquire accident reports from the comfort of their home and without having to make in person visits to the UPD Records Unit. This process reduces man-hours needed to process this type of requests and reduces a numerous visitor to the UPD Records Unit located at the Utica City Hall thus reducing the risk of infections during the pandemic. Publication advertising this service was posted at the Utica Police Department and Utica City Hall public areas as well as on the City of Utica website.

MIS Unit

First Goal: As more body worn cameras are being issued and more frequently utilized throughout the agency, it has become apparent that the provisions made for storage of the video/audio data is insufficient. Therefore, MIS will work with the City of Utica IT Department to increase storage capabilities and assess how the data is being stored.

Objective: Increase data storage capabilities through the acquisition of additional servers and assess how the data is stored as it relates to the classification of the incident and the duplication of video/audio data.

Second Goal Outfit all the command staff with the technological capability to attend virtual meetings from their desktop computers.

Objective: Acquire the necessary technology to allow all command staff the ability to attend virtual meetings, trainings, etc. from their desktop computers.

SUMMARY:

The contract was executed with Axon Enterprise, Inc to outfit the entire department with the latest body-worn camera technology. Along with the body-worn camera upgrade the video storage was changed from the traditional local server storage with restricted storage capacity to cloud-based video storage with unlimited video storage capacity. The cloud-based video storage reduces in-house needs for server hosting and maintenance while providing a more efficient way to manage and share video evidence. In addition, by using cloud-based video storage, the Utica Police Department is capable to retain video evidence for a longer period of time.

The command staff office computers have been equipped with web cameras allowing the users to utilize video meeting applications directly on their desktop computers to attend virtual meetings, training, etc. In addition, the command staff members are equipped with laptop computers providing them with the same capability while working off-site.

Budgets and Grants

Goal: Hire a civilian to assume the responsibilities of the budgets and grants office. This would allow for the position of the officer that is currently assigned to this job duty to return to street patrol in the Uniformed Patrol Division.

Objective: Advertise for this position, interview potential qualified candidates, and hire a civilian in accordance with the rules and regulations of Civil Service and the City of Utica.

SUMMARY:
The Utica Police Department successfully canvassed, interviewed, and hired a civilian employee to assume the role of our Budget/Grants specialist. This employee trained alongside the assigned sworn officer until all necessary training was completed, at which time the officer was reassigned to the uniform patrol division. The newly hired civilian member comes to the Utica Police Department with a history of grant writing knowledge and has successfully helped the City of Utica and Utica Police Department obtain several new grants.

Logistics And Resources Unit

Goal: After a testing and evaluation period, it has been determined that the agency will move to the outer carrier, load bearing, ballistic vests for patrol members wishing to utilize said equipment. In an on-going effort to improve officer wellness, the Logistics and Resources will continue to monitor the manufacturers recommended useful life of officer's ballistic vests and outfit members with a new, load bearing ballistic vest as the member becomes eligible for this replacement equipment.

Objective: So as not incur additional expenses, members will receive a new outer carrier ballistic vest when their current ballistic vest has reached its end of life as recommended by the manufacturer.

SUMMARY:
With the successful testing and evaluation of the ballistic outer carrier, the Utica Police Department has fitted 53 members with outer carriers in the current budget year. Grant assistance helps pay for approximately $442

per vest, saving the City of Utica more than $23k. As these vests are fitted, the logistics and resources unit continuously evaluate whether changes need to be made to improve the functionality of the vest.

Respectfully Submitted,

Captain Brian D. Bansner #0399
Support Division Commander

Uniform Patrol Division Goals & Objectives Yearly Review for 2022

Uniform Patrol

Goal:
Provide the Uniform Patrol Division with mobile devices to remotely provide field level Mental Health Evaluations through the Mobile Crisis Assessment Team/Neighborhood Center.

Objectives:

a) Obtain iPads through the Mobile Access Program funded by the NYS Office of Mental Health,
b) Coordinate with MIS to set up the necessary accounts and security access needed to ensure functionality of the iPads while deployed in the field.
c) Draft and implement the necessary procedure(s) for use of the devices.
d) Provide training to every member of the Uniform Patrol Division regarding the Mobile Access Program, iPad usage and procedures associated with same.

Review:

a) This goal and associated objectives were realized as follows: The Institute of Police, Mental Health & Community Collaboration awarded the City of Utica Police Department with (6) six iPads as part of the Mobile Access Program, also known as MAP. The purpose of

MAP is to cut down of the response times of the Mobile Crisis Assessment Team (MCAT), so that mental health assessments could be performed via Zoom in a timely manner for reference. With the assistance of the MIS Unit, usernames and passwords were created for each iPad to bring the program online.

b) A formalized procedure was created for the MAP process, same was filed in the department's digital Patrol folder.

c) On January 12, 2022, the Patrol Division commenced Roll Call training relative to the to MAP. Following the training the iPads were deployed to zones 52-57 and put into use.

d) Since the program's inception, MAP has been utilized multiple times to assist officers in making the proper assessment of individuals in crisis, as well as cutting down on the time it takes to get individuals in crisis services.

Community Outreach Team

Goal:
Create an online platform via a fillable form for which the public can complete a survey on public safety and law enforcement which will be received, reviewed, and summarized by the Community Outreach Team for dissemination to the Chief's Office that may be utilized as a data set and/or tool for operational decision making.

An example of the form would be from US DOJ website: https://cops.usdoj.gov/ric/Publications/cops-w0743-pub.pdf

Objectives:

a) Create a fillable form survey.
b) Market survey through various outlets (on-line, social media, news media).

Complete, review, and summarize the survey data for submission to the Chief's Office.

Review:
Although the above goal was perceived to be a good initiative, the initiative lost momentum and was debunked during the objective implementation process as the result of the survey was believed to be redundant to the end

result of the Compliment/Complaint fillable online form which was already implemented and available on the city's website.

Traffic Unit

Goal:
Train members of the Traffic Unit in the topic of Traffic Surveys so that they can effectively and efficiently complete all aspects of a traffic surveys subsequently utilizing these surveys as a decision-making tool for traffic issues.

Objectives:

a) Find the proper training which may include informal training with the New York State Department of Transportation and/or other traffic safety experts as well as outside Police agencies.
b) Obtain the updated Manual on Uniform Traffic Control Devices (to include the NYS Supplemental Manual) from the U.S. Department of Transportation, Federal Highway Administration.
c) Obtain necessary funding through the training budget.
d) Assign necessary members of the Traffic Unit to attend the required training.

Review:
The above goal was explored but never realized as members of the Traffic Unit reached out to NYS DOT and DCJS in search of such training (whether formal or informal) only to find that nothing was planned or forthcoming during 2022 and/or beyond. With that said, funding to facilitate the training was never obtained. Nonetheless, one of the objectives that was not directly associated with said training was realized, in that current edition of the National Manual for Uniform Traffic Control Devices (MUTCD – July 2022 edition) along with the NYS Supplement (2010 Edition, effective March 16, 2011) are filed in the digital Traffic folder to be utilized by members of the Traffic Unit when completing traffic surveys.

Respectfully Submitted,

Captain James Holt
Uniform Patrol Division Commander

Bail Recommendation.pdf

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Bail Recommendation Work Sheet (CPL §510.30 et al)

1. Character/Reputation
    a. Productive member
    b. Trouble maker
    c. Dangerous
    d. Veteran

2. Habits
    a. Alcohol/drug abuse

3. Mental Condition
    a. Behavior at time of crime
    b. Past history/diagnosis

4. Employment
    a. Where
    b. How long
    c. Position/Title/Responsibilities
    d. Consequences if incarcerated

5. Financial Resources
    a. Income
    b. Home
    c. Car
    d. Savings/investments
    e. Cash/property seized

6. Family Ties
    a. Parents
    b. Spouse/significant other
    c. children

7. Length or Residence
    a. In county
    b. Neighboring county
    c. high school attended

8. Criminal History
    a. 2 prior felonies
    b. Location of priors
    c. Violence/weapons
    d. Probation/Parole Violations

9. Youthful indiscretions
    a. JDs
    b. YOs
    c. AOs

10. **Prior flight/Failure to Appear**
    a. Bench warrants
    b. Flight after crime

11. **Domestic Violence Case**
    a. Prior Orders of Protection violations
    b. History of use or possession of firearms
    c. Threats of violence/death to victim

12. **Weight of Evidence/Probability of Conviction**

13. Potential Sentence
    a. Misdemeanor (is incarceration necessary)
    b. Felony (VFO,SFO,Persistent)

CombatHarassmentComplaintForm.pdf

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Model Complaint Form for Reporting Sexual Harassment

Name of Employer

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to person or office designated; contact information for designee or office; how the form can be submitted . You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address: Work Phone:

Job Title: Email:

Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone: Work Address:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

   Name: Title:

   Work Address: Work Phone:

   Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

   Is the sexual harassment continuing? ☐Yes ☐No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ *Date:* _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

Standardized Warnings.pdf

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Standardized Warning

Police Department

Utica, New York

This warning is to be used when preparing to make arrests in civil disturbances. Any warnings that are given in civil disturbance incidents must be documented and retained for reporting requirements and notifications.

First Warning **RMS:_____**

I am_____of the Utica Police Department.

(Official Name & Rank)

You are in violation: _

(Criminal Offenses)

If you do no cease your unlawful behavior at_____and

Disperse peacefully, you will be arrested. The following routes are available for you to safely leave the area.

_____

(Requested Dispersal Route)

Date:_____

Time: _____

_____ _____

Officer's Signature **Officer's Name/Badge Number**

Standardized Warning

Police Department

Utica, New York

This warning is to be used when preparing to make arrests in civil disturbances. Any warnings that are given in civil disturbance incidents must be documented and retained for reporting requirements and notifications.

Second Warning **RMS:**_____

I am_____of the Utica Police Depa1iment.

(Official Name & Rank)

You are in violation: _ _ _

Standardized Warning

Police Department

Utica, New York

This warning is to be used when preparing to make arrests in civil disturbances. Any warnings that are given in civil disturbance incidents must be documented and retained for reporting requirements and notifications.

Final Warning **RMS:**_____

I am_____of the Utica Police Department.

(Official Name & Rank)

You are in violation: _

(Criminal Offenses)

If you do no cease your unlawful behavior at_____and

Disperse peacefully, you will be arrested. The following routes are available for you to safely leave the area.

(Requested Dispersal Route)

Police Officers are being deployed to the area and any violators will be arrested. This is the final warning, leave the area or be arrested.

Date: __ __ __ __ __ __

Time: _____

_____ _____

Officer's Signature **Officer's Name/Badge Number**

NOTES:

Injury Exposure Report.pdf

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UPD - 130

Utica Police Department
Injury/Exposure Report

RMS# _____ Time of incident _____ Date _____

Location of Incident _____

Employee Name: _____ I.D.# _____

Platoon/Unit of Assignment: _____

Location at Time of Injury/Exposure _____

Employee's Duties at Time of Injury/Exposure _____

Nature of Incident ☐ Injury ☐ HAZMAT ☐ Bloodborne Pathogens ☐ Auto Accident

Material Involved (e.g., chlorine gas, hypodermic, bite) _____

Duration of Exposure From _____ To _____

Nature of Injury/Exposure

☐ Eye Contact ☐ Nasal Contact ☐ Inhalation ☐ Blunt Impact ☐ Fall

☐ Oral Contact ☐ Skin Contact ☐ Skin Puncture ☐ Other _____

Preventative Equipment Used

☐ Latex Gloves ☐ Hand Sanitizer ☐ Ear Protection ☐ Shield ☐ Helmet

☐ Apron ☐ Lotion ☐ Safety Glasses ☐ Body Armor ☐ Gas Mask

☐ Face Mask ☐ Other _____

If Injury/Exposure was due to the failure of or failure to use equipment, explain:

Method of transport to hospital/Name of agency: _____

Hospital where employee was treated: _____

Time employee admitted/released: _____

Attending physician: _____

Approximate length of time employee will be unavailable for duty:

Briefly describe incident (list specific body parts affected or injured and if injury is new or the reoccurrence of previous injury; list any witnesses to the incident)

Related DR#'s _____

Tech. work done by _____ ☐ photo ☐ sketches/diagrams ☐ evidence ☐ supporting depositions

Assisting Units/Agencies/Names of Personnel _____

Completed By

☐ Inj./Exposed Officer Signature _____ ID# _____ Unit _____ Date _____

☐ Reviewing Supervisor _____ ID# _____ Unit _____ Date _____

Table of Organization.pdf

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Search and Seizure Receipt.pdf

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UPD-170

Department of Public Safety
Bureau of Police

413 Oriskany Street West **Utica, New York 13502**

Search and Seizure Receipt

This is to certify that on at representatives of the Utica, New York Police Department at the time conducting a search of my person and/or the premises at obtained the above listed items. I further certify that the above represents all that was obtained by them.

Signed_____

Date_____

Witnesses:

Name_____ Address_____ Date_____

Name_____ Addrress_____ Date_____

To be used when applicable in conjunction with searches which are incidental to arrest, searches with waiver or with search warrant.

Warrant Service Risk Assessment Matrix.pdf

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Warrant Service Risk Assessment Matrix
METRO SWAT

Risk assessment is based on current intelligence, the facts and circumstances stated in the affidavit for the arrest or search warrant and the criminal history of the suspect(s). The score obtained from this assessment is a general guideline and is not intended to restrict the necessary use of METRO SWAT resources by any duly authorized law enforcement officer.

Select only one fact from each section. If two conditions exist with a single selection, choose the more severe selection.

Case #_____ **Location**:_____

Points	Search Warrant Type	Score
1	Search warrant is for other than weapons/drugs	
2	Search warrant is for drugs	
3	Search warrant is for weapons	
	Arrest Warrant Type	
1	Arrest warrant is for other than weapons/drugs	
2	Arrest warrant is for drug possession and/or distribution drugs	
3	Arrest warrant is for weapons or violent felony	
	Criminal History	
1	Subject of warrant is on probation/parole	
2	Subject of warrant has drug crime history	
3	Subject of warrant has history of crimes against a person	
4	Subject of warrant has made statements regarding resisting apprehension and/or search	
5	Subject of warrant has violent criminal history	
6	Subject of warrant has used firearms during commission of crimes	
7	Subject of warrant has history of gang membership or assault or resisting arrest offense against L.E.O.	
	Fortification	
1	Service of warrant requires minimal forced entry	
2	Service of warrant requires use of ram or other breaching tools	
3	Location has geographical barriers, is fortified or has counter surveillance	
	Firearms and Mental Health	
5	Firearms readily available to suspect at location	
6	Subject of warrant previously a subject of warrant execution	
7	Subject of warrant has a history of mental health issues	
8	Subject of warrant known to carry firearms on person or arrested for possessing a firearm	
	Total Points	

SCORES: 1- 06 METRO SWAT Optional
07-15 Partial METRO SWAT Entry Team Recommended
16 -24 Full METRO SWAT Recommended

Prepared by:_____**Date**:_____

Supervisor:_____**Date**:_____

SWAT Approval:_____**Date**:_____

NY State Daily FTO sheet.pdf

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NYS DIVISION OF CRIMINAL JUSTICE SERVICES
OFFICE OF PUBLIC SAFETY
BASIC COURSE FOR POLICE OFFICERS
SUPERVISED FIELD TRAINING ORIENTATION AND REVIEW
DAILY OBSERVATION REPORT

AGENCY: Utica Police Department	**DATE:**	**DOR Number:**
Recruit Officer Name:	**Shield Number:**	**Phase Number:**
Field Training Officer:	**Shield Number:**	**Shift:**

Rating Instructions: The Field Training Officer should rate observed behavior utilizing the scale described in the guide and outlined below. Written comments pertaining to the most and least satisfactory performance must be placed in the "Narrative" section. Narrative comments can be provided for any behavior observed; however, are required when a rating of 2 or less, 6 or more and NRT is given in any category. "N.O." should be circled if behavior is not observed in a given area. A description of any remedial training provided, including the amount of time utilized, should be outlined in the narrative section.

#1 - Unacceptable, #4 – Acceptable, #7 – Superior
NRT - Not responding to training, NO - Not Observed, NAR- Narrative, REM - Remedial Training

PERFORMANCE AREAS **Rating Number**	**RATING**	**FTO/RO**
1. Community Interaction:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
2. Apprehension Intervention:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
3. Victim / Prisoner Interaction:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
4. Processing Arrests:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
5. Vehicular Offenses / Accidents:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
6. Handling Specific Offenses:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
7. Police Interaction / Notification:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
8. Vehicle Operation / Maintenance:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
9. Review and Maintenance:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
10. Handling Special Cases:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
11. Vouchering / Inventorying:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
12. Reports / Clerical Duties:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
13. Officer Safety:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
Behavioral Dimensions:		
14. Police Ethics / Integrity:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
15. Comprehension Skills:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
16. Communication Skills:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
17. Reasoning Ability:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
18. Information Ordering:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
19. Problem Recognition:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
20. Visualization:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
21. Spatial Orientation:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
22. Memorization:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
23. Judgment::	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
24. Innovativeness:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
25. Adaptability:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
26. Drive / Initiative:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
27. Interpersonal Skills:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____
28. Appearance:	☐ N.O. ☐ NRT ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ NAR ☐ REM Time:	_____/_____

NARRATIVE

The **most** acceptable area of performance today was rating category: _____
A specific incident which demonstrates today's performance in this area is:

_____

The **least** acceptable area of performance today was rating category number: _____
A specific incident which demonstrates today's performance in this area is:

_____

Documentation of Performance and Comments:

.

Recruit Officer:_____ Field Training Officer:_____

Interpreter Services.pdf

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24/7 Interpretation Services

(315) 749-7080

Compass Interpreters is a division of the Mohawk Valley Resource Center for Refugees providing interpretation, translation and cultural competency services and programs to local organizations, businesses and individuals in approximately forty different languages.

MVRCR began offering interpreting services a decade ago in order to assist refugees, immigrants and other limited-English proficient individuals in accessing, and the local community in providing, linguistically-appropriate services. All interpreters receive professional training and are required to pass an examination before they are permitted to work as medical interpreters.

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- Chinese, Mandarin
- Croatian
- Dinka
- French
- Fur
- Haitian Creole
- Hindi
- Karen, Pa'o
- Karen, Pwo (Western)
- Karen, S'gaw/Kanyaw

- Karenni/Kayan
- Kikongo
- Kituba
- Lingala
- Maay Maay
- Malay
- Masalit
- Mushungulu/Kizigula
- Nepali
- Russian
- Serbian
- Somali
- Spanish
- Swahili/Kiswahili
- Thai
- Turkish
- Ukrainian
- Vietnamese

*In addition to Standard Arabic: Eastern Egyptian Bedawi, Egyptian, Gulf Spoken, Hijazi spoken, Juba Arabic/Sudanese Creole, Sa'idi Spoken, Sudanese Spoken

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MVRCR

MULTILINGUAL INTERPRETATION SERVICES

315-939-9950 315-838-0764 315-404-0073 ***315-732-6968 FAX***
zaimdedic@gmail.com
www.miscentral.com

CONTACT PERSONS:
Zaim Dedic (315) 939-9950 email: zaimdedic@gmail.com
Andrew Stevens (315) 542-0121 e-mail: andrew_stevens85@hotmail.com

Multilingual Interpretation Services (MIS) has been in the business for over 12 years. All our interpreters are fully insured and certified. We have been providing legal and documentation translation to agencies and organizations such as: Oneida County Supreme Court, Oneida County Family Court, Rome and Utica City Court and local municipality courts, Oneida County, Legal Aid Society. Also, we have been providing flawless medical translation services to medical facilities such as: Slocom-Dickson Medical Group since 2001, St. Elizabeth Hospital, Oneida County Health Department, Faxton/St. Luke's Healthcare, High Field MRI of Utica, CNY Cardiology, University Hospital at Syracuse University, St. Joseph's Hospital, Hamilton Community Hospital, Sitrin, Digestive Disease and now recently we have commenced our 2 year contract with Bassett Health Group. Our pricing is negotiable and we also offer taxi services for qualifying patients, patients who are Medicaid/Medicare recipients, disabled patients, patients with family income lower than poverty level set by NYSDS, and senior citizens.

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We only require a 24 hour notice to schedule service(s) and we take assignments on emergency basis without additional fee; based on availability of the interpreter.

The language assistance is provided in the following languages:

Burmese, Karen, Spanish, Russian, Ukrainian, Serbian, Bosnian, Croatian, Arabic, Somali, Nepali, Maay-Maay, languages of Somali region and others.

To schedule an onsite interpreter please call or email Zaim Dedic or Andrew Stevens.

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Fax: (315) 218-5288

(518) 426-1626 (Albany)
Fax: (518) 432-3619

On-site, face-to-face interpreting is presently available in*:

Albanian	Chin	French Creole	Kinyamulenge	Oromo	Taiwanese
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Amharic	*(Cantonese,*	German	Kirundi	Pegin	Thai
Arabic	*Mandarin,*	Hindi	Kizigua	Punjabi	Tigrinya
Azerbaijani	*Fuzhounese)*	Hindko	Lao	Romanian	Turkish
Belarussian	Croatian	Houssa	Maay Maay	Russian	Ukrainian
Bosnian	Dari	Italian	Moldavian	Serbian	Urdu
Bulgarian	Dinka	Japanese	Mounoukoutou	Somali	Vietnamese
Burmese	Farsi/Persian	Karen	Nepali	Spanish	W. Sudan Arabic
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** If you do not see your language, please call. Our interpreter list is updated often.*

HOW TO ACCESS MAMI

- Call your nearest MAMI office.
- Give your **organization's name, address, your name and phone number**.
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- Indicate **when/where** an interpreter is needed.
- For Emergencies, the MAMI Dispatcher will call back within 10 minutes to indicate the name of interpreter and estimated time of arrival, or availability.

TRAINING & HIPAA COMPLIANCE

MAMI interpreters receive 80-hours of intense training in proper interpreter procedures, cultural issues, and medical terminology. They adhere to HIPAA Regulations and follow a strict code of ethics. All MAMI interpreters are covered by liability insurance.

Utica Office
287 Genesee Street, Suite #101
Utica, NY 13501
(315) 732-2271 – (315) 732-2360 (Fax)

Syracuse Office
731 James Street, Suite #315
Syracuse, NY 13203
(315) 214-5003 – (315) 218-5288 (fax)

Albany Office
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HOW TO ACCESS

- Contact MAMI at (315) 624-0953 and speak to the Off-hour Dispatcher.
- Give your Organization's name and address.
- Give name and language of non-English-speaking individual.
- Indicate when an interpreter is needed.
- The MAMI Off-hour Dispatcher will call back within 10 minutes to indicate the name of the interpreter and estimated time of arrival or availability by phone.
- For On-Site Interpreting:
  - Give interpretation site and directions if needed.
- For Telephonic Interpreting
  - Indicate how the interpreter should join the conversation:
    - Phone back at a number you provide, or
    - Join your conversation with the MAMI Off-hour Dispatcher.

HIPAA COMPLIANCE

Our interpreters adhere to HIPAA Regulations.

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Tel: 315.624.0953
24 Hour Emergency Interpreting



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METRO SWAT SOP revised Feb 2 2021.pdf

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UTICA POLICE METRO SWAT

STANDARD OPERATING PROCEDURES
(SOP)

This document contains the basic procedures for managing, training and deploying the Utica Police Department METRO SWAT team (SWAT). The sections consist of *Personnel Selections, Training Philosophy and Management, Equipment,* and *Operational Deployment*. This document is designed to supplement the SWAT Policy and Inter – Agency Operability Agreements, established by the Utica Police Department and approved by partnering agencies. This SOP will be reviewed for content and currency, as well as re-approved, biannually.

PART ONE

A.PERSONNEL SELECTION

Recognizing that the nature of SWAT operations requires disciplined, physically fit, mission-capable professionals, the Utica Police SWAT will select its members through a fair and non-discriminatory process that measures the applicant's ability to be trained in the essential tasks deemed necessary for the performance of the SWAT mission.

History has demonstrated and SWAT experts agree that there are certain personality traits and individual abilities necessary in the make-up of an SWAT officer. Those personality traits are courage, self-discipline, initiative, decisiveness, responsibility, loyalty and a "team work" concept. The individual abilities are physical fitness, good motor coordination, good shooting skill and the ability to capably perform while under great stress. Applicants who have these traits and abilities are usually capable of being trained in the essential tasks required for SWAT service.

The selection process will be designed to measure the quality of a candidate against these traits and abilities. The selection process will be as follows:

STAGE ONE: APPLICATION

When the announcement is made of a SWAT opening, applicants who meet the following criteria may apply:

1. Are sworn members of agencies who are signatories on the SWAT inter-agency operability agreement and for whom the vacancy exists;

2. Have completed a basic course for Police and their probationary period;

3. Present a letter of recommendation to SWAT from their current supervisor;

4. Have no record of disciplinary action in the three years prior to application to SWAT. Disciplinary action is defined as action taken by the respective agency which has resulted in the applicant receiving suspension from duty, time off without pay, loss of vacation, sick, personal, comp, or holiday time, and written reprimands. Excluded are actions which resulted in discussion with employee as per Department disciplinary policy.

5. Prior to applying potential operators must have competed ICS – 200 for Single Resources and initial Action Incidents course and ICS – 700 National Incident Management System (NIMS) course.

STAGE TWO: TESTING

Applicants who meet the above criteria will be invited to test. Testing will consist of the following events:

1. **Physical Conditioning Test:** each applicant must successfully pass the Utica Police Department SWAT physical fitness test (PFT). This is a pass/fail event.

2. **Firearm Qualification:** each applicant must pass the department handgun qualification course with a minimum passing score of 90%. This is a pass/fail event.

3. **Oral Interview:** the applicant will participate in an oral interview in which a series of pre-developed questions will be asked. The interview panel will consist of three members of the team's leadership personnel and any other department administrators electing to participate.

4. **In-Service Training:** each applicant will attend the SWAT in-service training for new members. This training will consist of firearm certification, team movements, use of Noise Flash Distraction Device (NFDD), decision-making skills,

room entries and clearing, and transitions. Applicants must qualify with at least 90% on their department issued semi-automatic handgun. This is a pass/fail training event.

STAGE THREE: SCORING AND SELECTION

Results of each of the scored events will be compiled and weighted as follows:

1. Physical Fitness Test – must pass in order to proceed to oral interview. (See appendix I)

2. Oral Interview – must pass board asked questions satisfactorily, and be recommended by majority of panel.

3. In-service Training – must pass training objectives, to include firearms and team movements.

Once the physical fitness test is administered and passed, the firearms portion will be scheduled, then an oral interview date will be set for each candidate. After being interviewed a list of eligible candidates will be created. Candidates will then be selected from the list for the SWAT openings. Once the current openings have been filled the list will expire. New selection processes will take place as openings are created or made.

A. PROBATIONARY STATUS

Once selected for an opening on the Team, the candidate is on probationary status for six months. The probationary period starts upon the candidate's successful completion of the Utica Police SWAT Basic Course or a DCJS certified course. Failure to successfully complete the Basic Course will result in immediate dismissal from the Team. At any time during the probationary period, upon consensus of the leadership of the Team, the candidate may be dismissed from the team without cause.

B. DISMISSAL

All SWAT members must maintain adequate levels of performance, based on the individual, squad, team, and leadership skills enumerated in the training manual. All SWAT members must also maintain the minimum level of physical fitness as set forth in the fitness test. Failure to maintain adequate levels of performance or physical fitness is grounds for dismissal from the team. Also, any team member may be dismissed when there is a consensus on the part of the team leader's that dismissal of the member is in the best interest of the team.

The procedure when a team member fails a performance skill level is immediate remobilization followed by a retest. Failure to pass the retest will result in the team member being placed in a non-deployable status for the period of 30 days. Within the 30 days ***the member must*** bring the skill level up ***and*** request a retest. Failure to take or pass a retest will result in dismissal from the team.

Any team member, who is placed in a non-deployable status twice in a one-year period, starting with the date of the first period of non-deployability, will be reviewed by the team leadership for dismissal.

Physical fitness tests will be conducted annually. The tests will be conducted by a team leader and will have a minimum of three team members present, the leader conducting the test, a scorer, and the team member taking the test. Team members must participate in all physical fitness tests. A team member who is unable to make a scheduled test must request a test on an alternate schedule within the same week as the scheduled test. Failure to take or pass any physical fitness test will result in the

member being placed in a non-deployable status for the period of 30 days. ***Prior to the end of that 30 days the member must request a retest***. Failure to take a retest will result in immediate dismissal from the team.

If the failure to take the test is due to the existence of valid injury, as determined by the Team Commander, the team member will begin a rehabilitative process, which will result in the passing of the fitness test. The member will be given up to 90 days, based on the nature of the injury, to pass the test. If 90 Days is insufficient, based on a doctor's report, the member will be placed on a temporary leave of absence from SWAT duties and will be required to receive a doctor's clearance for return to SWAT duties. No more than 180 days of leave of absence will be granted. A member requiring longer rehabilitation of an injury will be dismissed from the team and my return as provided for under paragraph D.

Any team member who is convicted of a crime, or loses certification under OPS Guidelines, whether temporary or permanent, will he immediately be dismissed from the Team, with no chance for a return to SWAT. Any team member who is given time off without pay or suspension due to disciplinary action, will be immediately dismissed from the team. Return to the team will be as provided for under paragraph D.

A Negligent Discharge (ND) by a team member, at any time, whether while performing SWAT duties or other duties, both on or off shift, will result in the following actions. If the ND did not impact another person, the team member will be immediately placed in a non-deployable status for 30 days and will be aggressively remedial zed in the handling of weapons. If the ND impacted another person, the team member will be immediately dismissed with no possibility of return to the team.

Any team member who fails to adequately maintain assigned equipment may be dismissed from the team. Any team member who loses team equipment, through negligence, will be required to replace the equipment. If the lost equipment is sensitive in nature, such as weapons, explosives, NFD's or any items that can cause injury, the team member will also be dismissed from the team.

Any team member may voluntarily withdraw from the team at any time by giving written notice to the team commander.

D. RESELECTION

Past SWAT members who have left the team under circumstances involving a leave of absence, voluntary with-drawal, or failure to maintain, adequate levels of performance or physical fitness, may reapply to SWAT. Preference for filling an existing opening may be given to past members when a consensus of the team leadership feels it is appropriate. Under these circumstances, past members do not need to go through the applicant process. The past member will be given a physical fitness test, which they must pass, as well as a Firearms qualification and then will be brought back to the team. All standards for continued membership on the team then apply.

PART TWO

A. TRAINING PHILOSOPHY

The training philosophy for the METRO SWAT will center on the mission statement as contained in the Utica Police SWAT policy and inter-local agreement. This philosophy will be based on performance-oriented training that facilitates mission accomplishment. The team leadership will conduct a biannual policy review and, as a result of that review, will create training manual that will enumerate individual, squad, team, and leadership tasks. This manual will be the basis and foundation for the training of the team.

B. TRAINING CERTIFICATION

The Operations Team Leader(s), under guidance from the Team Commander, will be responsible for conducting training and ensuring training currency in keeping with the training manual and the mission of the team. A certification list will be complied, based on the training schedule for the year and each team member will be certified by the Team Commander at least once per calendar year. Certification will include certification of individuals, squads, team leaders and the team.

Any person(s) who conduct training exercises for the Team shall have received certification in the subject matter. In addition they must be IDC certified through DCJS and if they conduct firearms training they must Firearms certified through DCJS.

The Team Commander and Team Leaders will receive further training in command level decision making and supervision as it relates to Tactical situations.

Every SWAT operator must successfully complete a SWAT Operator course approved by the MPTC or its equivalent prior to serving operationally

Every SWAT operator must successfully complete an MPTC annual SWAT in Service.

Each operator will have an individual training record housed in the METRO SWAT office in addition to their training file maintained by their respective agency

Training certification of team member's assigned special equipment, as part of their duties, will also occur annually. Only those team members certified to use special items of equipment will be allowed to utilize them during operations.

C. TRAINING MANAGEMENT

All training will be document through Training Summary Reports. Training records will be complete and will be kept in RMS under a training number created for that year. Records will be maintained indefinitely. Each training session (monthly or additional trainings) will be added at the conclusion of the training evolution. Each training narrative will include a curriculum, syllabus, and attendance roster. The training will be summarized. All training records are available, at all times, to any police supervisor or administrator who has a vested interest in the team. Training record requests by others will be dealt with in accordance with UPD records policies and applicable laws.

D. TRAINING SCHEDULES

Training schedules will be developed annually in November for submission to DCJS. The Team Commander will bring the Operations Officer(s) and the Team Leaders into a meeting and review the training and operational AAR's for the last year.

Patterns and trends in training events and operations will identify training needs and these will be used as the basis for the training schedule.

The training schedule will identify the training date and time, subject, location, assigned instructor, logistical needs, safety officer assignments and any other information necessary. Once the schedule is published, assigned instructors will develop the lesson plans and outlines as per the training manual. Team leaders will monitor the training preparation by team members and will ensure that all training plans are complete 30 days prior to the training event. If the training may be impacted by adverse weather or the loss of a training facility, the assigned instructor will prepare contingency plans.

E. TRAINING SAFETY

Individual Safety Officers, usually Team Medics, will be assigned for all training events and will be clearly identifiable during the conduct of all training. Safety Officers are responsible for the safe conduct of the training and will stay focused on that task. Safety Officers have the right to stop training at any time, due to the safety concerns. Firearm safety procedures will include frequent inspections of firearms and clearly visible markings, which identify that the weapon is cleared. No live ammunition is allowed on a training site, except for live-fire events.

PART THREE

EQUIPMENT

A. AGENCY ISSUED EQUPIMENT

The respective agencies who are signatories on the inter-local agreement will supply their team members with the following equipment, at a minimum:

1. Pro - Tech FAV MKII Enhanced, 6 pockets/pouches, threat level IIIA with threat level IV ballistic plates.
2. Avon C 50 gas mask.
3. Training and duty ammunition.
4. Handgun with weapon light and 3 magazines

B. TEAM ISSUED OPERATOR EQUPMENT

All items of issued equipment will be carried on an individual property list. The individual officer will sign for the equipment on the list. The Utica Police SWAT property officer will issue team members with the following items of equipment:

1. Ballistic helmet with harness and communication headset
2. Ballistic vest with Level IV plates
3. Various pouches for vest and belt to carry gear
4. Chemical munitions launcher and munitions
5. Portable radio
6. Additional tactical equipment as designated by the Team Commander
7. Sealed goggles and safety glasses
8. Hearing Protection
9. Duty Belt for assigned tactical holsters and equipment
10. Two BDU-style uniforms
11. Handcuffs
12. Medical kit to include tactical tourniquets (SOF-T or C.A.T.), tactical trauma bandage or Z or S folded gauze with a compressions wrap, occlusive dressing (Asherman, Bolin, Hyfyn, or vaso gauze), combat gauze (Quick clot or equivalent), duct or 2 inch tape, trauma shears, nasal airway, 14 gauge 3.25 inch needle, emergency medical data card.
13. Knife (Purchased at own expense)
14. Rifle plate carrier
15. Assigned rifles with optics/flashlight

Team members shall be responsible for the care and maintenance of specialized equipment issued to them. Members shall request the replacement or repair of uniforms and equipment that is worn, damaged or unserviceable, in writing via the team commander.

C. TEAM EQUIPMENT

The Team will be equipped with the following equipment which is essential for successful completion of missions:

1. A truck/van with the capability to house equipment and transport the Team to necessary locations.
2. Sufficient ammunition for all weapons in use.
3. Noise Flash Distraction Devices and a delivery pole. The pole will be used when deemed necessary by the Team Commander.
4. A portable ladder.
5. A throw phone for use in transmitting in negotiation scenarios.

6. Rams, hooligans, sledge hammers, bolt cutters, and any other equipment deemed appropriate by the Team Commander for breaching purposes.
7. Precision rifles with optical sights.
8. Patrol rifles with lights.
9. Chemical munitions and delivery systems
10. Less lethal devices and delivery systems
11. Multiple hand shields to include both pistol and rifle
12. Radios capable of interoperability with agencies the Team frequently works with
13. Night vision goggles
14. iRobot 110 Firstlook: A throwable surveillance robot which can be deployed into various situations in which it would be too dangerous to send in a SWAT operator. The iRobot 110 Firstlook will be deployed as directed by the SWAT Commander.
15. Eyeone Eyepole: The Eyepole features two detachable cameras (Under Door Camera and Telescoping Pole Camera) that may be used as necessary to visually clear rooms before entering. The Eyepole will be deployed as directed by the SWAT Commander.
16. Bounce Imaging Ball: A throwable surveillance tool allowing for reconnaissance without jeopardizing the safety of Team members.

D. CARE AND MAINTENANCE OF EQUIPMENT

SWAT members to who any piece of equipment is issued are responsible for keeping that equipment in mission-ready condition at all times. Equipment will be serviceable, in proper working condition, and it will be the responsibility of the team member to regularly inspect that equipment. Equipment that is not working properly will be turned over to the team property officer for service.

Failure to keep equipment in proper working condition is grounds for review of the team member for dismissal from the team. If equipment is lost, significantly devalued, or fails to function during an operation due to negligence by the team member, the team member will be immediately dismissed from the team and the team member may be financially responsible for the lost of the equipment.

At a minimum of once a year a 100% inventory inspection of all equipment, issued and stored, will be conducted by the team property officer under the guidance of the Operations Team Leader (s). All equipment will be certified as mission ready.

E. EQUIPMENT STORAGE

Metro SWAT will maintain a SWAT locker, secure and with limited access, where all extra items of equipment will be stored. The room and its contents will be the responsibility of the team property officer, under the guidance of the Operations Team Leader(s).

The SWAT vehicle, complete with all tactical response equipment, will be kept secured in the maintenance garage area. Once per quarter, the property officer will inspect the vehicle and its contents to ensure that the vehicle is response capable at all times.

F. PURPOSE OF SPECIAL EQUIPMENT

Recognizing that the missions of the METRO SWAT are performed in a hazardous environment and recognizing that the safety of citizens, officers and suspects is often jeopardized by the hazardous conditions, it is the intent of the team to utilize items of special equipment, as listed below, to attempt to lessen the risk of injury or death to all involved during the performance of SWAT mission. **The team recognizes that the use of special equipment in no way implies or guarantees that injury or death will not occur during the conduct of the SWAT mission.** SWAT Officers assigned special items of equipment will

ensure that they understand the philosophy behind the item if equipment as well as the purpose for which it is used. The officer will also ensure that they know the policy which governs the use or non-use of the item, and the officer will ensure that they use only items which they have been certified in.

1. **Tactical Entry Firearms:** .45, .223 and 12 gauge shoulder-fired firearms which enable the team member to rapidly and accurately neutralize a threat to the officer or innocent civilians. The short barrel, caliber, type of ammunition, and selective fire capability, while providing reliability and stopping power, allow the team member to rapidly acquire the target, achieve a high degree of accuracy through a point shoulder positioning and a longer sight plane, maneuver in closed quarters, and utilized suppressive fire when needed. \

2. **Marksman Rifles:** .223 and .308 caliber long-barreled firearms, highly accurate at close, medium and extended ranges, which allow the police marksman to place rounds where needed, when necessary, to resolve life threatening incidents.

3. **Less-Lethal Impact Projectiles:** Safariland LLC Defense Technology Fin Stabilized 12 gauge rubber rounds, Defense Technology and other approved 40 mm rounds. Defined as munitions which can be fired, launched or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential for causing death. Use of this ammunition will be in accordance with the Utica Police Department Use of Force policy governing less-lethal projectiles.

4. **Flash/Sound Distraction Devices:** CTS or other approved devices. Designed to save lives through the prevention of shootings by providing a distraction to the subjects of an entry or other intervention method by team members. Utilizing a bright (2.4-8 Million Candela) flash and a loud (172 db) noise, which does not normally, under proper use, cause permanent injury or death, the device temporarily distracts subjects by overwhelming their physical and mental sense. (See Appendix IV for further)

5. **Specialty Breaching Munitions:** (NOTE: requires SWAT Commanders release for use) Tactical explosives and 12 gauge frangible breaching ammunition. Used to facilitate the breaching of entry points in secured or barricaded areas where use of normal breaching tools would probably be unsuccessful, or in situations where the team leadership determines it is necessary to use these items in the interest of the accomplishing the mission.

6. **Chemical Munitions:** CS and OC Can be used in tactical situations to subdue an individual, force subjects from an area, or deny an area used by subjects. Use of chemical munitions will be in accordance with the Utica Police Department Chemical munitions policy.

PART FOUR

OPERATIONAL DEPLOYMENT OF PHILOSOPHY

A.PRIORITY OF LIFE

Recognizing that SWAT operations are hazardous and realizing that the successful management and resolution of an incident often involves the need for decisions that may affect the life style of person involved, the following shall be the priorities of life during an SWAT operation.

1. **Hostages**
2. **Innocent civilians in the involved area**
3. **Police Officers**
4. **Hostage takers/suspects**

The life and safety of a hostage taker/suspect will always be a serious consideration, however, the life of a hostage taker/suspect will not take precedence over the life of hostages, civilians in the involved area, or police officers, regardless of the state of negotiations. Negotiations will be the main effort in attempting to resolve the incident, however SWAT will also be prepared, throughout the operation, to execute a tactical option if it becomes necessary.

High stress situations are very dynamic and fluid, therefore in the event of conflicting orders operators will follow the last lawful order they received.

B.CALL OUT RESPONSE PROCEDURES

In order to facilitate a speedy response, the contacted team leader will use the following process:

1. **Receive the mission:** The team commander will obtain the necessary information on the situation, decide which elements of SWAT to deploy, and draft the initial call out message. The initial message will include whether it is a staged operation or immediate action, location to meet, uniform, any special equipment needed, and any special instructions to team members.

2. **Issue the Call Out:** The team commander will ensure the message is sent out by text message or over the phone to deploying elements. Team members receiving the message over text will immediately reply. NOTE: Team member's dress out wherever they are and ensure that they arrive fully prepared to deploy immediately.

3. **Make a tentative Plan:** The team leader, based on the initial information as well as the training and experience, begins formulating a plan of action. Not a detailed plan, this is an immediate response plan that facilitates rapid deployment and stabilization upon arrival.

4. **Deploy to scene:** Utilizing procedures for a stage operation or immediate action.

5. **Perform Reconnaissance/Surveillance:** in the case of a staged operation, upon arrival, the team leader and subordinate leaders get eyes on the crisis site. During the recon, marksmen units are posted and they begin gathering and communicating information. The leaders return from the recon, develop the containment/immediate action plan, and the responsible squad leader briefs and deploys the containment/immediate action squad. This squad must be in position, whenever possible, within 10 minutes of arrival on scene.

   In case of an immediate action op, once the situation is stabilized the team leader will designate containment/immediate action squad and a deliberate action squad. The team leader will brief the squad leaders, who will re-deploy and reorganize the containment to meet this requirement. The team leader and the marksmen squad leader will also ensure that marksmen coverage is adjusted, if necessary.

6. **Develop Deliberate Action Plan:** The team commander returns to the Operations Team Leader, who has organized the SWAT staff and is implementing SWAT procedures. Negotiation strategy is developed with the negotiations chief and the Team Commander meets with the Incident Commander, as soon as possible, and prepares the immediate action checklist. Operations Team Leader begins coordinating SWAT activity and then meets with the Team Commander to develop the deliberate action plan. Deliberate action squad is assigned; the squad leader meets with the Team Commander and Operations Team Leader and receives the plan brief. The deliberate action squad locates and prepares a rehearsal area, and then further develops the plan. The SWAT intelligence process begins supporting the deliberate action plan. The intelligence plan is developed and briefed to the Team Commander. When appropriate, hostage control procedures are developed. When time permits, the deliberate action plan is formatted into the OPORD format.

7. **Prepare for Execution of Plan:** The deliberate action squad rehearses the plan until they are comfortable with the primary plan. They then work the plan through the possible contingencies that may arise. Once they are comfortable with the plan, the Team Commander watches full rehearsal of primary and contingency plans. If the Team Commander agrees the squad is prepared, the squad then moves to the last covered and concealed position (LCCP) and prepares for initiation of the plan. If the time and the plan allows, the deliberate action squad moves in and takes over containment, while the containment/immediate action squad gets briefed on the plan and then rehearse the plan so that they can back up the deliberate action squad if necessary. Negotiations strategy and intelligence plan are monitored by the Operations Team Leader to ensure continuity of the effort. Command elements are prepared, at all times, to apply decisive action to resolve the situation.

8. **Supervise and Refine:** As information and intelligence are update, the squads receive the information that relates to their role. Adjustments to the deliberate action plan are made as information/intelligence requires. Squads rotate out for rest or refit as necessary. Key decision making personnel and are kept aware of the changes or adjustments. Team Commander and Operations Team Leader ensure that the deliberate action squad is prepared, at all times, to enact the plan. Incident Commander is periodically updated on efforts and planning.

C.TACTICAL RESPONSE CHECKLISTS

1. IMMEDIATE ACTION OPERATIONS

A. Team members receive the Immediate Action page, dressed out where they are and respond to the scene. Assigned members pick up SWAT vehicles in route.
B. First arriving team member establish the Tactical Coordination Point (TCP) in a location of cover, where he has an “eyes on” the crisis site. Location of the TCP and the safe route into the scene is provided to dispatch. Dispatch notifies remaining team members of the TCP location and the safe route in as they sign on.
C. Team members arriving on scene report to the TCP and begin deploying by priority, based on the type of incident. For a hostage incident, priorities are Hasty Rescue, Marksman Over watch, Containment and Evacuation. For a barricade incident, priorities are Containment, Marksman, Over watch, and Evacuation. For other incidents, priority will be based on the initial assessment by the first on the scene team member.
D. First arriving team leaders takes control and continues initial deployment for stabilization.
E. Once initial deployment is complete, location of the Tactical Operation Command (TOC) is chosen and TOC staff begins operations.
F. First arriving negotiator isolates crisis site and establish Negotiations Post. Upon arrival of SWAT Leader, contact into crisis site occurs.
G. Once initial stabilization is complete, deployment is reorganized and SOP.

2. STAGE OPERATIONS

A. Team members receive the Stage Operation page, dress out where they are and respond to the assigned staging area. Assigned members pick up the SWAT vehicle while in route. Team commander, or next

Team Leader in the chain of command in commander's absence, goes directly to the scene. Operations Team Leader or next team leader in the chain of command goes directly to the staging area.

B. Team Members assemble at the staging area. Team Commander receives initial briefing at the scene and provides initials details and information to the operations Team Leader at the staging area, Operations Team leader or next team leader in the chain of command goes directly to the staging area.

C. Message for late responding members is left at the staging area. Operations Team leader convoys team to the TOC and deploys the team as per SOP.

3. PRE-PLANNED OPERATIONS

Team leader meets with the requested units, uses warrant service matrix to ensure that the use of the team is warranted. Obtains initial information and assigns target scout to an entry squad. Team leader designates staging, briefing and preparation location, and provides time line for a call out. The following process is utilized:

A. Pre-Operation activities:

1. Target scout assigned to an entry squad and completed based on whatever time line given to scout by the team leader.
2. OPORD, including risk assessment, for the operation is prepared using scout information as supplied to team leaders.
3. Pre-op surveillance assigned and deployed
4. Team briefing and combined briefing completed. (Videoed)
5. Rehearsals preformed (Videoed)
6. Final inspections conducted

B. Operations Activities:

1. Movement from staging area to target deployment location.
2. Movement to contact and entry preformed. (Videoed)
3. Target Location is secured
4. Medical Treatment if necessary. (Videoed)
5. Documentation of secure target location. (Videoed)
6. Crime Scene protection if necessary
7. Target location turnover to investigative unit

C. Post-Operation:

1. Equipment and personal recovery
2. Return to briefing location
3. After-action debriefing
4. Reports and documentation
5. Team leaders after-action reports

D.TACTICAL LEADERSHIP CONCEPTS

1. Squad Assignments and Purpose:

A. Sniper / Observer Team: primary purpose is to be prepared to resolve a crisis situation by a well-placed shot. Secondary purpose is ongoing real time information gathering and reporting. In order for the to accomplish their primary purpose, they must not be assigned activates than take them out of position or off their guns.

B. Containment/Immediate Action Squad: primary purpose is to be prepared for any sudden or anticipated action by the suspect and to conduct exigent crisis entry if forced to do so. Secondary purpose is to support

the Deliberate Action Squad if the deliberate action squad plan is implemented, and provide information gathering and report from their containment positions. Supporting the Deliberate Action Squad may include break and rake cover, secondary entry, deployment of noise/flash devices or gas, or cover for emplacement of audio/video recovery devices.

C. Deliberate Action Squad: Primary purpose is you perform a deliberate crisis entry. This includes assisting in the planning and development of the deliberate action plan, providing tactical expertise, rehearsal of main plan and any contingencies, and trouble-shooting the plan. Secondary purpose is to support the Containment/Immediate Action Squad if the immediate action plan I suddenly implemented

2. Tactical Response Options

A. Negotiation:

Recognizing that negotiation is the key, the team will support negotiations and ensure teamwork with the Crisis Negotiation Section. Most incidents will be resolved through negotiation; however, team leaders will ensure that a tactical option is prepared in case negotiations suddenly become non-productive. A negotiation strategy will be designed for each specific event. Negotiators will be involved in developing the strategy and understanding the decision making process. Team leaders will ensure that negotiators understand their role in a tactical solution.

The team commander will ensure that the incident commander, if one has been assigned, understands that there is always a chance of a less than favorable outcome and that there are no guarantees that the situation will be resolved through negotiation. The dynamics of the situation forced relinquishment of some amount of control to the suspect. The suspect knows what he is going to do, when he is going to do it, and he has in some way limited the police ability to respond, whether by structure or by observation on his part. The team commander will ensure that the Incident Commander understands that the suspect, not the police, has control over the suspect's actions. The goal will be to put processes in place that present the suspect through negotiations, with limited options and then cause him to choose a favorable one.

In order to more effectively assess an incident and develop appropriate plans, the team will try to use technology to enhance decision-making processes. Where possible, audio/video recovery techniques and devices will be used to supplement negotiations and intelligence processes.

B. Hostage Rescues:

1. *Sniper Option:* best option with highest probability for success. Utilization of trained snipers in their role has been proven to be an effective resolution method. Requires high standards of training and good deployment and control procedures. Requires the preparation of an entry squad to clear the location and a hostage control element to quickly control the reaction of the hostages.
2. *Vehicle Assault Option:* the next best option with reasonably high chance of success. Requires that entry squad is highly trained and has rehearsed their procedures and contingencies. Must be trained for and practiced on a regular basis. Requires high degree of shooting skill on the part of the squad.
3. *Stronghold Option:* the least desirable option as the entry squad into the area that the suspect controls and the area where the hostages are. Requires extensive training, planning, rehearsals and control measures. Also requires that the entry squad have excellent shooting skills. May require specialty breaching to permit entry.
4. *Combination:* highly likely that the tactical intervention will involve a combination of the above options. This requires a high degree of proficiency in SWAT skills and is manpower intensive.

C. Barricade Resolutions:

1. Barricade Options Continuum: barricades have the potential to be extreme life threatening events. In order to resolve barricades, the team must be capable of moving through a continuum of options based on the actions of the suspect. The continuum consists of, but is not limited to, *Presence, Negotiation, Limited*

Penetration, Covert Surveillance, Gas/Less Lethal, Limited Destruction, Directed Destruction, Smoke, and Entry. It is the intent of the team not to go close quarters confrontation until that is the only option. The actions of the team will be focused on expelling the suspect from the location and into custody.

2. The format for resolving a barricade situation will usually involve moving through the following process: **A) Perimeter Control/Show of Force:** (most common resolution). Allows the negotiators a good position to negotiate from, as the suspect clearly sees that he is isolated and his options are limited. Requires that the team be prepared for a lengthy stay or that the IC and/or the tactical commander have a time line identified for when specific transitions to other options in the continuum will be utilized. **B) Expulsion of suspect:** uses gas or other less-lethal methods to force suspect out into the open. Requires a gas plan be prepared and rehearsed, and that team is prepared for adverse reaction by suspect of for surrender. Requires training and knowledge of use of gas or other less-lethal items, as well as methods for introducing it. Requires coordinated efforts by squads. **C) Crisis Entry:** least desirable option is only used when first two methods have failed or when situation precludes the use of gas. Entry squad should look at stealth tactics versus dynamic. Requires highly skilled, competent, and confident entry squad.(See Appendix III for detailed entry information)

D. Threatened Suicide:

1. **Perimeter Control:** the best option requires being prepared for unanticipated action by the suspect while negotiators attempt to resolve the situation. Less-lethal options should be available and ready as suspect may attempt to push police into killing him. Team needs to be prepared for extended operation, which usually results in high amounts of frustration for team members. Team leaders need to have a time line established. Forcing the situation is usually not a good idea as negative publicity and/or litigation will occur if suspect appears to have been pushed into killing himself or is killed by police using non-standard or aggressive tactics.
2. **Crisis Entry:** try to avoid least desirable option. If forced to make entry to resolve, try using stealth tactics versus dynamic, and have les lethal up front and ready.
3. **Tactical Deployment Considerations:**

A. Determine suspects options.
B. Utilize active countermeasures to counter those options.
C. If resources are not adequate to counter suspect's options simultaneously, prioritize suspect's options and shift resources as conditions change.
D. Delegate tasks to subordinate units.

4. Suspects Potential Options:

Situation:	**Suspects options:**	**Active Countermeasures:**
Hostage		
	Release hostages,	Hostage control procedures,
	Surrender	Containment/Immediate Action;
	Barricade	Deliberate Action Plan
	Suicide	Deliberate Action Plan
	Hold hostages,	Hostage Situation SOP,
	Kill for leverage	Containment/Immediate Action; Deliberate Action.
	Negotiate for leverage	Negotiation Strategy and/or Deliberate Action.
	Attempt to kill/threaten hostages,	Containment/Immediate Action and/or Deliberate Action.
	Exit and confront police,	Hostage Situation SOP,

With hostages,	Marksmen Capability and/or Containment/Immediate Action;
Without hostages	Containment/Immediate Action with less-lethal Capability and/or Marksmen capability.
Attempt to Flee,	Containment/Immediate Action

Barricade

Shoot at officers or others From exposed position	Marksmen capability with Containment/Immediate Action and/or Deliberate Action Plan.
Shoot at officers or others From unexposed position	Deliberate Action Plan with barricade options continuum.
Exit and confront police	Containment/Immediate Action;
Threatening police	Marksmen capability and/or Containment/Immediate Action
Surrender	Containment/Immediate Action

Threatened Suicide

Confronts police, non-mobile	Negotiation strategy, less-lethal capability Containment/Immediate Action or Deliberate Action;
Confronts police, mobile;	Established boundaries for movement, Containment/ Immediate Action with less-lethal capability.

5. SWAT Commanders Decision Making Process:

A. Determine mission goal
B. Gather available information, convert to intelligence
C. Analyze intelligence, develop courses of action
D. Weigh courses of action against mission goal, perform risk assessment
E. Select course of action and implement, adjust as situation develops
F. Conduct after-action review

6. Operations Order (OPORD) Format

OPORD#
Date/Time/Name: the date and time that the OPORD is written, name of person preparing

References: this heading paragraph lists any other documents, such as search warrant affidavits, which have been used in the planning process

Task Organization: list all units e.g: UPD investigators, OCDETF, METRO, and their respective duty assignments for the operation

Authorizations: authorizations for specific items which require commander's release for use, e.g., NFD's, Specialty Breaching Munitions, Stingball Munitions.

SITUATION: this paragraph is a brief synopsis of the situation that has caused ERT to deploy. This documents the conditions, as they are when the planning process begins.

A. Threat: this subparagraph lists all person, weapons, and conditions which constitute a threat to the person involved in the operation.
B. Weather: this subparagraph gives the forecast weather during the time phase of the operation, since weather can play a very important part in the execution of an operation
C. Other: any other details, under the situation, which need to be documented

MISSION: (who, what, where, when, why) this paragraph is a goal statement of what METRO SWAT is to accomplish. Provides the goal which "drives" the planning for the operation.

EXECUTION: (how) this paragraph is the "meat and potatoes" for the OPORD, giving detailed information on how the mission is to be accomplished. There are several subparagraphs, designed to provide specific information to specific users.

A. Concept of the Operation: this subparagraph gives a description of how the operation unfolds, if all goes as planned
B. Coordinating Instructions: this subparagraph gives instructions which pertain to two or more units at the same time and describes how they coordinate their activity
C. Squad/Element Assignments: this subparagraph provides each specific unit with its specific instructions. This enables each subordinate leader to understand his units' assigned role throughout the operation
D. Contingencies: this subparagraph forces the planners to consider unexpected or unanticipated conditions, which can directly affect the success of the operation, and to plan responses to these conditions.
E. Rehearsals/Inspections: this subparagraph addresses when and where rehearsals and final inspections take place. These are required prior to all pre-planned operations. At a minimum, if

time requirements are restrictive, the team with rehearse actions on the objective, officer down reactions and transitions to barricade operations.

SERVICE AND SUPPORT: this paragraph lists all supporting activities which need to be dealt with and forces the planners to plan for these activities.

A. **Supply:**
   i. Food/Water
   ii. Uniform
   iii. Weapons/special equipment
B. **Transportation:** this subparagraph details how the units will get to where they need to be for the operation.
C. **Medical Support:** this subparagraph addresses the need for medical support, where that support will be located, and what steps will be taken if medical support is needed during the operation.
D. **Prisoners:** this subparagraphs details how arrested persons will be dealt with.
E. **Hostage Control Plan:** this subparagraph details the plans and procedures for dealing with the hostages, should a rescue occur. Includes hostage control point, turnover process.

COMMAND AND SIGNAL: (This forces the planners to address how to maintain control of the operation, particularly in these days of multi-agency participation and different radio frequencies). This paragraph identifies the chain of command and what communications methods will be used during the operation.

A. **Command:** who is in charge for various activities and where they will be located during the operation. Provides clear chain of command, so that the subordinate leaders know when they take over during any given phase of the operation.
B. **Signal:** identifies with what communications methods will be used during the operation, and includes a list of radio's and channels to be utilized.

7. SWAT Duties and Responsibilities

1. SWAT Commander: Sergeants or higher rank, the Commander has overall command of the SWAT call out unless relieved by the Chief of Police or until the call is designated an IMS situation in which case he becomes the Tactical Commander. Duties and responsibilities are as follows:

-Ensures the team is mission capable at all times
-Prepares budget information for submission to the UPD Support Division Commander
-Initiates call-out once contacted.
-Makes/approves tactical decisions as to the use of SWAT
-Coordinates all tactical units on the scene
-Makes/approves decisions that affect tactical employment during SWAT call
-Control the Team during employment of the tactical option.
-Approves all training for SWAT

2. OPERATIONS Team Leader: Sergeant or Investigator Rank, Ops. TL is responsible for deployment and tactical coordination for the operation. Duties and responsibilities are:

-Sets up and manages the TOC for the SWAT at call-out
-Assists the Commander in preparing and briefing the tactical plan on an SWAT call-out.
-Coordinates all SWAT members operating in a support role based on the tactical plan.
-Plans and conducts team training (may delegate to subordinate leaders but maintains responsibility), submits training briefs and schedules to the Commander for approval.
-Ensures that all SWAT equipment is accounted for and maintained properly by appropriate SWAT members.
-Acts as the Team Commander in the Commander's absence.
-Assists in administering team PFT's.

3. ENTRY SQUAD LEADER: Sergeant, Master Officer or Patrolman's rank, the Entry Squad Leader controls the actual performance

-Assists the Ops. TL. in the tactical planning process
-Ensures containment is complete when squad is assigned as containment/immediate action squad on scene
-Locates and arranges preparation of rehearsal area when assigned as deliberate action squad.
-Ensures that entry-team members are properly equipped for the specific mission.
-Ensures that all squad equipment is properly cared for and accounted for by holding regular inspections.
-Approves assigned scout documentation prior to submission to the Ops. TL for use in tactical planning.
-Deploys scout teams upon order from the Ops. TL
-Submits training needs to the Ops. TL for consideration and inclusion in the training plan/schedule
-Ensures mission readiness of squad members at all times
-Acts as Operations Team Leader in his/her absence; acts as Commander in absences of both

4. SNIPER/OBSERVER TEAM LEADER: Sergeant or Master Officer Rank, with the Squad Leader also trained as a Marksman/Observer. All members of his squad are equally capable of long and short-range target interdiction. Duties and responsibilities are as follows:

-Engages selected targets when authorized to do so by the Team Commander or Operations Team Leader.
-Deploys his/her squad in accordance with mission directives.
-Provides timely information of on-scene activity.
-Assists in scouting assignments as directed by the Ops. Team Leader
-Acts as marksman control in the TOC unless released by the Ops. Team Leader
-Ensures all necessary equipment is accounted for and in good condition.
-Submits training needs to Ops. Team Leader. for consideration and inclusion in the training plan/schedule.
-Ensures mission readiness of squad members at all times.
-Acts as Operations Team Leader in his/her absence; acts as Commander in absence of both.

5. SENIOR MEDIC

-Ensures that all tactical medics are technically and tactically proficient in all skills required for the performance of their mission.
-Maintains complete stocking, inventory, and inspection of team medical supplies.
-Submits training needs to Ops. Sgt. for inclusion in training plan/schedule.

8. On Scene Duties for Leaders:

Team Commander:

-Receives the primary mission information from the on-scene incident commander
-Selects the staging area and the location of the TOC for the operation
-Briefs the Ops. Team Leader by providing Paragraphs 1 and 2 of OPORD.
-Maintains communication with the Incident Commander.
-Coordinates the use of the Crisis Negotiation Squad.
-Advises in the preparation of the Tactical Plan.
-Performs a Leaders Recon of the location, accompanied by the Ops. Team Leader. and the appropriate Squad Leaders.
-Gives the Tactical Plan/OPORD brief.
-Evaluates the rehearsals of the Deliberate Action Squad.—directs the debrief of the incident.

Operations Team Leader:

-Ensures the effective deployment of the team according to the SOP.
-Liaisons with the Dispatch to ensure that all available team members have been contacted.
-Controls the convoy of team members during a staged operation.
-Designates which Entry Squad acts as Containment/Immediate Action and which squad acts as a Deliberate Action for the operation.
-Accompanies the Team Commander on the Leader's Recon.
-Formulates the Tactical Plan, with advice from the Team Commander and assisted by the Deliberate Action Squad Leader
-Advised the Containment/Immediate Action Squad Leader in the deployment of the Marksman/Observer Squad from the TOC in accordance with the SOP.
-Directs the deployment of the Containment/Immediate Action Entry Squad from the TOC in accordance with the SOP.
-Supervises and controls all support elements.
-Updates the TOC as new and pertinent intel/info comes in.
-Ensures all logistical needs for the Team are met.
-Coordinates the release of Team members from the target.
-Ensures all Team members are present for debriefs.
-Ensures that all pertinent reports are written by Team members.
-Writes Team after-action report.

Sniper/Observer Team Leader:

-Ensures that all squad members have arrived at the staging area or TOC, properly equipped for the mission.
-Once deployed into the target area, ensures that squad members are properly deployed (have coverage of main Routes of entry and exit) in covered and/or concealed positions.
-Ensures that all squad members receive pertinent intel/info on possible targets.
-Ensures that all squad members document intel/info that they gather and forward it to the TOC.
-Ensures weapon safety when released from the target area.
-Ensures all squad members are present for debriefs.
-Ensures all pertinent reports are written by squad members.
-Writes (delegates) squad after-action report.

Entry Squad Leaders:

-Ensures that all squad members have arrived at the staging area or TOC, properly equipped for the mission.
-Ensures squad members placed on perimeter have 100% coverage of the crisis site and are covered and concealed.
- Ensures that all squad members document intel/info that they gather and forward it to the TOC.
-Prepares to support the Deliberate Action Entry Squad during implementation of the Deliberate Action Plan.
-Accounts for all squad members and ensures weapons safety by squad members when released from the crisis site.
- Ensures all squad members are present for debriefs.
-Ensures all pertinent reports are written by squad members.
-Writes (delegates) squad after-action report.
-Once designated as Containment/Immediate Action Squad or Deliberate Action Entry Squad, task organizes as follows:

Deliberate Action:
-Assists the Ops. Team Leader in developing the Tactical Plan and/or OPORD.
-Gathers any additional equipment necessary to conduct the deliberate action mission.
-Locates rehearsal area, and directs rehearsal area preparation
-Conducts/controls squad movement from TOC to LCCP.
-Controls conduct of squad members during mission activities.

Containment/Immediate Action:
-Develops Immediate Action Plan with Ops. Team Leader.

-Supervises all Containment/Immediate Action activities.
-Ensures all squad members have equipment necessary to implement immediate action plan.

SENIOR MEDIC

-Cares for the feeding and welfare of Team members during all tactical operations.
-Controls the deployment of the Team Medics during all tactical operations.
-Designs and writes the Medical Support Plan for the OPORD.
-Coordinates all medical support during all tactical operations.

APPENDIX I

Physical Fitness standards for METRO SWAT Personnel:

Males:

1. *Pull ups/Chin ups:* minimum of 8 repetitions. Hands may be facing either way. Must come to a complete hang and chin must go over bar. (Upper body strength and endurance)

2. *Bench Press:* one repetition at body weight. Bar must touch chest and finish in full straight arm position. (Upper body strength)

3. *Sit ups:* minimum of 40 repetitions in a one (1) minute time limit. Hands must stay behind head, fingers interlaced. From flat on back perform sit-up, elbows must touch knees and shoulder blades must touch floor. Holder can only hold ankles, no wrapping around leg or calf. Must rest in up position. (Core body)

4. *Push ups:* minimum of 45 repetitions. There is **NO** time limit. Must start in up position, feet together, no bow or arch in Back, part of hand must be under shoulders. Partner will make fist or use Styrofoam cup and place it under exerciser. It must be placed at a point across the middle of the chest. When performing exercise, you must touch hand/cup on down position and come up to a full, straight arm position on top of repetition. May rest in up position for a short pause. May NOT take a knee or have any part of the body touch floor during repetitions. (Upper body endurance)

5. *1-mile run:* must be done in a maximum time limit of 8:30. (Cardiovascular).

Females:

1. *Bent-arm Hang:* minimum of 30 seconds. Must grab bar, pull chin over bar, and hold this position. Once chin drops below bar, time stops. (Upper body strength and endurance)

2. *Bench Press:* one repetition at 57% of body weight. Bar must touch chest and finish in full straight-arm position. (Upper body strength)

3. *Sit ups:* minimum of 40 repetitions in a one (1) minute time limit. Hands must stay behind head, fingers interlaced. From flat on back perform sit-up, elbows must touch knees and shoulder blades must touch floor. Holder can only hold ankles, no wrapping around leg or calf. Must rest in up position. (Core body)

4. *Push ups:* minimum of 33 repetitions. Must start in up position, feet together, no bow or arch in Back, part of hand must be under shoulders. Partner will make fist or use Styrofoam cup and place it under exerciser. It must be placed at a point across the middle of the chest. When performing exercise, you must touch hand/cup on down position and come up to a full, straight arm position on top of repetition. May rest in up position for a short pause. May NOT take a knee or have any part of the body touch floor during repetitions. (Upper body endurance)

5. *1-mile run:* must be done in a maximum time limit of 8:30. (Cardiovascular).

Appendix II

Utica Police Department
Chief of Police: M. Williams

Firearms Training Section

413 Oriskany Street West
Utica, N.Y. 13502
Phone (315) 223-3466
Fax (315) 223-3439
jamerosa@uticapd.com

Qualification Course (SWAT)

7-yard line:	6 rounds two hand combat reload, 6 rounds two hand combat	**17 Seconds**
3-yard line:	6 rounds two hand combat	**5 seconds**
7-yard line:	6 strong/6 support hand bulls-eye,reload	**27 seconds**
15-yard line:	6 rounds two hand combat reload, 6 rounds two hand combat	**22 seconds**
25-yard line:	8 rounds – High kneel Low kneel Prone Holster empty - magazine out	**30 seconds**

Appendix III

ENTRY

The Team will have the ability to make entries into structures whether they are fortified or not. There are generally two types of entries dynamic and stealth. A dynamic entry is conducted when the element of surprise is still available to the Team. It generally includes a breach and then team movements designed to flood and dominate a structure using speed and controlled violence.

A stealth entry will be used when there is no need to rush into a scenario. This is also referred to as slow and deliberate entry. This affords the most protection by slowing things down to a controllable pace. It can also enable shields to be used for maximum protection.

BREACH

As stated above the Team is capable of entries into structures even if they are fortified. The operator who conducts the breach will be known as the Primary breacher, he/she will most likely use a ram to defeat the locking mechanism, hinges, or fortifications of doors. The secondary breacher will employ a Hooligan tool which will be used for doors that open out towards the Team or for secondary entry points such as windows. The secondary points of entry will be determined in the operational brief prior to each operation.

Appendix IV

Use of Noise/Flash Diversionary Devices

The use of noise/flash diversionary devices has saved the lives of many police officers and innocent citizens, as well as suspects. However, in order to reduce the potential for injury, these lifesaving, less lethal devices must be properly deployed and their use be supervised.

The purpose of this document is to establish guidelines within the Utica Police Department, regarding the use of flash/sound diversionary devices.

Persons Authorized to Utilize Noise/Flash Diversionary Devices

Only personnel assigned to the METRO SWAT who have successfully completed the department approved training course in the proper use and deployment of noise/flash diversionary devices shall be certified/authorized to deploy them during actual operations. In order to remain certified/authorized to use these devices, personnel shall successfully complete a refresher course on an annual basis. Because of the specialized nature of these devices and the training required to properly deploy them, their use shall be limited to trained personnel from the METRO SWAT.

Authorization For Use

Except in extreme emergencies (i.e., life-threatening situations), noise/flash diversionary devices shall not be used without prior authorization of the METRO SWAT commander. In the absence of the Team commander, the team leader or diversionary device instructor may authorize their use.

Justification For Use

Generally, noise/flash diversionary devices may be considered whenever the use of less-lethal diversion would facilitate entry, enable arrest, and potentially reduce the risk of injury.

Circumstances justifying the use of flash/sound diversionary devices shall include, but not be limited to:

- Barricaded suspect and/or hostage situations

Reviewed and updated Feb. 8 , 2021

_____
Capt. Don Cinque
SWAT Commander

_____
Deputy Chief Ed Noonan

_____
Mark Williams
Chief of Police

NYS OVS Know Your Rights A Guide for Victims of Crime.pdf

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NEW YORK STATE | Office of Victim Services

Know Your Rights: *A guide for victims of crime*

The Office of Victim Services (OVS) helps crime victims. You can reach OVS by telephone, by email or online:

Telephone:1-800-247-8035
Email: ovsinfo@ovs.ny.gov
Online: www.ovs.ny.gov

OVS also has two offices:

80 South Swan St., Second Floor
Albany, NY 12210
(518) 457-8727

55 Hansen Place, 10th Floor
Brooklyn, NY 11217
(718) 923-4325

If you wish to visit an OVS office, you must call to make an appointment.

Visit https://ovs.ny.gov/locate-program to search for a victim assistance program (VAP) using your zip code or name of the county where you live.

The District Attorney's (DA's) office also may refer you to a victim assistance program. If you have questions about a criminal case, visit https://www.nypti.org/new-york-district-attorneys/ to find the DA's Office in your county.

Once you have a contact in the DA's office, write it here for future reference:

DA name: _____

Email: _____

Phone Number: _____

Address: _____

Website: _____

How can victims of crime get financial help?

OVS may pay costs you had because of the crime, including: the repair or replacement of essential personal property; loss of earnings or support; medical bills, including the cost of counseling; vocational rehabilitation; crime scene clean-up; or funeral bills.

To get help, you must file a claim with OVS. You can get a claim form from a police department or sheriff's office, a victim advocate, hospital emergency room, or online (www.ovs.ny.gov). Claims must be filed within one year from when the crime happened. If a victim died, the claim must be filed within one year of the date of death.

Victim advocates can help you with filing a claim. You can also get help from rape crisis centers, domestic violence programs or shelters, and other victim assistance programs.

Any payments from the following sources may reduce benefits provided by OVS:

- Insurance, Veteran's or Social Security benefits;
- Worker's compensation benefits if the crime happened at work, including payment for:
  - medical care and physical therapy,
  - lost wages,
  - disability benefits, or
  - death benefits;
- Filing a civil lawsuit.

If you are the victim of a crime:

You have the right to know what is happening in your criminal case.

You have the right to know how the case is being handled. To stay informed you ***must*** give your phone number and address to the DA and update this information when it changes. You should be told:

- the date someone is arrested;
- the date that person sees a judge for the first time;
- when that person is out of jail;
- when someone pleads guilty to the crime;
- the date of trial;
- the date of sentencing; and
- the possible sentence.

You have the right to attend court.

The prosecutor (another name for DA, the lawyer handling the case against someone who has been arrested) may ask you to stay away from court because of how they plan to handle your case. But, even if you are asked to stay away, you have the right to be in court.

You have rights while defendants are facing trial.

You may ask the police or prosecutor to contact your employer if you must miss work to help with the case. The police or prosecutor also should help by giving creditors information about

the crime if you can't pay your bills because of the crime.

Property held as evidence must be given back to you unless it is needed for proof at trial. The court will help to return property promptly.

You have the right to be free from intimidation.

Crime victims have the right to be protected from threats, physical injury or other forms of intimidation. The police department, sheriff's office or DA/prosecutor can give advice about how to protect yourself. Courts can issue orders of protection that direct the accused to stay away from you.

Intimidating a witness is a felony. Felonies are crimes for which a person can be sentenced to more than one year in prison. If you are threatened or harassed, immediately contact the police, sheriff's office, or DA/prosecutor.

If you receive unwanted contact after the individual is in prison, contact the Office of Victim Assistance at the New York State Department of Corrections and Community Supervision (1-800-783-6059) right away. Witnesses and victims may get help in relocating and changing their identities if needed.

If possible, when waiting to go into court, prosecution witnesses shall be provided a secure waiting area separate from all other witnesses.

You have the right to let law enforcement, the courts and the Parole Board know how you think and feel about the crime and how it affected you.

This is called making a victim impact statement. This statement allows you to share your feelings about the crime, how it affected you and your family, and what you think the defendant owes you. You may make these statements when the defendant is sentenced or eligible for parole.

The DA/prosecutor will ask what you think about releasing the defendant and about sentences other than prison. The court shall consider your views at sentencing.

At least 10 days in advance, you may ask to speak when the defendant is sentenced. You must let the court know you want to do this. You may speak about anything that relates to the possible sentence. If the victim of the crime is a minor, has died or been hurt and can't be in court, a relative may speak for the victim. You may make your statement in person at sentencing, or in writing as part of a pre-sentence report.

When a defendant is eligible for parole, you can also make a statement to the Parole Board. You may meet face-to-face with a member of the Parole Board, make your statement in writing, or make an audio or video recording of your statement. The defendant would not be at any face-to-face meeting.

You have the right to ask the DA to let you know how the case ended.

When making this request, ask for the "final disposition" of the case: was the person found guilty or not. You will get an answer within 60 days of when the case ended.

The Office of Victim Assistance at the state Department of Corrections and Community Supervision can answer questions about individuals sentenced to state prison. You may get information on these individuals — including when they will be sentenced — by:

Calling VINE (Victim Information and Notification Everyday) at 1-888-846-3469 or 1-888-VINE4NY and providing the:

- Inmate's full name,
- date of birth, and
- NYS ID number or the ID number assigned by the Department of Corrections and Community Supervision.

- *Note:* The DA's office will provide the NYS ID number and/or the inmate's date of birth.

- Visit http://nysdoccslookup.doccs.ny.gov/kinqw00 to search for an inmate by name, NYSID number or other identifying information.

You have the right to know when an inmate is released.

You can sign up for telephone, text or email notifications from VINE: Call 1-888-846-3469, 1-888-VINE4NY or visit www.vinelink.com to be told when a person is released from custody. VINE also provides other notifications such as an inmate's death, furlough, escape, and return to custody after an escape.

You also can register to be told when an inmate will go before the Parole Board and before an inmate is released. If you want to be told when an inmate is scheduled to go before the Parole Board or scheduled to be released, you must:

- Ask the DA's office for the form to make this request; complete it and then return it to the DA's office; or
- Complete the form online: www.doccs.ny.gov/DOCCSWebVictimNotification/aspx

You must complete this form to be informed of the chance to make a Parole Victim Impact statement. Registering with VINE alone will not inform you about this.

For additional questions about victim notification or making a Parole Victim Impact Statement, call the Department of Corrections and Community Supervision Office of Victim Assistance at 800-783-6059.

Other things you should know about your rights:

- You may always have a free copy of the police report.

- You can ask the Department of Motor Vehicles to waive fees for replacing licenses, permits, registrations, and license plates lost, destroyed or stolen because of a crime.

- Employers cannot fire or punish you because you:

  - were a witness in court;
  - took time to give a statement to the Parole Board, or
  - helped the DA.

- These rights apply to:

  - the next of kin of victims who died,
  - representatives of victims, and
  - Good Samaritans, who are people who tried to help victims even though it was

not their job, i.e., they are not police, firefighters, etc.

Violating this law is a misdemeanor. Your employer may decide, however, not to pay you for the time you spent away from work while involved in any of these activities.

- Victims can ask that a person convicted of a felony sexual offense be ordered to be tested for HIV. Requests must be in writing and must be filed with the court. A representative can act for a minor victim or someone a court has determined cannot handle his or her personal affairs. The test results are given to the victim and the defendant; they are not disclosed to the court.

- The Court may order the identifying information of a person applying for a name change sealed if publishing this information might put the person at risk.

Restitution: Your Right to be Paid Back

As a victim, you can ask that the defendant pay you back for what you lost due to the crime. This is known as restitution and it is not paid for future losses or pain and suffering.

Restitution must be part of a defendant's sentence. The amount paid to you will be based on proof of what you lost because of the crime.

- Keep records and receipts of any costs you have due to the crime, and
- Give copies of those records and receipts to the police, DA and Probation Department. Your claim for restitution will be part of the report that the Probation Department files with the court.

If you do not provide this information in time to be part of the defendant's sentence, you may be able to get repaid by suing the defendant.

You can ask for, but are not limited to:

- medical and counseling costs,
- loss of earnings,
- replacing, repair or cleaning of property,
- funeral costs, and
- any other cost you incurred because of the crime.

The defendant can object and the court may hold a hearing on your request. The DA may ask you to testify at that hearing. If you are worried about being in court, you should talk to the DA.

A judge will usually order the defendant to pay you back. If the judge does not order repayment, he or she must clearly state why, on the record. The restitution order will be on the inmate's commitment paper, which is the written instruction from the court directing the convicted person to be put in jail or prison.

The agency responsible for collecting repayment is listed on the restitution order. Payments are required to be made as ordered and will be made by check. You must provide a current address and update your address information if it changes.

Restitution from minors or persons in need of supervision (PINS) must be ordered by the Family Court. Repayment from juvenile delinquents is limited to $1,500, and $1,000 from PINS. To seek additional restitution, victims may file a lawsuit against the minor's parents or guardians.

If OVS has paid your bills and the court orders restitution, that repayment may be made to OVS, not you. If you filed a claim with OVS, it is important that you tell OVS if the court orders repayment.

Certain victims of crime have additional rights under the law.

Rights of Child Victims:

1. Describing the crime as few times as needed;
2. A judge sensitive to the stress a child may experience testifying;
3. The same prosecutor handling the case whenever possible;
4. The use of video-recording or two-way closed-circuit TV when acting as a witness;
5. A support person when acting as a witness in court;
6. Using dolls and drawings when acting as a witness;
7. A team of people from various fields to address child abuse.

Rights of Victims of Domestic Violence:

1. An Order of Protection, which is an order of a court that requires one person to stay away from another person. Orders of protection are served at no cost. Criminal courts can give such orders to anyone while Family Court is limited to giving such orders to:

- relatives,
- former spouses, or
- people who are not related but have an "intimate relationship."

The judge will decide if a relationship is "intimate;" non-sexual relationships can be "intimate."

2. An arrest made by police if:

- Police find that your abuser committed a **felony** against you, they must make an arrest.

- An **Order of Protection has been violated**. This is true even if the order of protection was issued in another county, state, territory or tribal jurisdiction.

- Police determine that a **misdemeanor** has been committed against you, unless you ask them not to. Even if you make that request, police may still make the arrest. Misdemeanors are crimes for which a person can be sentenced for up to one year in jail.

3. When police believe that more than one family or household member committed a misdemeanor family offense, they are not required to arrest more than one person. In such cases, police must try to determine who is most responsible and arrest that individual.

4. If the police do not witness the violation or do not make an arrest, you can make a civilian arrest.

- This does not mean that you must physically make the arrest. It means that you must sign a complaint.

- Police may either take your abuser into custody or give you information on how to get the court to take some action.

5. In addition to making arrests, police can help you:

- Get to a safe place: victims of domestic violence can get emergency residential services;
- Get information on how the court can help protect you;
- Get medical care;
- Get personal belongings from your home;
- Get a free copy of any incident reports; and
- File a complaint in Criminal Court.

6. You may either place or temporarily lift a "freeze" on your credit report free of charge. To do this you must a) write to the credit reporting agency, and b) give proof you are a victim of domestic violence by providing one of the following:

- a domestic violence incident report (called a DIR),
- a police report,
- an order of protection, or
- an affidavit of a medical provider or of a victim advocate

Credit reporting agencies must not share the reason for the request.

7. To be treated fairly by an employer or licensing agency in hiring or employment practices.

8. Avoid forced contact with your abuser.

9. Request a new telephone number, at no cost.

Rights of Victims of Rape or Sexual Assault:

1. To be informed in writing of the name, address and phone number of the nearest rape crisis center;

2. To be in a private setting when being interviewed;

3. To limit people in the interview to:

    - those conducting the interview,
    - a social worker, rape crisis counselor, psychologist or other professional providing emotional support, and
    - the victim's parents, spouse or friend if requested by the victim.

4. To not be asked or required to take a lie detector test or stress exam.
5. To have OVS pay for a medical exam related to a sexual assault. In addition:

    - Examiners and facilities must accept the state's set fee as payment in full.
    - Victims may assign insurance benefits to the examination provider.
    - If victims assign insurance benefits, such coverage is not subject to annual deductibles or co-pays or balance billing by the provide[14]
    - However, victims may choose not to provide insurance information to the examination provider if concerned about privacy or safety.

[14] For all insurance policies and contracts issued, renewed, modified, altered or amended on or after January 1, 2019.

6. To have clothes returned upon request.
7. Hospitals providing emergency treatment:

    - shall provide information on the availability of emergency contraception, its use and how well it works;
    - must provide emergency contraception, unless the victim refuses or if the victim is pregnant.
    - must offer victims a trained sexual assault advocate during the examination.

8. To have sexual offense evidence collected and kept in a locked, separate and secure area for 20 years from the date of collection. Victims will be notified at least three months before the end of the 20-year period that the evidence will be discarded.

New Table of Organization.pdf

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Utica Police Department
Table of Organization





- Professional Standards Unit
- **Chief of Police**
  - Chief's Secretary
  - **Deputy Chief** — Operations
    - **Criminal Investigations Division**
      - Criminal Investigations Section
        - Day CID
        - Night CID
        - Major Crimes
        - Sex Offender Unit
        - Burglary
        - Child Advocacy Center
        - Major Crimes
        - GIVE
      - Special Investigations Section
        - Special Investigations Unit
        - Warrants Unit
      - Crime Intelligence Section
        - Mohawk Valley Crime Analysis Center
        - Juvenile Aid Unit
        - Crime Scene Unit
        - Tech Unit
    - **Uniform Patrol Division**
      - A Platoon
        - A-1
        - A-2
        - A-3
      - B Platoon
        - B-1
        - B-2
        - B-3
        - Matrons
      - C Platoon
        - C-1
        - C-2
        - C-3
      - Patrol Support
        - Traffic Unit
        - Parking / Animal Enforcement
        - Crime Prevention Unit
        - SWAT
        - Community Outreach Team
        - Domestic Violence Unit
        - City Court Security
        - Crisis Response Team
    - **Support Division**
      - Training Unit (MVPA)
        - Firearms
      - MIS
        - Records Unit
      - Logistics and Resources Unit
        - Accreditation, Quartermaster, Medical Billing/Adjuster
        - Budget & Grants
        - Property Unit
        - Fleet Maintenance

Approved by: Mark Williams
Chief of Police

Date: 8/2/2021

Utica Police Department
Table of Organization





- Professional Standards Unit
- **Chief of Police**
- Chief's Secretary
- **Deputy Chief** — Operations
  - **Criminal Investigations Division**
    - Criminal Investigations Section
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      - Major Crimes
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      - Budget & Grants
      - Property Unit
      - Fleet Maintenance

Approved by: _____ Date: _____

Chief of Police

Instructions for Preparing DCJS Hate Crime Incident Report.pdf

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INSTRUCTIONS FOR PREPARING THE HATE CRIME INCIDENT REPORT

The Hate Crime Incident Reports provide data to the Division of Criminal Justice Services on hate crimes that occur in your jurisdiction. Agencies must report a hate crime when it appears that the offender's actions were motivated, in whole or in part, by a bias towards the victim. Use the attached Hate Crime Penal Law Reference Table to identify crimes that may involve a bias motivation. Submit the completed form with your monthly UCR or IBR crime report.

IF THERE ARE NO HATE CRIME INCIDENTS TO REPORT for the month, IBR agencies should check the appropriate box on the form and fill in month, year, and agency name before submitting by email, fax or postal mail. UCR agencies should check the appropriate box on page 5 of the Return A form.

This form is designed for electronic or manual data entry. To complete the form, enter the data into the spreadsheet or print the form and manually enter the information. When completed, return the form **by email to infonysucr@dcjs.ny.gov, by fax at (518) 485-8039, or by mail to NYS DCJS, Crime Reporting Unit, Alfred E. Smith Office Building - 6th Floor, 80 South Swan Street, Albany, NY 12210.** If you have any questions, please call the Crime Reporting Unit at **1-800-262-3257**.

Incident Date:	Enter the date the incident occurred.
Case Number:	Enter the agency case number assigned to the incident
Hate Crime Incident Classification	Refer to the Hate Crime Penal Law Reference Table (attached) to determine the charges relevant to the incident. Enter the appropriate Penal Law charge(s).
Bias Motivation	Use the codes located at the bottom of the form and enter the bias motivation being reported.

C. Incident Information

Location of Hate Crime	For each incident, enter a location code that best describes where the bias crime occurred.
Type of Victim	For each incident, identify the type of victim that was targeted. "Structured Group or Organization" (code 73) should be used to identify bias crimes against a group of people defined by their collective similarity where no one individual was targeted.
Victim(s) Demographics	If victim(s) is an "Individual(s)" (code 72), enter all known demographics for each victim on a separate line. If victim is a "Structured Group or Organization" (code 73), do not enter any victim demographics.
Offender(s) Demographics	Enter all known demographics for each offender on a separate line. Leave blank if offender is unknown.

D. HATE CRIME PENAL LAW REFERENCE TABLE

Hate Crime involves a bias motivation to commit or attempt to commit any of the following offenses.

105.00	Conspiracy 6th
105.05 All subs	Conspiracy 5th
105.10 Sub 1, 2	Conspiracy 4th
105.13	Conspiracy 3rd
105.15	Conspiracy 2nd
105.17	Conspiracy 1st

Note: The conspiracy must involve the intent to commit one of the hate crimes listed below.

120.00 All subs	Assault 3rd	135.60 All subs	Coercion 2nd
120.05 All subs	Assault 2nd	135.65 All subs	Coercion 1st
120.10 All subs	Assault 1st	140.10 All subs	Criminal Trespass 3rd
120.12	Agg Assault Person <11	140.15	Criminal Trespass 2nd
120.13	Menacing 1st	140.17 All subs	Criminal Trespass 1st
120.14 All subs	Menacing 2nd	140.20	Burglary 3rd
120.15	Menacing 3rd	140.25 All subs	Burglary 2nd
120.20	Reckless Endanger 2nd	140.30 All subs	Burglary 1st
120.25	Reckless Endanger 1st	145.00 All subs	Criminal Mischief 4th
120.45 All subs	Stalking 4th	145.05 All subs	Criminal Mischief 3rd
120.50 All subs	Stalking 3rd	145.10	Criminal Mischief 2nd
120.55 All subs	Stalking 2nd	145.12	Criminal Mischief 1st
120.60 All subs	Stalking 1st	150.05	Arson 4th
121.12	Strangulation 2nd	150.10	Arson 3rd
121.13	Strangulation 1st	150.15	Arson 2nd
125.15 Sub 1	Manslaughter 2nd	150.20	Arson 1st
125.20 Sub 1,2,4	Manslaughter 1st	155.25	Petit Larceny
125.25 All subs	Murder 2nd	155.30 All subs	Grand Larceny 4th
130.35 Sub 1	Rape 1st	155.35	Grand Larceny 3rd
130.50 Sub 1	Criminal Sexual Act 1st	155.40 All subs	Grand Larceny 2nd
130.65 Sub 1	Sexual Abuse 1st	155.42	Grand Larceny 1st
130.67 Sub 1A	Agg Sexual Abuse 2nd	160.05	Robbery 3rd
130.70 Sub 1A	Agg Sexual Abuse 1st	160.10 All subs	Robbery 2nd
135.05	Unlawful Imprisonment 2nd	160.15 All subs	Robbery 1st
135.10	Unlawful Imprisonment 1st	240.25	Harassment 1st
135.20	Kidnapping 2nd	240.30 Sub 1,2,3,4	Agg Harassment 2nd
135.25 All subs	Kidnapping 1st	240.31 All subs	Agg Harassment 1st

2021 UPD Goals Objectives.pdf

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Utica Police Department

2021 Goals & Objectives for the Criminal Investigation, Support & Uniform Patrol Divisions.

January 31, 2021

Criminal Investigations Division Short-Term Goals & Objectives for 2021

Criminal Investigations Section

Goal: Improve outlay of 2nd floor Conference Room for Major Crimes case operations.
Objective:

a) Outfit 2nd Floor Conference Room with additional monitor for more fluent Lead Desk operations.

Goal: Improve information sharing amongst CID Units
Objective:

a) Conduct Monthly shooting review with Major Crimes, GIVE, MVCAC, and CID supervisors.

Goal: Review CID cruiser fleet assignments to eliminate vehicle availability conflicts for investigators.
Objective:

a) Restructure cruiser assignments to provide adequate cruiser availability for Major Crimes

Special Investigation Unit

Goal: Improve on and provide additional equipment to investigators.
Objective:

a) Tint the windows on the departmental Nissan Altima.
b) Purchase surveillance equipment for SIU investigators to enhance undercover investigations.

Warrants Unit

Goal: Decrease the amount of active warrants
Objective:

a) Audit all open warrants and identify which are eligible for purge/recall or non-prosecutable. Present qualifying warrants to Utica City Court for closure.

CSU/Tech Unit

Goal: Continued on the job training for selected evidence technicians for the purpose of developing a competent/reliable call back list.

Objective:

a. Consistently call back officers on the list and allow them to assist with the processing of major crime scenes.

Juvenile Aid Unit

Goal: Replace the antiquated couch used for extended/overnight stays.

Objective:

a. Secure funding in the budget for the couch and put it out to bid.

Goal: Make cosmetic improvements to the designated interview room.

Objective:

a. Secure funding and Coordinate with logistics/maintenance staff to make time for the project.

Goal: Clean and purge the records room of older files.

Objectives:

a. Secure funding and Coordinate with logistics/maintenance staff to make time for the project.
b. Find an approved location for the purged/older records to be kept.

Mohawk Valley Crime Analysis Center

Goal: Link all agencies in the county that use "Total Enforcement" as a records management system to DCJS's "Force Point Analyzer". This would allow crime analysis centers across the state to access TE for information/intelligence.

Objectives:

a. Work with Oneida County IT Personnel to acquire a list of those agencies involved and enter an MOU with said agencies.
b. Once an MOU is reached, link these agencies up with Anne-Laure DelCerro and DCJS's IT Department and get them on board.

Goal: Mount and test the new 360 pole cameras the City of Utica has acquired.

Objectives:

a. Work with IT Project Manager Frank Mutolo to make sure all the infrastructure is in place at the designated locations.
b. See that the cameras are properly installed and the software allows us to successfully view, navigate and record footage from the crime analysis center.

Captain Bryan Coromato
Utica Police Department
Criminal Investigation Division Commander

Support Division Goals and Objectives for 2021

This document creates a collective vision of the **Support Division's** goals and objectives for the **2021** calendar year. Its primary purpose is to delineate specific strategies to be used in our mission to obtain operational goals, performance benchmarks and resource acquisitions that will support the agencies primary goals and objectives. It is a continuation of a three-year plan. The first years' goal was achieved in 2020.

This document is a collection of input from the Unit Commanders along with Command Staff utilizing operational history and trend analysis to define the future operations of the Administrative Division.

M.I.S. UNIT:

GOAL- Upgrade critical physical components of the Utica Police Department network system. The general lifespan of the average computing components to include servers, battery backups, and other computing devices is about five years. The Utica Police Department computer system is nearing this life expectancy or in some devices has reached this life expectancy and will need to be upgraded in order to continue normal operation and to improve growing performance and data storage needs.

OBJECTIVE- MIS Unit in partnership with the other contracted entities will replace three major critical components of the Utica Police Department computer system. These upgrades will be **completed over the next two years** in the following stages:

1. ***Data Backup System*** – Data Backup System is used to protect against data loss and to provide protection for the server Operating System. Upgrade to the Data backup system consists of two parts. The first part involves replacing the physical device and the second part consists of upgrading and configuring the backup software. Both parts of **the Data Backup System upgrade will be done during stage two in the second year**. (Current year 2021).

2. ***Virtual Server Host*** - Virtual Server Host is a physical device or a server that hosts all of the virtual servers, it provides computing resources to the individual virtual servers and allocates data storage. **This device will be replaced in year three,** (2022). After a physical device is installed and configured all virtual servers will be migrated from the old host into this new host.

Note: These upgrades will increase computer processing power; data storage needs while at the same time providing for continued uninterrupted operation of the Utica Police Department computer system.

RECORDS UNIT:

GOAL- Eliminate dependency on the printed logs, reduce the production of the printed material from the electronic format, and streamline the process of fulfilling requests for records. Currently, the Records unit is using an antiquated method of **tracking Notice of Claims**, **Subpoenas, Foil Requests, and Records Sign Out via paper logs or notebooks**. This antiquated method does not allow for easy search, work tracking, growth, and does not offer any protection from deletion/destruction. **Transitioning to the electronic method** of tracking will remove all previously listed deficiencies of the paper logs. While fulfilling requests for records many records that are in electronic format are converted to printed material and either mailed or faxed to the requestor. Printed records that are faxed to the requestor are destroyed after the fax receipt is confirmed. This process of fulfilling a request for records generates unnecessary waste of resources and increases the time needed to fulfill the requests**. A solution that decreases the need to generate printed material and reduce the time needed to fulfill the requests for records needs to be implemented**.

OBJECTIVE- Records Unit will **create solutions to eliminate the need for printed logs and commit all new logs to the electronic format**. Records Unit with the assistance of the MIS unit will create solutions and conduct training to use available computer technology to fulfill requests for orders more efficiently and in electronic format without a need to generate printed material. These implementations and training **will be completed over the next three years in the following stages**: This goal is a continuation of a three-year plan. The first goal was completed in 2020.

1. **Mailing paper records** – Whenever an email address or fax number is provided by the records requestor instead of mailing records via traditional post service method the Records Unit members will send requested records as an attachment via email or will fax them to the requestor. All Records Unit members will be trained on how to export records from the Records Management System (RMS) to a format that can be used to send as an attachment and how to send requested records via email. (2021 goal).

2. **Faxing paper records** – MIS will configure current fax equipment to allow faxing of electronic files from the user's desktop without the need to print. All Records Unit members will be trained on how to send a fax of electronic files from their desktop computers and will start using this new method of faxing in the third year. This method of faxing will eliminate the need to print electronic files before faxing, shredding of paper records after the records have been received by the requestor, and it will reduce the steps needed to send a fax. (2022 goal).

Note: These operational changes of logging requests for records, processing requests for records, and method of delivery will reduce the time needed to process requests for records while at the same time reducing the environmental footprint of the Records Unit.

ACCREDITATION:

GOAL- To transition entire Policy & Procedure manual over to the Lexipol Knowledge Management System by 2023. The Utica Police Department will complete the transition with assistance from Lexipol, establishing a Policy Manual and Procedural Manual that can be easily updated and user-friendly.

OBJECTIVE- The Utica Police Department will complete the separation of the current Procedural Manual, encompassing Policy and Procedure, breaking it down into two separate manuals within the Lexipol KMS. Once completed, the Lexipol KMS will allow members to easily access and navigate the department's policy manual and procedural manual. The Lexipol system will also assist with policy updates, as they come into law.

LOGISTICS & RESOURCES UNIT:

GOAL- To replace leased command staff vehicles with the purchase of new units that can be utilized in various functions of the department, throughout their serviceable life.

OBJECTIVE- The Utica Police Department will purchase and deploy six (6) new vehicles that will replace currently leased command staff vehicles by September 2021. As command staff vehicles are generally low-mileage, the purchase of new vehicles will assist in future replenishment of older criminal investigation division vehicles which are currently replenished by older, high-mileage patrol vehicles. As the department currently utilizes patrol-based vehicles for a number of different units throughout their 10+ year serviceable lifespan, command staff based vehicles should show less wear and tear, allowing for lower expected maintenance costs.

TRAINING UNIT:

GOAL- It is the goal of the Utica Police Departments Training Unit to continue to develop a sustainable Officer Wellness Program (OWP) by the year 2022. As secondary goal of the OWP, the training unit will train new officers to become a part of our Pier Support program.

OBJECTIVES- The Utica Police Department Training Unit will have at least three (3) new members trained as peer support officers by the conclusion of 2021. Approved training for PSO's will be in accordance to NYS and DCJS guidelines.

PLAN:

- By the conclusion of 2022, the Utica Police Departments newly trained PSO's (Pier Support Officers) will provide training to the agency members during annual In-Service training. The officers will also be used during the week-long delivery of the Officer Wellness program in the Basic Course for Police Officers.

- This process will ensure that the entire agency, including recruit officers, will receive the needed information and procedures on how our pier support program will work and operate.

- Considered members of the PSP should be seen as credible, competent and trustworthy. They should be free of their own struggles or issues and adaptable to training. Candidates may apply or be nominated by their immediate supervisors.

- A structured peer support program will ensure officers have the proper tools to perform their duties at the highest level and develop a healthier, more efficient, and productive officer, which will lead to increased public safety. The Training Unit will make program assessments and utilization of the program to maintain an effective program.

BUDGET & GRANTS UNIT:

GOAL- To utilize grant funding to acquire a replacement enclosed trailer and increase the number of certified child passenger seat technicians by 2023.

OBJECTIVE- The Utica Police Department will seek authorization and funding through the Governor's Traffic Safety Committee Child Passenger Safety grant to purchase a new enclosed trailer. This trailer will replace the current 2003 model year enclosed trailer, which stores child safety seats and equipment purchased with grant funding. As this trailer is nearly 20 years old, it is experiencing several age-related issues such as rust/rot which is not repairable. Research and application for this trailer will be built into the 2022 CPS grant for purchase next year.

NOTE: The Utica Police Department will also build a network of newly trained child passenger safety technicians. The department currently has two available certified cps technicians, which serve the City of Utica and surrounding areas with child seat installation training/assistance. The addition of new technicians will help with future CPS grant funding increases.

Captain Don Cinque, 1420
Utica Police Department
Support Division Commander



Uniform Patrol Division Goals & Objectives for 2021

Crime Prevention Unit (CPU)

Goal: Create a specialized policing unit, that will focus on crime prevention, crime deterrence and pro-active policing.

Objectives:

a. Assign the appropriate number of staff (supervisors/officers) based on departmental needs and staffing constraints.
b. Create a flexible work schedule based on crime analysis, crime trends and the needs of the department to have the greatest impact on public safety and community relations.
c. Provide specialized training to each member in Community Oriented Policing.

Mental Health Unit (MHU)

Goal: Create a unit consisting of a specially trained Utica Police Department officer along with a qualified Mental Health Professional to respond to active incidents involving Emotionally Distressed Persons as well as conduct follow-up on all incidents involving Emotionally Distressed Persons.

Objectives:

a. Select one CIT (Crisis Intervention Team) trained officer to be assigned to the unit.
b. Coordinate with the necessary Mental Health Providers to hire/staff the dedicated Mental Health Professional that will be assigned to the unit.
c. Provide the necessary office space and equipment needed.
d. Provide any additional specialized training to members assigned to the unit.

Alarm Registration Compliance

Goal: Develop a procedure to streamline registration and ensure compliance of all residential and commercial burglary alarms within the City of Utica.

Objectives:

a. Conduct a comprehensive review of the current procedures in place to track alarm registrations and activations.
b. Develop an updated streamlined procedure that adequately handles the tracking, documenting and follow-up needed to maintain compliance.
c. Assign the appropriate number of necessary personnel (Supervisors/officers) to staff the project.

Captain Brian D. Bansner #0399
Utica Police Department
Uniform Patrol Division Commander

CBA - Drug Alcohol employee testing procedure.pdf

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APPENDIX "B"

CITY OF UTICA
POLICE DEPARTMENT

Drug Policy and Testing Plan

PURPOSE

The purpose of the Drug Policy and Testing Plan is to ensure:

(A) A work environment where not only the citizens of the City of Utica, but the Utica Police Department personnel, are free from the risk of personnel who may be using illegal drugs;

(B) The capability of all Utica Police Department personnel to perform their assigned duties at all times without being under the influence of drugs;

(C) That members of the Utica Police Department share in the responsibility and understanding that when members of this Department, who may be using illegal drugs at any time, he/she is a detriment to themselves, other members of this Department and to the citizens we are sworn to protect. It is the obligation of all members to insure the safety of all concerned by reporting such conduct;

(D) The understanding of the Utica Police Department personnel of the availability of the Employee Assistance Program in which, under confidentiality, they may request assistance and/or rehabilitation for drug use;

(E) That Police Department personnel are cognizant of ramifications of the use of illegal drugs at any time.

(F) Any medical information learned as a result of this Policy that is not relevant to the purpose of this Policy may not be used by the City or the Department against the employee.

DEFINITIONS

COVERED EMPLOYEES: All employees of the Utica Police Department

MEDICAL REVIEW OFFICER (MRO): A licensed physician (medical doctor or doctor of Osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of the substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history and any other biomedical information.

SUBSTANCE ABUSE PROFESSIONAL (SAP): A licensed physician (medical doctor or doctor of osteopathy), or a licensed or 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 controlled substances-related disorders.

DESIGNATED EMPLOYER REPRESENTATIVE (DER): An employer or individual(s) identified by the employer as able to receive communications and test results directly from medical review officers, screening test technicians, collectors, and substance abuse professionals, and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes.

ADULTERATED SPECIMEN: A urine specimen into which the employee has introduced a foreign substance.

DILUTE SPECIMEN: A urine specimen whose creatinine and specific gravity values are Diminished by the employee through the introduction of fluid (usually water) into the specimen either directly or through excessive consumption of fluids.

SUBSTITUTED SPECIMEN: A specimen that has been submitted by the employee in place of his/her own urine.

BLOOD ALCOHOLD CONCENTRATION {BAC): The alcohol in a volume of breath Expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breathe test.

EVIDENTIAL BREATH TESTING DEVICE {EBT): An EBT approved by the National Highway Traffic Safety Administration (NHTA) for the evidential testing of breath and placed on NHTA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

BREATH ALCOHOL TECHNICIAN {BAT): An individual who instructs and assists individuals in the Alcohol testing process and operates an EBT.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES {SAMHS): Formerly National Institute of Drug Abuse.

DEPARTMENT OF HEALTH AND HUMAN SERVICES {DHHS):

EMPLOYEE ASSISTANCE PROGRAM (EAP):

(A) Personnel of the Utica Police Department have the availability of the Employee Assistance Program to seek assistance and/or rehabilitation in coping with problems of drug dependency and/or abuse.

(B) Personnel seeking assistance shall either notify the coordinator of the Employee Assistance Program or contact the designated EAP agency. Contacts to these programs are under strict confidentiality.

(C) Personnel may also be referred by another member of this Department. Any such referral shall maintain confidentiality for the affected member.

(D) The Utica Police Department will grant a maximum total of two (2) sick leave periods during the member's career, as prescribed by the EAP Coordinator, a licensed counselor, and/or SAP for a member to receive treatment for drug dependency. A sick leave period will not be granted within twelve (12) months of a previous leave period.

(E) Entry and participation in such treatment and rehabilitation must occur prior to the employee selection for random drug testing or selection for reasonable suspicion or post-incident testing.

PROHIBITIONS

Alcohol Prohibitions

Employees must not:

- Report for duty or remain on duty while having a Blood Alcohol Concentration (BAC) of 0.02% or higher;
- Possess alcohol while on duty, use, or be under the influence of alcohol;
- Refuse to submit to a required alcohol test;
- Refuse to submit to any test.

Controlled Substance Prohibitions

Employees must not:

- Report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform his or her job duties;

- Refuse to submit to any test;

- Adulterate, substitute or dilute any required specimen.

TESTING

Pre-employment

Conducted before applicants are hired.

Random

Conducted on a random unannounced basis.

- Tests must be unannounced and spread throughout the calendar year. Random selection could result in an employee being selected for testing more than once in a calendar year.

Reasonable Suspicion

Conducted when an employee's behavior or appearance is observed and that behavior is characteristic of the influence of controlled substances. The City will require that two (2) trained supervisors or department officials verify and document the behavior.

Post Accident

Conducted following every motor vehicle accident, which results in personal injury or more than Five Thousand Dollars ($5,000.00) in property damage. Should an employee require medical attention then that shall take precedence over the testing. Drug testing must occur within thirty-two (32) hours after the accident. If unable to test as required above, documentation as to why testing was not done must be provided.

Return to Duty

Conducted prior to a return to duty after an individual who has engaged in prohibited conduct regarding drug use misuse; the employee shall undergo a "Return to Duty" drug test with a verified negative result, after completion of any recommended treatment program or action.

Follow-Up

Following a positive test and subsequent return to work, unannounced follow-up drug testing will be required. A minimum of six (6) follow-up drug tests will be administered in the first twelve (12) months. An employee may be subject to follow-up testing for up to sixty (60) months after return to duty upon the recommendation made by the Substance Abuse Professional.

TESTING PROTOCOL

Testing for drugs will be conducted by urinalysis. A breath alcohol technician (BAT) using an approved breath-testing device will conduct testing for alcohol. In a post-accident testing mode a blood test for alcohol may be administered if a breath test is impractical.

A qualified provider will conduct all drug and alcohol collections. The Utica Police Department is deemed a qualified provider for alcohol testing.

Drug Testing

Drug testing will be conducted by analyzing an employee's urine specimen. The analysis will be performed at laboratories certified and monitored by SAMHSA and DHHS. The employee will provide a urine specimen in a location that affords privacy; and the "collector" seals and labels the specimen, complete a custody and control form (CCF) and prepare the specimen and accompanying paperwork for shipment to a drug testing laboratory in the presence of the employee. The specimen collection procedures and chain of custody will ensure that the specimen's security, proper identification and integrity are not compromised. Drug testing will include split specimen procedures. Each urine specimen will be subdivided into two (2) bottles labeled as "primary and a ':split" specimen. Both bottles will be sent to a laboratory. If the analysis of the primary specimen confirms the presence of illegal or controlled substances, the employee has seventy-two (72) hours to request the split specimen be sent to another SAMHSA/DHHS certified laboratory for analysis at the employee's expense. If the split specimen proves to be negative, the City will pay the expense. This split specimen procedure essentially provides the employee with an opportunity for a "second opinion".

The Medical Review Officer (MRO) is responsible for:

- The Notification Procedure

  Upon a positive test result, the MRO must contact the employee directly on a confidential basis and determine whether the employee wants to discuss the test result. In making the contact the MRO must explain to the employee that if he/she declines to discuss the test result the MRO will verify the positive result.

  The MRO must attempt to reach the employee using the day and/or evening phone numbers provided on the custody and control form (CCF), over a period of at least twenty-four (24) hours using reasonable efforts.

- Documenting the attempts to contact the employee with dates and times.
- Contacting the Designated Employer Representative (DER).

TESTING STANDARDS

Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial drug screening test:

	Initial Test Level (ng/ml)
Marijuana Metabolite	100 or 50*
Cocaine Metabolite	300
Opiate Metabolites	300**
Phencyclidine	25
Amphetamines	1000
Steroids	Levels to be determined

* = Dependent upon laboratory set-up
** 15 ng/ml if immunoassay specific for free morphine.

Concentration of drug at or above the following levels shall be considered a positive test result when performing a confirmatory GM/MS test on a urine specimen that tested positive using a technologically different initial screening method:

Confirmatory Test	**Level (ng/ml)**
Marijuana Metabolite	15(1)
Cocaine Metabolite	150(2)

Opiates:	
Morphine	300
Codeine	300
Phencyclidine	25
Amphetamines:	
Amphetamine	500

1) Delta-9-tetrahydrocannabino.-9-carboxylic acid
2) Benzoylecgonine

Steroids	Levels to be determined

ALCOHOL TESTING

Confirming alcohol tests will be conducted using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA).

Preliminary screening tests may be conducted by using approved devices for administering field sobriety tests to licensed motor vehicle operators.

Two breath tests (in addition to a preliminary screening test, if used) are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. A test result indicating less than 0.02% alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02% or greater, a confirmation test must be conducted (not less than ten (10) minutes or more than twenty (20) minutes after the first screening test). The employee and the breath alcohol technician (BAT) must complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number and the name and serial number of the EBT to ensure the reliability of the results. In the even an employee tests positive for alcohol they may request that they be transported to a Utica hospital or other mutually agreed facility for a confirming blood test. Test results should be sent to the employee and the Department. The employee shall be responsible for the cost of the blood test; however the city shall reimburse the cost if the test shows no alcohol content.

TESTING PROCEDURES

Random Testing

Drug Testing

Employees will be tested at a designated testing facility.

Upon receipt of a positive test result from the Medical Review Officer (MRO), the employee will be transported home.

Alcohol Testing

Employees will be tested at a designated testing facility.

Upon receipt of a negative result (under 0.02%), the employee will return to work.

Upon receipt of a positive test result from the Breath Alcohol Technician (BAT), the employee, will be transported home and will not return to work until a recommendation is made by the Substance Abuse Professional (SAP). Before returning to work the employee must successfully complete the recommended course of treatment. Upon successful completion of this treatment, the employee must submit to a "Return to Duty" test with a verified negative result.

Reasonable Suspicion

Drug Testing

Employee must be transported to the testing facility. Upon completion of the testing the employee will be transported home until the results are received by the (DER).

Upon receipt of a negative test result the employee will return to work without suffering a loss of wages or benefits and he shall be awarded two (2) additional vacation days.

Upon receipt of a positive test result from the Medical Review Officer (MRO), the employee will be terminated from employment.

Alcohol Testing

The City will be responsible for transporting the employee to the collection facility and to the employee's home, if necessary.
Upon receipt of a negative test result, the employee will return to work without suffering a loss of wages or benefits, and he shall be awarded two (2) additional vacation days.

Upon receipt of a positive test result from the Breath Alcohol Technician (BAT), the employee will be transported home without pay and is not eligible to return to work until evaluated by the

Substance Abuse Professional (SAP) and a recommendation is made. Before returning to work· the employee must successfully complete the recommended course of treatment. Upon successful completion of this treatment, the employee must submit to a "Return to Duty" test with a verified negative result.

The "Reasonable Suspicion Form", if the test result is positive, will be included in the employee's personnel file. If the test result is negative the form will be discarded. Upon written request, a covered employee may obtain copies of any records pertaining to the covered employee's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance tests.

Post Accident

Drug Testing

The City will be responsible for transporting the employee to and from the collection facility.

Until the City receives the test results, the employee will not be allowed to perform his or her job duties.

Upon receipt of a negative test result, the employee will return to full duties.

Upon receipt of a positive test result from the Medical Review Officer (MRO), the employee will be transported home.

Alcohol Testing

The City will be responsible for transporting the employee to and from the testing facility and/or home.

Upon receipt of a negative test result, the employee returns to work.

Upon receipt of a positive test result from the Breath Alcohol Technician (BAT), the employee will be transported home without pay and is not eligible to return to work until evaluated by the Substance Abuse Professional {SAP) and a recommendation is made. Before returning to work, the employee must successfully complete the recommended course of treatment and must submit to a "Return to Duty" test with a verified negative result.

Follow Up

Positive test results require the employee to submit to a minimum of six (6) follow-up

Tests for drug use during the first twelve (12) months following the initial positive test result. The Substance Abuse Professional (SAP) may also require follow-up tests up to sixty (60) months after return to duty.

Test Results

All records are considered confidential and will not be shared with other employees. Test results and other confidential information will only be released to the Design ted Employer Representative (DER), Medical Review Officer (MRO), and the Substance Abuse Professional (SAP) who evaluates the extent of the problem. However, the covered employee is entitled, upon written request, to obtain copies of any records concerning his/her use of drugs, including any test records. If a covered employee initiates a grievance, hearing, lawsuit, or other action, the City may release this information to the relevant parties.

CONSEQUENCES FOR REFUSAL OR A POSITIVE TEST RESULT

All covered employees must submit to drug testing.

REFUSAL to submit to testing is prohibited. The consequences for a refusal are therefore the same as if the person had submitted to testing 'and had a positive test result.

The following actions may also constitute a refusal:

- Failure to show up for any test within a reasonable time after being directed to do so by the employer.
- Refusal to sign the certification provided by the Technicians.
- Deliberate failure or refusal to provide adequate breath or urine sample. If the employee is unable to provide an adequate breath or urine sample, the City shall direct the employee to obtain an evaluation from a licensed physician, acceptable to the City, as soon as practical to determine the employee's medical ability to provide an adequate breath and/or urine sample. If the physician determines that a medical condition did (or could have) prevent the employee from providing an adequate sample the failure shall not constitute a refusal. However, if the physician is unable to make such a determination, the employee's failure shall constitute a refusal.
- Engaging in conduct that clearly obstructs the testing process, e.g., adulteration or dilution of specimen.
- Claiming illness after notification of testing.

ALCOHOL TESTCONSEQUENCES

A test measurement of less than or equal to .019 alcohol concentration will allow the employee to return to work.

A test measurement of 0.020 to 0.049 alcohol concentration will cause the employee to be suspended without pay for that tour. The employee will be allowed to return to work at the next assigned tour when that employee is tested immediately prior to returning to work and the results of such testing indicate the employee has a 0.00 concentration. Any employee who tests positive twice within these parameters (0.020 to 0.049) during a twenty-four (24) month period shall be immediately suspended without pay for fourteen (14) calendar days.

A test measurement of 0.05 or greater will cause the employee to be suspended immediately without pay for thirty (30) calendar days. Any additional disciplinary measure will be subject to standing grievance and arbitration procedures outlined by the Collective Bargaining Agreement or Section 75 of the Civil Service Law. Prior to returning to work, an employee must receive a certification from a Substance Abuse Professional (SAP) that the employee is able to perform their full duties. Suspension without pay will continue until such certification is received. While out for fourteen (14) days suspension, need to obtain certification from a Substance Abuse Professional (SAP) that employee is fit for duty. Any member who tests positive twice with these parameters (0.05 or greater) during a twenty-four (24) month period shall be terminated.

Any employee who refuses an alcohol test shall be treated as testing positive with an alcohol content of 0.05.

During their probationary period, any officer who tests positive with an alcohol content of 0.020 or greater shall be suspended without pay for thirty (30) calendar days.

If an employee is unable .to return to work after the suspension period due to treatment prescribed by a certified alcohol counselor (who determined he/she had an alcoholic illness), that member may be eligible for paid sick leave following the conditions of sick leave procedures as outlined in the Collective Bargaining Agreement.

Following completion of the suspension period, the employee must pass an alcohol test (0.00) prior to having the suspension without pay lifted and returning to work.

Any member who tests positive with an alcohol content of 0.020 or greater shall be subject to random alcohol tests for the next twenty-four (24) months while on duty at the discretion of the Chief or his designee.

DRUG TEST CONSEQUENCES

A positive drug test for a prohibited substance, which is not subject to a medical exception as defined herein, will result in the immediate and automatic termination from employment.

PENALTY REVIEW

An individual who is terminated pursuant to this policy may elect to have the penalty reviewed by an arbitrator utilizing the last step in the contact grievance procedure for the selection of an arbitrator. The issue before the arbitrator shall be "are there any mitigating circumstances present which would warrant a penalty other than termination?"

A. If an employee while on duty exhibits a physical condition, conduct or patter of erratic behavior which indicates that the employee is under the influence of an intoxicating substance; and the employee's supervisor has reasonable cause to believe, based on direct observation of use or based on observation of the employee's conduct, performance or behavior which indicates that the employee is under the influence of an intoxicating substance, or if the supervisor is provided with information from a reliable and credible source which is independently corroborated that the employee is engaging in use of or is under the influence of intoxicating substances while on duty or that the employee is engaging in illegal use, possession, distribution, or sale of a controlled substance or drug on duty, the supervisor shall make an oral report to the Police Chief (or his designee).

B. The Police Chief (or his designee) shall decide whether there is reason to investigate for purposes of ascertaining if available facts objectively indicate reasonable suspicion exists to pursue the inquiry, which m y include meeting with the employee for purposes of providing the employee an opportunity to explain the conduct, performance or behavior. In the event such a meeting is going to be held, the Union President shall be advised and granted the opportunity to confer with the employee (and counsel if desired) prior to any meeting with or questioning by the Police Chief (or his designee), but in no event shall the meeting be delayed for more than one (1) hour to accommodate Union representation. The employee may then request that the Union representative and/or legal counsel attend the meeting. The investigation of the employee's behavior shall be confidential with due consideration for the dignity and privacy of the employee.

C. If the Police Chief (or his designee) decides that the employee should be referred for drug or alcohol testing, the following procedure shall be followed:

The Police Chief (or his designee) shall complete the "reasonable suspicion" checklist form, sign it and, where reasonable and practicable, obtain the countersignature of an attorney from the City's Law Department, which signatures shall attest to the objective bases to support a reasonable suspicion that the employee is under the influence of alcohol or drugs. The "reasonable suspicion" checklist shall be used is attached hereto as PART A and made a part hereof. In the event that the Police Chief (or his designee) and attorney from the Law Department believe there is a reasonable suspicion and have signed the reasonable suspicion checklist indicating their believe that the employee 1s under the influence of alcohol or drugs, the President of Local 28 (or his designee) shall be contacted and advised immediately.

The Union (and counsel if desired) shall be given the opportunity to be present and consult privately with the member who may thereafter be ordered to submit to a drug and/or alcohol test and at the same time the emplo1ee and the Union shall be given a brief verbal statement of the basis for reasonable suspicion and a copy of the signed reasonable suspicion checklist. Refusal to submit to the test shall be deemed a positive test. Refusal to cooperate during the testing procedure shall constitute grounds for disciplinary action. The employee shall have the right to have a Union representative present for collection of the sample. In no event shall collection be delayed for more than one (1) hour to accommodate the presence of a Union official.

PART "A"
Reasonable Cause
Drug and Alcohol Testing Checklist

SECTION ONE (To be completed by Police Chief or his designee)

Name of Employee: _____

Rank: _____

Nature of incident/cause of suspicion:

_____
_____
_____
_____

Behavioral indications noted, if any:

_____
_____
_____
_____

Physical signs or symptoms noted, if any:

_____
_____
_____

Witness, corroboration, etc.:

_____
_____

Has the employee taken any medication(s) in the past four weeks?_____

If yes, list medication(s), quantity, and last date taken:

_____

Signature of Police Chief or designee:_____

Date: _____

SECTION TWO (To be completed by Corporation Counsel's office when reasonable and practicable)

Attorney contacted: _____

Attorney's determination (test of do not test): _____

Attorney's signature: _____

Date: _____

UPD Photo Array Form.pdf

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Utica Police Department Photo Array Form

INCIDENT DETAILS AND WITNESS INSTRUCTIONS

Incident/RMS #_____ Incident Date: _____ Incident Time: _____

Incident Location: _____

Photo Array Date: _____ Time of Photo Array: _____

Location Photo Array Administered: _____

Crime Committed: (Yes / No): Witness' Name_____

Was Witness Transported? Yes: _____ No: _____

Transporting Officer:_____

Rank _____ Unit _____ ID #_____

Photo Array Administrator: _____

Rank _____ Unit _____ ID #_____

Was Procedure Recorded? Audio_____ Audio/Video_____ Not Recorded ___

READ THE FOLLOWING TO THE WITNESS *PRIOR* TO ADMINISTERING THE PHOTO ARRAY

- As part of the ongoing investigation into a crime that occurred on (*date*) at (*location*) you will view a photo array. (*Use similarly neutral language to invite witness to the id procedure.*)
- It consists of six photographs of individuals. Each photograph has a number.
- Take whatever time you want to view the photo array.
- The perpetrator may or may not be among the pictures.
- Do not assume that I know who the perpetrator is.
- Do not look to me or anyone else in the room for guidance during the procedure.
- Individuals presented in the photo array may not appear exactly as they did on the date of the incident because features, such as head and facial hair, are subject to change.
- Photographs may not always depict the true complexion of a person; it may be lighter or darker than shown in the photo.
- Pay no attention to any markings that may appear on the photos, or any other difference in the type or style of the photographs.
- Do not discuss with other witnesses what you see, say or do during this procedure.
- After you have had an opportunity to view the photo array I will ask you the following three questions:
    1. Do you recognize anyone?
    2. If you do, what is the number of the person you recognize?
    3. From where do you recognize the person?
- I may ask you follow up questions.

WITNESS MUST INITIAL:

The above instructions have been read to me: _____ (initialed) Date: _____

Utica Police Department Photo Array Form

ADMINISTERING THE PHOTO ARRAY

Witness: _____ Administrating Officer: _____

Interpreter or Other Officers, if any**:** _____

Instructions to the Officer administrating (showing) the Photo Array:

- Remain neutral. Do not comment on the identification before, during or after the identification procedure.
- Provide the photo array in an envelope or folder when handing it to the witness.
- Stand out of the witness' line of sight, where practical, but still observe the witness as the witness views the photo array.
- So as not to distract the witness, do not comment during the identification procedure.
- The procedure should be audio or video recorded, if practicable.

AFTER THE WITNESS HAS VIEWED THE ARRAY, ASK THESE QUESTIONS:

Did you recognize anyone in the photo array? _____

- **If the answer to the preceding question is Negative (No), STOP and go to the signature line.**
- **If the answer is Positive (Yes), proceed to the next question:**

If so, what is the number of the person that you recognize? _____

From where do you recognize that person? _____

_____

Record words and gestures of the witness: _____

_____

_____

ELICIT A STATEMENT AS TO CERTAINTY LEVEL

Which of these statements best describes how you feel about the selection you have made:

(1) I'm positive that number ____ is the person who I observed;

(2) I'm not positive but I'm fairly sure that number ____ is the person who I observed;

(3) Not very sure, but I think that number ____ is the person who I observed;

Date:_____ Time: _____ Witness Signature:_____

Utica Police Department Photo Array Form

FINAL INSTRUCTION TO WITNESS: ***Do not discuss with any other witness what you observed or said during this identification procedure.***

Information Sheet

THIS PAGE OF THE FORM *MUST NOT* BE SHOWN TO THE WITNESS

THE PERSON COMPILING THE ARRAY SHOULD FILL OUT THE AREA BELOW

The photo array:

- The original photo array MUST be preserved.
- Attach a copy of the photo array to this form.
- Provide the information below, if available (documentation from the computer system of this information).

Position	Name	NYSID #	Date of Photo
1			
2			
3			
4			
5			
6			

Suspect's Name: _____DOB:_____

Suspect's Position in the Photo Array:_____

Was Any Photo Altered? Yes: _____No: _____

If yes, which photo? _____

Describe alteration: _____

_____

Comments:

_____

_____

_____ Date: _____

Signature of Person Compiling the Array

DCJS Hate Crime Incident Report.pdf

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NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES
HATE CRIME INCIDENT REPORT

Report is to be submitted each month. UCR agencies reporting no hate crimes for a particular month must check the "Nothing To Report" box on page 5 of the Return A. IBR participating agencies must submit this form and check the "Nothing to Report" box when no hate crimes have been reported. Forms should be sent to: **State of New York Division of Criminal Justice Services, Crime Reporting Unit, Alfred E. Smith Office Building - 6th Floor, 80 South Swan Street, Albany, NY 12210, fax 518-485-8039, or email infonysucr@dcjs.ny.gov**

Nothing to Report (NTR) ☐

Agency Name _____ Agency ID# _____ Month and Year of Report _____

Prepared By _____ Title _____ Phone Number _____ Email Address _____

A Incident Date mm/dd/yy	B Agency Case Number	C Hate Crime Incident Classification See: Law Section Reference Table (Include Penal Law Subsection)	D Bias Motivation	E. Incident Information									
				Location of Hate Crime	Type of Victim	Victim(s) Demographics				Offender(s) Demographics			
						Age	Gender	Race	Ethnicity	Age	Gender	Race	Ethnicity

E. Hate Crime/Incident Classification (See Hate Crime Penal Law Reference Table)

F. Bias Motivation (61) Place of worship (Churches, Synagogues, etc.)

GENDER
(01) Anti-male
(02) Anti-female
(03) Anti-Gender Non-Conforming
(53) Anti-Transgender

AGE
(04) 60 years old or more

RACE/COLOR
(11) Anti-White
(12) Anti-Black
(13) Anti-American Indian/Alaskan Native
(14) Anti-Asian
(15) Anti-multi-racial groups
(55) Anti-Native Hawaiian/Pacific Islander

RELIGION/RELIGIOUS PRACTICE
(21) Anti-Jewish
(22) Anti-Catholic
(23) Anti-Protestant
(24) Anti-Islamic (Muslim)
(25) Anti-multi-religious groups
(26) Anti-Atheism/Agnosticism
(27) Anti-religious practice, generally
(29) Anti-other religion
(58) Anti-Buddhist
(59) Anti-Eastern Orthodox (Greek, Russian, etc.)
(60) Anti-Hindu
(61) Anti-Jehovah's Witness
(62) Anti-Mormon
(63) Anti-Other Christian
(64) Anti-Sikh

ETHNICITY/NATIONAL ORIGIN/ANCESTRY
(31) Anti-Hispanic
(32) Anti-Arab
(34) Anti-other ethnicity/national origin/ancestry
(56) Anti-Not Hispanic

SEXUAL ORIENTATION
(41) Anti-male homosexual (Gay)
(42) Anti-female homosexual (Lesbian)
(43) Anti-LGBT (mixed group)
(44) Anti-heterosexual
(45) Anti-bisexual

DISABILITY
(51) Anti-physical disability
(52) Anti-mental disability

E. Incident Information

Location of Hate Crime
(62) Other property owned/operated by target group (e.g., religious, ethnic, etc. institutions or organizations)
(63) Public Property (school, street, gov't building, hospital, jail/prison, etc.)
(64) Business
(65) Residence
(66) Other Location

Type of Victim
(72) Individual(s)
(73) Structured Group or Organization (i.e., demonstrators, religious, ethnic or advocacy, etc.)

Ethnicity Code
H - Hispanic
N - Non-Hispanic

Race Code
W - White
B - Black
A - Asian/Pacific Islander (Chinese, Indian, Japanese, Indian, Korean, Vietnamese, Philippine, Samoan, etc.)
I - American Indian/Alaskan Native
O - Other
U - Unknown

Staffing Table.pdf

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Utica Police Department
Staffing Table– Compliment 165 (161 Active Sworn Members) 11 Civilians, 4 Injured/Extended Absence

Chief of Police

Professional Standards Unit
1 Sergeant
1 Investigator

Chief's Secretary
1 Civilian

Deputy Chief
Operations

Criminal Investigations Division
1 Captain

- **Criminal Investigations Section** *1 Lieutenant*
  - **Day CID** *1 Sergeant, 5 Inv.*
  - **Night CID** *2 Sergeants, 3 Inv., 2 Police Off.*
  - **Major Crimes** *3 Inv.*
  - **Major Crimes** *2 Inv.*
  - **Sex Offender Unit** *1 Investigator*
  - **GIVE** *2 Inv.*
  - **Burglary** *2 Inv.*
  - **Child Advocacy Center** *1 Police Off.*
- **Special Investigations Section**
  - **Special Investigations Unit** *1 Sergeant, 1 Inv., 1 Police Off.*
  - **Warrants Unit** *2 Inv., 1 Civilian*
- **Crime Intelligence Section** *1 Lieutenant*
  - **Mohawk Valley Crime Analysis Center** *1 Inv.*
  - **Juvenile Aid Unit** *2 Inv., 1 Police Off.*
  - **Crime Scene Unit** *1 Sergeant, 2 Inv.*
  - **Tech Unit**

Uniform Patrol Division
1 Captain

- **A Platoon** *1 Lieutenant, 5 Sergeants, 17 Police Off.*
- **B Platoon** *1 Lieutenant, 4 Sergeants, 25 Police Off.*
- **C Platoon** *1 Lieutenant, 5 Sergeants, 27 Police Off.*
- **Matrons** *2 Civilians*
- **Patrol Support** *1 Lieutenant*
  - **Traffic Unit** *1 Police Off.*
  - **Parking / Animal Enforcement** *2 Civilians*
  - **City Court Security** *1 Police Off.*
  - **Crisis Response Team** *1 Police Off., 1 Civilian*
  - **Community Outreach Team** *3 Police Off.*
  - **Domestic Violence Unit** *1 Police Off.*
  - **Crime Prevention Unit** *1 Sergeant, 5 Police Off.*
  - **SWAT**

Support Division
1 Captain

- **Training Unit (MVPA)** *1 Sergeant*
  - **Firearms** *1 Inv.*
- **MIS** *1 Sergeant, 1 Police Off., 1 Civilian*
  - **Records Unit** *2 Police Off.*
- **Logistics and Resources Unit** *1 Sergeant*
  - **Accreditation, Quartermaster, Medical Adjuster** *1 Police Officer*
  - **Budget & Grants** *1 Off.*
  - **Property Unit** *2 Off.*
  - **Fleet Maintenance** *3 Civilians*
  - **Admin Leave** *1 Sergeant, 1 Police Off.*
  - **Extended Absence** *1 Sergeant, 1 Off.*

Approved by: Mark Williams
Chief of Police

Date: 8/2/2021

Table of Organization Signed 04-24-23.pdf

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Utica Police Department
Table of Organization





- **Chief of Police**
  - Chief's Secretary
  - **Deputy Chief** — Operations
    - **Criminal Investigations Division**
      - Professional Standards Unit
      - Criminal Investigations Section
        - Day CID
          - Major Crimes
          - Burglary Unit
          - Sex Offender Unit
          - Child Advocacy Center
          - Juvenile Aid Unit
        - Night CID
          - Major Crimes
          - GIVE
      - Special Investigations Section
        - Special Investigations Unit
          - Warrants Unit
      - Crime Intelligence Section
        - Mohawk Valley Crime Analysis Center
        - Crime Scene Unit
          - Tech Unit
    - **Uniform Patrol Division**
      - A Platoon
        - A-1
        - A-2
        - A-3
      - B Platoon
        - B-1
        - B-2
        - B-3
          - Matrons
      - C Platoon
        - C-1
        - C-2
        - C-3
      - Patrol Support
        - Traffic Unit
          - Parking / Animal Enforcement
          - Crime Prevention Unit
        - Community Outreach Team
          - Domestic Violence Unit
          - City Court Security
          - Crisis Response Team
    - **Support Division**
      - Training Unit (MVPA)
        - Firearms
      - MIS
        - Records Unit
      - Logistics and Resources Unit
        - Accreditation, Quartermaster, Medical Billing/Adjuster
        - Budget & Grants
        - Property Unit
          - Recruitment
          - Fleet Maintenance

Approved by: M. W. Williams
Chief of Police

Date: 4/24/23

Staffing Table Signed 04-24-23.pdf

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Utica Police Department
Staffing Table – Compliment 170 (160 Active Sworn Members) 13 Civilians, 0 Injured/Extended Absence

Chief of Police

Chief's Secretary
1 Civilian

Deputy Chief
Operations

Criminal Investigations Division
1 Captain

Professional Standards Unit
1 Sergeant

Criminal Investigations Section
1 Lieutenant
- **Day CID** — *2 Sergeants, 6 Inv.*
- **Night CID** — *2 Sergeants, 2 Inv., 2 Police Off.*
- **Major Crimes Days** — *2 Inv.*
- **Major Crimes Nights** — *2 Inv., 1 Police Officer*
- **Burglary Unit** — *2 Inv.*
- **GIVE** — *1 Inv, 1 Police Off..*
- **Sex Offender Unit** — *1 Inv.*
- **Juvenile Aid Unit** — *2 Inv., 1 Police Off. (nights)*
- **Child Advocacy Center** — *1 Inv.*

Special Investigations Section
- **Special Investigations Unit** — *1 Sergeant, 1 Inv., 1Police Off.*
- **Warrants Unit** — *2 Inv., 1 Police Officer (LD), 1 Civilian*

Crime Intelligence Section
1 Lieutenant
- **Mohawk Valley Crime Analysis Center** — *1 Inv.*
- **Crime Scene Unit** — *1 Inv., 1 Police Off.*
- **Tech Unit**

Uniform Patrol Division
1 Captain

- **A Platoon** — *1 Lieutenant, 5 Sergeants, 18 Police Off.*
- **B Platoon** — *1 Lieutenant, 5 Sergeants, 24 Police Off.*
- **C Platoon** — *1 Lieutenant, 5 Sergeants, 29 Police Off.*
- **Matrons** — *1 Civilian*

Patrol Support
1 Sergeant
- **Traffic Unit** — *2 Police Off.*
- **Parking / Animal Enforcement** — *2 Civilians*
- **Domestic Violence Unit** — *1 Police Off., 1 Civilian*
- **Community Outreach Team** — *3 Police Off.*
- **City Court Security** — *1 Police Off.*
- **Crime Prevention Unit** — *1 Lieutenant, 1 Sergeant, 5Police Off.*
- **Crisis Response Team** — *1 Police Off., 1 Civilian*

Support Division
1 Captain

- **Training Unit (MVPA)** — *1 Sergeant*
- **Firearms** — *1 Inv.*
- **MIS** — *1 Sergeant, 1 Police Off., 1 Civilian*
- **Records Unit** — *1 Police Off., 1 Police Off. (LD)*
- **Logistics and Resources Unit** — *1 Sergeant*
- **Accreditation, Quartermaster, Medical Adjuster** — *1 Police Officer*
- **Budget & Grants** — *1 Civilian*
- **Property Unit** — *1 Off.*
- **Recruitment** — *1 Civilian*
- **Fleet Maintenance** — *3 Civilians*

Approved by: M. V. Villeaux
Chief of Police

Date: 4/24/23

Memo 22-01 Training Canvass Requests.pdf

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MEMO# 22-01

TO: All Sworn Personnel
Issuing Authority: Chief Mark Williams
DATE: 04/19/22
SUBJECT: Training Canvass/Requests

All,

From this point forward if a canvass is sent out for a training opportunity that a member is interested in, they must complete a narrative on the department Intra-Agency Correspondence and submit same through their chain of command as outlined in the canvass notification.

The narrative should contain at minimum:

- **Member's current assignment**
- **Time on the job**
- **Reason for interest in the training**
- **How would the member's involvment benefit the department**
- **Any further relevant information**

The completed narratives will help aid in the decision making process for who gets selected to attend trainings and furthermore they will be kept in the member's personnel file for reference/documentation.

Signed Table of Organization 03-30-22.pdf

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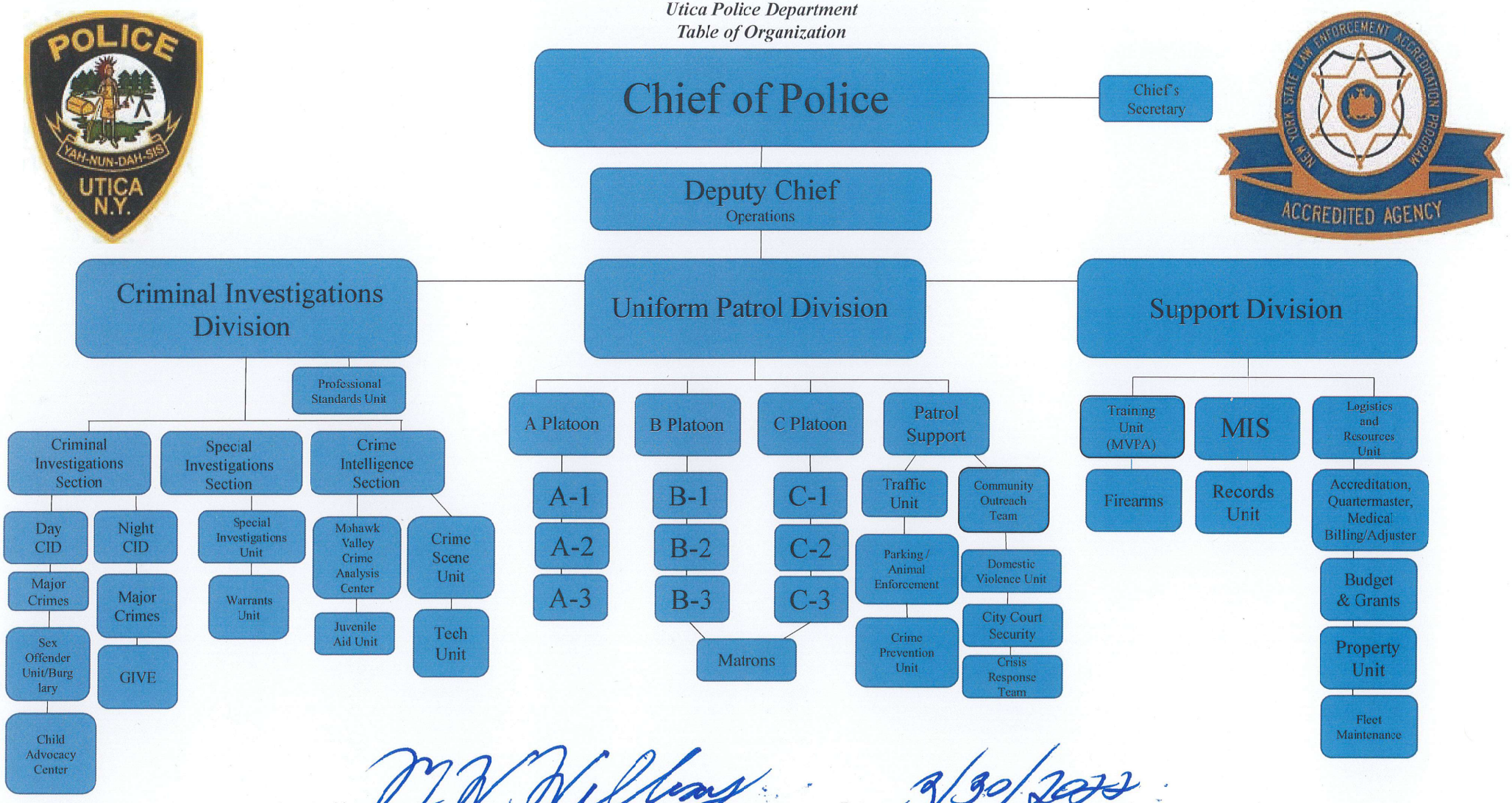
Utica Police Department
Table of Organization



Approved by: M. W. Williams
Chief of Police

Date: 3/30/2022

Memorandum 22-01 Traing Canvas Requests.pdf

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MEMO# 22-01

TO: All Sworn Personnel
Issuing Authority: Chief Mark Williams
DATE: 04/19/22
SUBJECT: Training Canvas/Requests

All,

From this point forward if a canvas is sent out for a training opportunity that a member is interested in, they must complete a narrative on the department Intra-Agency Correspondence and submit same through their chain of command as outlined in the canvas notification.

The narrative should contain at minimum:

- **Member's current assignment**
- **Time on the job**
- **Reason for interest in the training**
- **How would the member's involvment benefit the department**
- **Any further relevant information**

The completed narratives will help aid in the decision making process for who gets selected to attend trainings and furthermore they will be kept in the member's personnel file for reference/documentation.

City of Utica Workplace Violence Incident Report.pdf

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City of Utica
Workplace Violence Incident Report Form

Victims and/or witnesses of workplace violence should complete and file this form with the Civil Service Office as soon as possible after an incident occurs.
NOTE: Not all questions may be applicable to each particular circumstance reported.

SECTION I

Date of Incident Day of Week Time A.M. or P.M. Date of Report

Location of Incident (map or sketch on reverse side)

Was there property damage? Briefly list

SECTION II

Name of Victim

Home Address

Work Location

Victim's Phone Numbers
Home

Work

Cell

Victim's email address

Victim's Gender

Male ☐

Female ☐

Victim Description
☐ City Employee

☐Visitor

☐Client/Customer ☐Other

(Explain other)

If victim is City Employee:
Job title

Department

Supervisor's Name

Was supervisor notified No ☐ Yes ☐

Date and Time

Is victim a unionized employee?
Yes ☐
Union/Local:

No ☐

SECTION III

Name of Assailant

Address:

Assailant's Phone Numbers
Home

Work

Cell

Assailant's email address

Assailant's Gender

Male ☐

Female ☐

Did incident include a weapon? No☐ Yes☐
If yes, describe the weapon

How was it used?

SECTION IV

Describe incident (CHECK ALL that apply and use the Workplace Violence Incident Report Victim/Witness Account Form to describe the incident in detail)

Harassed by email or other written communication ☐	Scratched ☐	Vandalism (other's property) ☐
	Slapped ☐	Vandalism (employer's property) ☐
Harassed verbally ☐	Hit with hand/fist/other body part ☐	Vandalism (own property) ☐
Threatened verbally ☐	Hit with object ☐	Animal Attack ☐
Threatened with a weapon ☐	Assaulted with weapon ☐	Arson ☐
Bitten ☐	Assaulted sexually ☐	Bomb threat ☐
Grabbed ☐	Shot (or attempted) ☐	Robbery ☐
Kicked ☐	Knifed (or attempted) ☐	Other (Describe) ☐
Pushed ☐	Stalked ☐	

SECTION V

Was victim or assailant injured? No ☐ Yes ☐ If yes, describe Was injury report filed? No ☐ Yes ☐ Date:	Was medical treatment provided? Victim Yes ☐ No ☐ If yes, describe: Assailant Yes ☐ No ☐ If yes, describe:
Was victim referred to counseling? Yes ☐ No ☐ Where:	Was assailant referred to counseling? Yes ☐ No ☐ Where:

SECTION VI

Supervisor/Department Head notified? Yes ☐ Date and Time No ☐	Security notified? Yes ☐ Date and time No ☐	Police notified? Yes ☐ Date and Time No ☐
Responding Police Officer Name Badge # Municipality/Agency	Restraining order issued? No ☐ Yes ☐ Date and Time Was assailant arrested? No ☐Yes ☐ Date and Time If yes, what were the charges?	

SECTION VII

List of witnesses (attach witness reports)

SECTION VIII
Measures taken to prevent recurrence:

SECTION IX
What remedy, if any, does the victim request?

SECTION X
What happened to assailant? (Final disposition of incident) Describe specifically (Arrested, Discipline, Transferred, etc.)

SECTION XI	
Name of person completing this form Date Work phone number Relationship to victim or assailant	Address or Work Location

Workplace Violence Incident Report
Victim/Witness Account Form

Note: Complete this Form if you are the victim of or witness to the alleged workplace violence –Photocopy additional copies as needed

Date of Incident	Name Victim ☐ Witness ☐	Date of Report
	Address/City Location of witness	Phone Number
Describe Incident in Detail. Include what happened, where, who was involved, other witnesses, what you heard, saw, etc.		
List Names of Other Witnesses		
Signature		Date
Person Receiving Witness Statement		Date

PLEASE RETURN COMPLETED FORM TO CIVIL SERVICE, 2nd FLOOR, 1 KENNEDY PLAZA, UTICA.
TELEPHONE NUMBER 315-792-0227
YOU MAY ALSO SUBMIT THE FORM DIRECTLY TO YOUR SUPERVISOR/DEPARTMENT

SIgned Staffing Table 02-03-25.pdf

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Utica Police Department
Staffing Table – Compliment 170 (165 Active Sworn Members) 15 Civilians, 3 Injured/Extended Absence

Chief of Police

Chief's Secretary
1 Civilian

Deputy Chief
Operations

Professional Standards Unit
1 Sergeant

Criminal Investigations Division
1 Captain

Criminal Investigations Section
1 Lieutenant

- **Day CID** — *1 Sergeant, 6 Inv., 1 Police Off., 1 LD PO*
- **Major Crimes Days** — *2 Inv.*
- **Sex Offender Unit** — *1 Inv.*
- **Juvenile Aid Unit** — *2 Inv., 1 Police Off.*
- **Child Advocacy Center** — *1 Inv.*
- **Night CID** — *2 Sergeants, 2 Inv., 3 Police Off.*
- **Major Crimes Nights** — *3 Inv.*
- **GIVE** — *1 Inv, 1 Police Off..*
- **Juvenile Aid Unit** — *1 Police Off.*

Special Investigations Section

- **Special Investigations Unit** — *1 Sergeant, 2 Inv., 1Police Off.*
- **Warrants Unit** — *2 Inv., 1 Police Off., 1 Civilian*

Crime Intelligence Section
1 Lieutenant

- **Mohawk Valley Crime Analysis Center**
- **FBI JTTF** — *1 Inv.*
- **Crime Scene Unit** — *1 Inv., 1 Police Off.*
- **Tech Unit**

Uniform Patrol Division

Patrol
1 Captain

- **A Platoon** — *1 Lieutenant, 4 Sergeants, 18 Police Off.*
- **B Platoon** — *1 Lieutenant, 5 Sergeants, 25 Police Off.*
- **C Platoon** — *1 Lieutenant, 5 Sergeants, 29 Police Off.*
- **Crime Prevention Unit** — *2 Sergeants, 5Police Off.*
- **Matron** — *1 Civilian*

Patrol Support
1 Captain
1 Sergeant

- **Traffic Unit** — *2 Police Off.*
- **Domestic Violence Unit** — *1 Police Off.*
- **Parking / Animal Enforcement** — *2 Civilians*
- **Community Outreach Team** — *3 Police Off.*
- **City Hall Security** — *1 Police Off.*
- **Crisis Response Team** — *2 Police Off.*

Support Division
1 Captain

- **Building Maintenance** — *3 Civilians*
- **Training Unit (MVPA)** — *1 Lieutenant*
  - **Firearms** — *Ancillary Duties*
- **MIS** — *1 Sergeant, 1 Police Off.*
  - **Records Unit** — *1 Police Off., 2 Civilians*
- **Logistics and Resources Unit** — *1 Sergeant*
  - **Accreditation** — *1 Police Officer*
  - **Admin. Aid** — *1 Civilian*
  - **Budget & Grants** — *1 Civilian*
  - **Property Unit** — *2 Off.*
  - **Fleet Maintenance** — *3 Civilians*

Approved by: M W Williams
Chief of Police

Date: 2/3/25

Cell Inspection Form.pdf

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Date: Time: Inspecting Officer:

I. Areas inspected For Operational Conditions

Check Appropriate Box

	Acceptable	Unacceptable	IF UNACCEPTABLE WHY
Cell Bars:	☐	☐	
Cell Locks:	☐	☐	
Cell Vents:	☐	☐	
Cell Lights:	☐	☐	
Cell Bench:	☐	☐	
Doors:	☐	☐	
Cameras:	☐	☐	
Alarms:	☐	☐	
Intercoms:	☐	☐	
Plumbing:	☐	☐	

II. Areas inspected For Operational Conditions	**YES**	**NO**
Monitoring Systems Functioning Properly	☐	☐
Fire Extinguisher(s) Available and Charged	☐	☐

III. Miscellaneous Equipment & Supplies

Personal Hygiene Items Adequately Stocked		
[Soap, Paper Towels, Paper Cups, Toilet Paper]	☐	☐
Blankets Clean & Available	☐	☐
Evidence of Vermin or Pest Present	☐	☐
Contraband or Weapons Discovered	☐	☐
First Aid Kit Available and Stacked	☐	☐

Additional Comments:

_____ _____

Inspecting Officer Signature-Date Supervisor Signature-Date

2025 Table Organization Signed.pdf

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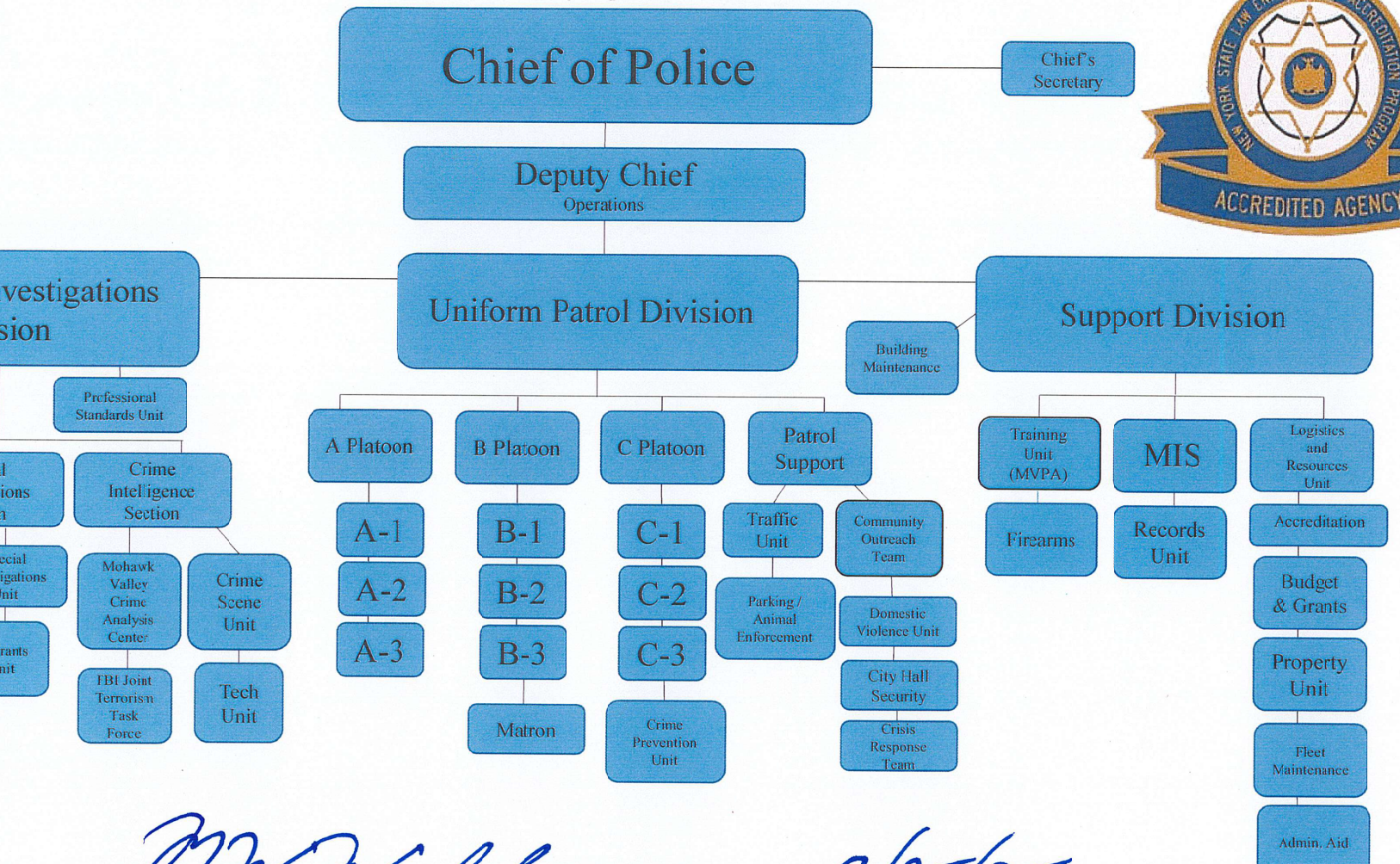
Utica Police Department
Table of Organization



Approved by: M. W. Williams
Chief of Police

Date: 2/25/25

Signed Staffing Table 03-30-22.pdf

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Utica Police Department
Staffing Table – Compliment 170 (156 Active Sworn Members) 12 Civilians, 2 Injured/Extended Absence

Chief of Police

Chief's Secretary
1 Civilian

Deputy Chief
Operations

Criminal Investigations Division
1 Captain

Professional Standards Unit
1 Sergeant

Criminal Investigations Section
1 Lieutenant

- **Day CID** — *2 Sergeant, 7 Inv., 1Police Off.*
- **Night CID** — *2 Sergeants, 3 Inv., 3 Police Off.*
- **Major Crimes Days** — *2 Inv.*
- **Major Crimes Nights** — *3 Inv.*
- **Sex Offender Unit/Burglary** — *2 Inv.*
- **GIVE** — *2 Inv.*
- **Child Advocacy Center** — *1 Inv.*

Special Investigations Section

- **Special Investigations Unit** — *1 Sergeant, 1 Inv., 1Police Off*
- **Warrants Unit** — *2 Inv., 1 Civilian*

Crime Intelligence Section
1 Lieutenant

- **Mohawk Valley Crime Analysis Center** — *1 Inv.*
- **Juvenile Aid Unit** — *2 Inv., 1 Police Off. (nights)*
- **Crime Scene Unit** — *1 Inv., 1 Police Off.*
- **Tech Unit**

Uniform Patrol Division
1 Captain

- **A Platoon** — *1 Lieutenant, 5 Sergeants, 18 Police Off.*
- **B Platoon** — *1 Lieutenant, 5 Sergeants, 23 Police Off.*
- **C Platoon** — *1 Lieutenant, 5 Sergeants, 26 Police Off.*
- **Matrons** — *2 Civilians*

Patrol Support
1 Lieutenant

- **Traffic Unit** — *2 Police Off.*
- **Parking / Animal Enforcement** — *2 Civilians*
- **Domestic Violence Unit** — *1 Police Off., 1 Cvilian*
- **Community Outreach Team** — *3 Police Off.*
- **City Court Security** — *1 Police Off.*
- **Crime Prevention Unit** — *1 Sergeant, 5Police Off.*
- **Crisis Response Team** — *1 Police Off., 1 Civilian*

Support Division
1 Captain

Training Unit (MVPA)
1 Sergeant

- **Firearms** — *1 Inv.*

MIS
1 Sergeant, 1 Police Off., 1 Civilian

- **Records Unit** — *1 Police Off.*

Logistics and Resources Unit
1 Sergeant

- **Accreditation, Quartermaster, Medical Adjuster** — *1 Police Officer*
- **Budget & Grants** — *1 Off., 1 Civilian*
- **Property Unit** — *1 Off.*
- **Fleet Maintenance** — *3 Civilians*

Approved by: M. W. Williams
Chief of Police

Date: 3/30/2022

Map of Patrol Zones (effective 8-1-17).pdf

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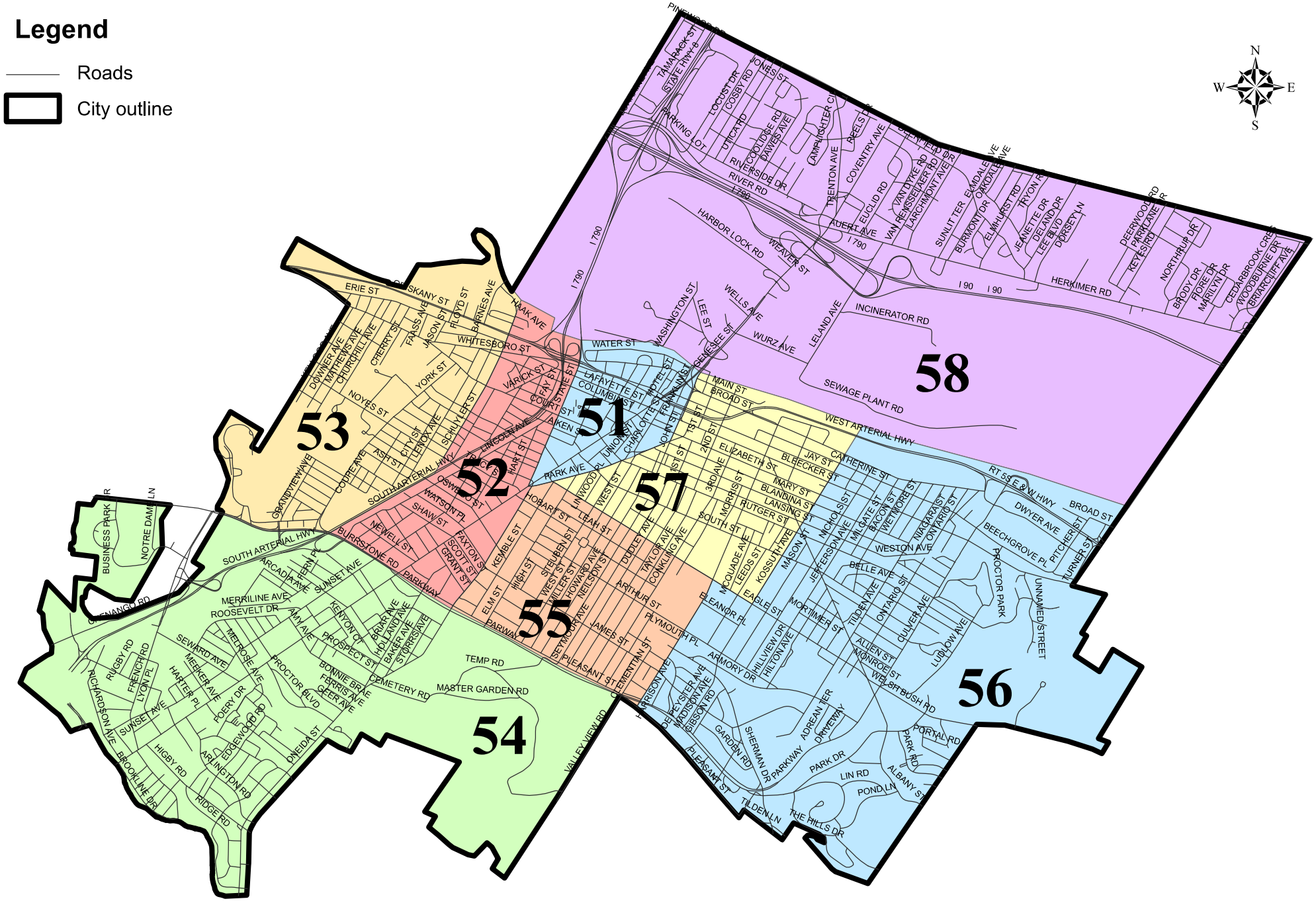
Utica Police Department



Performance Evaluation Report.pdf

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UPD – 174

PERFORMANCE EVALUATION REPORT

NAME (FIRST, LAST, MI)	ID #	RANK	DIVISION/UNIT

DUTY ASSIGNMENT (I.E. DESK, STREET PATROL, BOOKING)	PERIOD COVERED	FROM	TO

PERFORMANCE LEVEL DEFINITIONS
EXCEEDS STANDARDS = 3 **MEETS STANDARDS = 2** **BELOWE STANDARDS = 1**
In making the evaluation of each category below, supervisors are to evaluate the employee's performance only for the past Twelve month period.

1. DUTY PERFORMANCE (ALL EMPLOYEES)

PERSONAL APPEARANCE	COMMAND PRESENCE	REPORT WRITING ABILITY	INTERPERSONAL SKILLS (VERBAL)
RESPONSIVENESS TO SUPERVISION	ATTENDANCE	RELIABILITY	PERFORMANCE UNDER STRESS
PERFORMACE	PUNCTUALITY	INVESTIGATIVE/PROBLEM SOLVING SKILLS	
JUDGMENT	CARE AND USE OF EQUIPMENT	KNOWLEDGE OF LAWS, POLICIES, ETC	

2. DAYS LOST DURING PERIOD COVERED BY THIS REPORT

SICK: INJURED ON-DUTY: INJURED OFF-DUTY: OTHER: **TOTAL OCCURENCES:**

3. SUPERVISORY PERSONNEL ONLY

LEADERSHIP QUALITIES	EFFECTIVENESS OF DELEGATION	TRAINING/COACHING OF SUBORDINATES	EVALUATION OF SUBORDINATES

4. NARRATIVE SECTION (This section is to be used to record specific and personal characteristics of this employee which are not adequately covered in the rating sections above.

How can this employee best improve his/her performance? (Include setting Career /Performance Goals).

(Continue on Back)

(Goal settings Continue From Front)

5. OVERALL PERFORMANCE RATING: This overall rating is to be based on the following factors:

A. The employee's performance in his/her present assignment during the evaluation period; AND

B. Consideration of the general needs of the Department, comparing the capabilities and characteristics of this employee to all other employees of equal rank and pay grade known to the evaluator.

☐ **EXCEEDS STANDARDS** ☐ **MEETS STANDARDS** ☐ **BELOW STANDARDS**

6. REVIEWING COMMANDING OFFICER: (Immediate Supervisor) Name:

Signature _____ **Rank** _____ **Date** _____

Print / Signature

7. SUPERVISOR REVIEWING WITH EMPLOYEE: Name:

Signature _____ **Rank** _____ **Date** _____

Print / Signature

8. EMPLOYEE'S COMMENTS: (Optional)

9. EMPLOYEE'S SIGNATURE: This signature does not necessarily indicate agreement with this report. It verifies that this report has been personally reviewed with me and that I have received a copy of this report. If I do not agree with this report, I have indicated this by writing "under protest" next to my signature. I have also indicated whether I "request appeal" or "waive appeal" on this report.

Signature _____ **Rank** _____ **Date** _____

Print / Signature

OG-203_opt.pdf

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ONEIDA COUNTY DEPARTMENT OF EMERGENCY SERVICES **STANDARD OPERATING POLICY & PROCEDURE**	NUMBER: **OG-203**
	SUPERSEDES: **All Previous**
	EFFECTIVE DATE: **August 1, 2012**
SUBJECT: **Utica Police Dispatch Policy**	REVISED DATE: **September 1, 2021**
	DISTRIBUTION: **ALL AUTHORIZED MANUALS** **1 Each - All Telecommunicators**
AUTHORITY: **Edward Stevens** **Director of the Oneida County 911 Center**	ISSUED BY: **Edward Stevens** **Director of the Oneida County 911 Center**
REFERENCES:	

PURPOSE:

To state the Oneida County 911 Communications Center's policies and procedures regarding the dispatching of the City of Utica's Police Department.

To provide the citizens of Utica with the highest quality of service through the expedient and efficient answering of calls for emergencies and other services from the Oneida County 911 Center public safety telecommunicators.

POLICY:

It shall be the policy of the Oneida County 911 Communications Center to:

A. Provide the dispatching and directing of all mobile units of the Utica Police Department twenty four (24) hours a day, three hundred sixty five (365) days a year to achieve the most immediate responses possible to emergencies and other calls for service.

B. Describe the staffing, duties and responsibilities of the Utica Patrol Division and patrol operations.

C. Comply with all State and local laws, rules, regulations and standards that may relate to this Policy.

DEFINITIONS:

A. PRIORITY ONE: "Crimes in Progress Calls." Require immediate dispatch and response. These include, but are not limited to:

1. Alarm: burglary or robbery;
2. Assault in progress- fight;
3. Bomb threat;
4. Child abuse;
5. Crimes in progress;
6. Suicide attempt;
7. Kidnapping;
8. EDP (Emotionally Disturbed Person);
9. Motor Vehicle Accident, PI, Unknown or major traffic tie up;
10. Officer in trouble;
11. Missing Person (child under seventeen, endangered, etc.);
12. Prowler calls;
13. Rape;

14. Person with a weapon;

15. Fire calls;

16. Shots fired/shooting;

17. Domestic incidents;

18. Crime report, suspect still at scene;

19. Burglaries;

20. Any other situation indicating urgency;

B. PRIORITY TWO: Dispatched within one hour of when communications receives the call. If communications is unable to dispatch a car within one hour the PST will notify a patrol supervisor of the holding call. The PST will continue to notify the patrol supervisor at the conclusion of every subsequent hour that the call is not dispatched. Priority 2 calls include, but are not limited to the following:

1. Disturbance calls- noise, music, non-emergency annoyance, etc.;

2. Found property;

3. Miscellaneous accident reports;

4. Missing persons (no unusual circumstances);

5. Parking complaints;

6. Peace Officer;

7. Routine reports;

8. Special attention requests (loud music, barking dogs, etc);

9. Stolen vehicle reports (BOLO information will be immediately dispatched)

C. TALK-GROUP: Assigned talk group channels. The 911 Center has access to Channel 1, the main dispatch channel and Channel 2, to be used for DMV/Data or other non-emergency police related transmissions. All dispatching of incidents and emergency transmissions shall be on Channel 1.

D. IN-SERVICE: The Officer is available to accept assignments.

E. OUT-OF-SERVICE: The Officer is not available to accept assignments and not in radio contact.

PROCEDURES:

I. COMMUNICATIONS:

A. GENERAL PROCEDURES:

1. Patrol personnel shall maintain radio contact with the PST at all times, unless he/she otherwise specifies to the PST.

2. All radio transmissions shall be conducted in such a manner as to reflect a professional image and make efficient use of airtime. No personal conversations, non-essential discussions or interference with communications are allowed.

3. Questions or concerns regarding procedures, laws, etc. shall be made to the field supervisors or unit commanders, not the PST.

B. CALLS FOR SERVICE:

1. All officers will monitor departmental radio communications via their vehicle or portable radio and answer promptly when their unit number is called.

2. When a call is received for service that will be dispatched, it must immediately be entered into the CAD system, regardless of priority status.

3. The priorities for dispatching calls are:

   a. Priority 1 Calls: Require immediate dispatch and response.

      i. The PST will dispatch a minimum of two units as well as a supervisor to respond immediately to the scene of a felony crime in progress that involves a weapon or injury to a person.

      ii. The PST will, when appropriate, and or when notified by a supervisor, clear channel one of any non-emergency radio traffic. Normal radio traffic can be resumed once the scene is safe and/or a supervisor advises communication to resume normal traffic.

      iii. The first arriving unit will verify that a crime has occurred as soon as possible and advise communications and other responding units, in order to minimize unnecessary emergency response to unfounded calls.

      iv. The PST will dispatch the zone car along with a Supervisor to all structure fires. *(revised 9/30/19)*

   b. Priority 2 Calls: Will be dispatched within one hour of when a PST receives the call.

   c. Other Calls: Can be either Priority 2 calls or may be transferred to specific offices for service.

   d. Telephone Complaints: When taking a call over the telephone that meets the following requirements, the PST will transfer the call to the UPD Report Line at 315-223-3428, except during the hours of 0000-0700 a car will be dispatched.

- Petit larceny and criminal mischief crimes such as vandalism or theft of items worth less than $1000.

    i. ALL reports of larcenies from a vehicle requires a response from a uniformed officer regardless of value, whether it is in progress or not and the presence of suspect information. (Revised 9/1/2021)

- The crime is not in progress.
- There is no suspect present
- There is no significant evidence of the crime present.

e. If an incident meets all of these criteria, the PST will transfer the caller to the UPD Report Line.

f. If the caller demands that a patrol car be dispatched to an incident that meets the criteria for the telephone report line the caller will be advised that:

"Your report will be completed during this telephone call and it will be forwarded to a police supervisor for review. All of the information needed at this time can be gathered over the phone. If a supervisor determines that additional steps must be taken to investigate this incident you will be contacted in the near future."

g. The Platoon commander's office will always be immediately notified of any domestic violence incidents that occur within the City of Utica involving Police Officers. The Platoon Commander's office will also be notified immediately of any domestic incidents that occur outside to Utica involving off-duty Police Officers of this department.

4. PST responsibility for a pursuit.

- The PST shall immediately broadcast that a pursuit is in progress and inform all units to clear channel and hold channel 1 clear for the primary pursuing units transmissions.

- The PST will then assign a supervisor to the pursuit and advise all units to utilize channel 2 for transmissions not relevant to the pursuit.

- The PST will notify surrounding agencies when applicable.

- The PST will notify all units when the pursuit has been terminated.

C. CALLS FOR SERVICE - RESPONDING OFFICER RESPONSIBILITIES:

1. The Department will deploy its field units in a manner that provides the greatest service to its citizens. This best occurs when field units remain within their assigned zone/patrol area; however, officers may be dispatched out of their zone/patrol area to respond to emergencies or other matters as deemed necessary.

2. Priority 1 Calls/Crimes in Progress: If needed, ANY available departmental unit will be utilized to affect an immediate response. The order in which the 911 Center will utilize is as follows:

   a. Patrol Units

   b. Marked Units (Special Operations, Traffic, Extra Duty units, etc.)

   c. Uniformed Supervisors

   d. Non-Uniform Units

      i. If no units are available for a priority 1 call, the PST may use the alert tone and ask for any unit who can clear to respond to the incident. If the PST does not receive a response he/she will clear a car from any non-emergency report call and advise the street patrol supervisor of their actions.

3. Priority 2 Calls: ANY of the following listed Department units will be utilized by the PST in the following order:

   a. Patrol Units

   b. Marked Units (Traffic, Extra Duty units, etc.)

   c. Uniformed Supervisors

4. As soon as any patrol unit in that patrol area or an adjoining area becomes available, they will be sent to relieve the Investigator, Sergeant or Superior Officer who was used to cover a call.

5. When a call is dispatched, the unit given the call will take the call and respond to the scene. If there is any question as to whether the above procedures have been followed properly by the PST, the unit will direct such inquiry to the supervisor following the completion of the call. At no time will there be any discussion over the radio, regarding whether a particular call should be dispatched to that unit.

6. Supervisors and superior officers shall have the authority to either increase or decrease the number of vehicles responding to a call for service and change the response code.

7. On calls requiring more than two cars, a supervisor will respond as the third unit. If no supervisor is available the PST will send a supervisor or a superior officer as the third car as soon as one is available.

8. Upon receipt of a request for service or assistance, which is not received through the PST, an officer must immediately notify the PST of the type of incident and the location.

D. PUBLIC SAFETY TELECOMMUNICATOR (PST) NOTIFICATION:

1. Patrol Zone Officers: At the start of each shift, during the first Time Test, the patrol officers will notify the PST of the car number and portable number that they will be using.

2. Special Assignments/Details: When an officer, other than a member of the on-duty patrol squad, has signed out a portable radio, that officer will notify the PST by telephone or via CAD as to the detail/assignment that they are on and the portable number that they will be using. This assignment notification can be made over channel 2 when the preferred communication forms (phone and CAD) are not available. The PST will acknowledge the message and note the information in the CAD.

3. PST Responsibilities: The PST will note on the Dispatcher Radio Log Cover Sheet all of the officers that were on special details and the corresponding radio numbers.

4. MVCC Public Safety: MVCC public safety requests notification for in progress incidents that UPD is dispatched to in the immediate area of their campus, such as shots fired calls, pursuits, and officer safety information. If a sworn officer is listed on the line-up notify them via MRD, if there isn't a sworn officer working, call their dispatcher on the phone as soon as time allows. (revised 3/1/20)

E. RADIO TESTS:

Radio checks are to be done on Channel 1; all cars in service will be checked including SOU, K-9 and DWI.

From the hours of 0800 and 2000, radio checks will take place every hour.

From the hours of 2000 and 0730, radio checks will take place every half hour.

If so ordered by a supervisor, a radio check can be canceled.

II. PATROL OPERATIONS:

A. PATROL ORGANIZATION AND RESPONSIBILITIES: The Patrol Division is responsible for providing direct police services to the public. The Patrol Division has primary responsibility for providing continuous patrol coverage and traffic control. In order to provide for continuous patrol coverage, Patrol is divided into three "platoons" (eight hours of duty) based on department needs. A Lieutenant commands each of the three platoons, designated as the A, B and C platoons, of which are further subdivided into three squads, A1, A2, A3. Subordinate supervisory officers assigned to each squad are accountable to their respective platoon commander. The amount of police officers and supervisory officers staffing the Patrol Division is controlled by the Chief of Police.

Officers have a duty to respond to calls for service. This response shall be in accordance with departmental rules and regulations. Any indiscriminate or uncontrolled police response to calls for service is neither prudent nor authorized.

The department has established a system for classifying police calls for service and for prescribing the number of police units to be dispatched based upon a number of factors. The number of vehicles responding to a call for service and the response code will be controlled by departmental orders and directed by the public safety telecommunicator (PST) on duty. However, it shall be the policy of the department that field supervisors and superior officers have the authority to increase or decrease the number of vehicles responding.

B. NON-UNIFORMED PORTABLES: Personnel assigned to non-uniformed units will use portable radios assigned to their specific unit and will record the unit number on their daily activity report.

C. PATROL OPERATIONS: ASSIGNED AREAS: Elements of the Patrol Division shall be deployed to provide law enforcement services twenty-four hours a day, seven days per week, throughout the year.

1. Shift changes for members of the Patrol Division shall be staggered in order to provide for uninterrupted patrol coverage. Normal shift change times for patrol units shall occur as follows:

   a. On even days of the week, the even numbered zone cars are group one and the odd numbered zone cars are group two.

   b. On odd days of the week, the odd numbered zone cars are group one and the even numbered zone cars are group two.

   c. Shift change commences at the conclusion of each roll call at the direction of the patrol supervisor when he or she notifys communications to clear the first group. The patrol supervisor will clear the second group at his/her discretion.

2. The change of shift time(s) for any other supplementary Patrol component of the patrol division, if any, shall occur at times designated by the Chief of Police or his/her designee.

3. This schedule does not preclude shift supervisors from modifying relief order as necessary.

4. Officers assigned to the Uniformed Patrol Division shall patrol and respond to calls for service within the confines of their assigned zone, unless directed by the PST or a supervisor to patrol or respond to a call in another zone.

5. If an officer is involved in an investigation or in pursuit of a person or motor vehicle and is required to leave their assigned zone, the PST shall be notified immediately.

6. On completion of an investigation or other police action, officers shall return to service and their zone immediately.

7. If a second vehicle is sent to a call, the assisting officer(s) shall return to service and their respective zones as soon as it is determined that their services are not needed.

8. When leaving a mobile unit, an officer will call in their location and nature of the detail to the 911 Center. The PST shall record each instance on his/her log as is normal procedure. When an officer is out of service for a period of time in excess of ten (10) minutes, the PST shall radio check the status of the officer. An officer receiving a status check will immediately inform the PST regarding the status of his/her call. If the officer does not immediately respond, informing the PST why they are still out of service, the PST shall dispatch an additional unit or a supervisor to assure the officer's safety.

9. Upon conducting a motor vehicle stop for any reason, the officer, and prior to exiting his/her patrol car shall contact the PST and give his/her location, license plate information, description of the stopped vehicle, make, model, color, 2dr, 4dr, and the number of occupants. The PST will status check the officer after two (2) minutes unless the officer advises before two minutes that they "all set". The officer shall notify the PST when they are clear of the stop.

10. When an officer exits his/her patrol car for the purpose of conducting any type of premise check, they shall notify the PST of their location and the location to be checked if different. The officer shall notify the PST of his/her return to the police vehicle. If practical these checks will be made by the officer(s) while remaining in service, available for emergency calls.

    i. In the event of an unsecured premise, the officer must immediately notify the PST, who in turn will notify a supervisor.

    ii. No inspection shall be made by the officer until after the PST and/or supervisor have been notified and the direction in which to proceed is given.

11. Whenever officers intend to enter an establishment that serves alcoholic beverages in order to check for violation(s) of the law, they must first notify the PST, by radio, of the location of the premises to be checked.

12. Unless otherwise directed, officers are to carry their portable radio and utilize the same anytime they are away from their mobile unit.

13. Members are responsible for inspecting and reporting hazardous or potentially hazardous conditions of their assigned zones. If a hazardous condition is observed which endangers life or property, or which may create a civil liability to the City of Utica, the condition shall be immediately reported to the PST on Channel 2 who shall notify the appropriate agency. Hazardous conditions include but are not limited to the following:

    iii. Holes, unprotected excavations or broken pavement in the street;

    iv. Irregularities in curbs or sidewalks;

    v. Power, cable or telephone lines down;

    vi. Unauthorized or damaged traffic signals or signs;

    vii. Blind corners where trees or shrubs obstruct the view;

    viii. Obstructions of any kind on any street or sidewalk;

    ix. Improperly protected construction material or equipment;

    x. Any construction not protected by light or barricade;

    xi. Large numbers of persons congregating in a building in such a manner that their presence might constitute a fire hazard;

    xii. Street lights out;

    xiii. Buildings or property frequented or inhabited by homeless persons, which need to be secured to prevent entry; and

    xiv. Any other hazards which may endanger life or property.

    NOTE: If the hazard represents a serious threat to life and property, the reporting officer shall notify their supervisor, isolate the hazard and wait for the appropriate agency to eliminate or minimize the hazardous condition.

14. UPD Tactical Operations Unit (TAC) has been established and operates according to the following procedures.

Handset Designations

- 20 – TAC Commander
- 21 – TAC Supervisor
- 7 – TAC Supervisor / K-9 Unit
- 22 – TAC Unit
- 23 – TAC Unit
- 24 – TAC Unit
- 25 – TAC Unit
- 27 – Nuisance Abatement

III. ANIMAL CONTROL OFFICER (ACO):

1. The ACO provides basic domestic animal control services including control of stray or lost domestic animals, responding to domestic animal complaints and assuring compliance with licensing requirements.

2. The ACO works 0800-2000, and is assigned to the Services Division and is available after hours in an on call capacity.

3. If a call for service is received during the ACO's regular tour of duty he will be dispatched to handle the call. If the ACO is not available or not on duty a patrol car will be dispatched.

4. Officers or the ACO will contact the DPW for the removal of any deceased domestic or wild animals located in public roadways. The NYS DOT shall be notified for removal of any deceased animals located on state roadways.

IV. DNT:

1. Click on **shortcut to email** (outlook)
2. Click on **public folders** (located on the left side of the screen)
3. Click on **all public folders**
4. Click on **DNT** (Do Not Tag)
5. Select the date that the vehicle needs to be entered for and double click on the day in the blue bar.

Remember if they are calling before midnight the vehicle needs to be entered into the following day.

6. Enter the information in the appropriate boxes

7. Click **save and close**

The only acceptable reasons for a vehicle to be left on the street overnight is if it's broken down, driveway construction, or a visitor.

Vehicle will only be excused for a maximum off three (3) nights.

No vehicles are allowed on the street for any reason if a snow emergency is in effect.

UPD Form 215.pdf

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UPD-215

UTICA, NEW YORK

POLICE DEPARTMENT
413 Oriskany St W
Utica, NY 13502

Strip Search Report

Day/Date/Time of incident: Incident#:

Location of Incident/Arrest:

Was Approval Obtained Prior to the Strip Search: Yes No If Yes, By whom:

If Approval was not Obtained, Describe Why:

Location of Search: Type of Search Performed:

If the Search was a Manual Body Cavity Search, was a Search Warrant Obtained? Yes No

If Yes, by whom:

If a search Warrant was not Obtained, Describe the Exigent Circumstance why:

Arresting Officer:

Searching Officer:

Any Other Employees Present:

Subject's Name: Age: DOB:

Subject's Address:

Sex: Height: Weight: Race: Contraband Found: Yes No

If Yes, What Type of Contraband:

Released Without Being Charged? Yes No If No, List Charges:

If Yes, who was the Approving Supervisors:

and the Following Paperwork Must be Checked off and
Completed: Investigation Report ☐ & Field Interview Card ☐

Subject Under Influence of: Drugs/Alcohol/Other List, If Known:

Narrative description of those facts and circumstances which led to Reasonable Suspicion that the prisoner may be concealing weapons, drugs, or other contraband. Factors that may be considered include (but are not limited to) the nature of the offense charged, circumstances of the arrest, demeanor/excessive nervousness, unusual conduct, an informants tip, criminal history, loose-fitting or bulky clothing conducive to hiding items, an itinerary suggestive of wrongdoing, indications of drug dependence, information/contraband from others arrested contemporaneously, inadequate luggage, evasive/contradictory answers to questions, etc.:

2021 UPD Goals Objectives Review.pdf

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Utica Police Department's

2021 Goals & Objectives Yearly Review
for the
Administrative Division
Criminal Investigation Division
Uniform Patrol Division

January 31, 2022

Criminal Investigations Division Goals & Objectives Yearly Review for 2021

Criminal Investigations Section

Goal: Improve outlay of 2nd floor Conference Room for Major Crimes case operations.

Objective: Outfit 2nd Floor Conference Room with additional monitor for more fluent Lead Desk operations.

Status: Completed: Additional monitor added to the front desk.

Goal: Improve information sharing amongst CID Units

Objective: Conduct Monthly shooting review with Major Crimes, GIVE, MVCAC, and CID supervisors.

Status: Completed: Shots fired and/or shooting assaults reviewed by CID supervisors with GIVE Unit, MVCAC, Major Crimes Unit and/or CPU on a monthly basis.

Goal: Review CID cruiser fleet assignments to eliminate vehicle availability conflicts for investigators.

Objective:Restructure cruiser assignments to provide adequate cruiser availability for Major Crimes.

Status: Completed: CID Fleet has been audited and evaluated for service. Two previously unused vehicles assigned to the USM Task Force were reassigned to the Major Crime Unit.

Special Investigation Unit

Goal: Improve on and provide additional equipment to investigators.

Objective:

a) Tint the windows on the departmental Nissan Altima.

Status: In-progress.

b) Purchase surveillance equipment for SIU investigators to enhance undercover investigations.

Status: Not completed.

Warrants Unit

Goal: Decrease the number of active warrants.

Objective: Audit all open warrants and identify which are eligible for purge/recall or non-prosecutable. Present qualifying warrants to Utica City Court for closure.

Status: Completed: Warrants ten years and older, codes warrants, and warrants missing DOBs were closed, purged, or recalled.

CSU/Tech Unit

Goal: Continued on the job training for selected evidence technicians for the purpose of developing a competent/reliable call back list.

Objective: Consistently call back officers on the list and allow them to assist with the processing of major crime scenes.

Status: Completed: Numerous officers have been added to the CSU on-call list and have been called back to various major crime scene during the 2021 calendar year.

Juvenile Aid Unit

Goal: Replace the antiquated couch used for extended/overnight stays.

Objective: Secure funding in the budget for the couch and put it out to bid.

Status: Completed: Couch replaced.

Goal: Make cosmetic improvements to the designated interview room.

Objective: Secure funding and Coordinate with logistics/maintenance staff to make time for the project.

Status: Completed: Camera and microphone were moved in the room for better placement; room was cleaned accordingly.

Goal: Clean and purge the records room of older files.

Objectives:

a. Secure funding and Coordinate with logistics/maintenance staff to make time for the project.
b. Find an approved location for the purged/older records to be kept.

Status: Completed: Records were moved to City Hall archive room.

Mohawk Valley Crime Analysis Center

Goal: Link all agencies in the county that use "Total Enforcement" as a records management system to DCJS's "Force Point Analyzer". This would allow crime analysis centers across the state to access TE for information/intelligence.

Objectives:

a. Work with Oneida County IT Personnel to acquire a list of those agencies involved and enter an MOU with said agencies.
b. Once an MOU is reached, link these agencies up with Anne-Laure DelCerro and DCJS's IT Department and get them on board.

Status: Not Completed

Goal: Mount and test the new 360 pole cameras the City of Utica has acquired.

Objectives:

a. Work with IT Project Manager Frank Mutolo to make sure all the infrastructure is in place at the designated locations.
b. See that the cameras are properly installed, and the software allows us to successfully view, navigate and record footage from the crime analysis center.

Status: Not Completed: However, six (6) additional cameras were added to the current surveillance network.

Respectfully submitted,

Captain Bryan Coromato
Criminal Investigations Division Commander

Support Division Goals & Objectives Yearly Review for 2021

Overview

This document creates a collective vision of the **Support Division's** goals and objectives for the **2021** calendar year. Its primary purpose is to delineate specific strategies to be used in our mission to obtain operational goals, performance benchmarks and resource acquisitions that will support the agencies primary goals and objectives. It is a continuation of a three-year plan. The first years' goal was achieved in 2020.

This document is a collection of input from the Unit Commanders along with Command Staff utilizing operational history and trend analysis to define the future operations of the Administrative Division.

M.I.S. UNIT:

GOAL- Upgrade critical physical components of the Utica Police Department network system. The general lifespan of the average computing components to include servers, battery backups, and other computing devices is about five years. The Utica Police Department computer system is nearing this life expectancy or in some devices has reached this life expectancy and will need to be upgraded to continue normal operation and to improve growing performance and data storage needs.

OBJECTIVE- MIS Unit in partnership with the other contracted entities will replace three major critical components of the Utica Police Department computer system. These upgrades will be **completed over the next two years** in the following stages:

1. ***Data Backup System*** – Data Backup System is used to protect against data loss and to provide protection for the server Operating System. Upgrade to the Data backup system consists of two parts. The first part involves replacing the physical device and the second part consists of upgrading and configuring the backup software. Both parts of **the Data Backup System upgrade will be done during stage two in the second year**. (Current year 2021).

STATUS: Completed. 2021- The new backup server was installed into the server room, the operating system was installed, and configured for operation on the Utica Police Computer Network. Quest's Rapid Recovery software was configured to backup all servers' operating systems. This new backup system will protect the Utica Police Department's critical computer infrastructure.

2. ***Virtual Server Host*** - Virtual Server Host is a physical device or a server that hosts all of the virtual servers, it provides computing resources to the individual virtual servers and allocates data storage. **This device will be replaced in year three,** (2022). After a physical device is installed and configured all virtual servers will be migrated from the old host into this new host.

STATUS: **On-Going Project.** These upgrades will increase computer processing power; data storage needs while at the same time providing for continued uninterrupted operation of the Utica Police Department computer system.

RECORDS UNIT:

GOAL- Eliminate dependency on the printed logs, reduce the production of the printed material from the electronic format, and streamline the process of fulfilling requests for records. Currently, the Records unit is using an antiquated method of **tracking Notice of Claims**, **Subpoenas, Foil Requests, and Records Sign Out via paper logs or notebooks**. This antiquated method does not allow for easy search, work tracking, growth, and does not offer any protection from deletion/destruction. **Transitioning to the electronic method** of tracking will remove all previously listed deficiencies of the paper logs. While fulfilling requests for records many records that are in electronic format are converted to printed material and

either mailed or faxed to the requestor. Printed records that are faxed to the requestor are destroyed after the fax receipt is confirmed. This process of fulfilling a request for records generates unnecessary waste of resources and increases the time needed to fulfill the requests**. A solution that decreases the need to generate printed material and reduce the time needed to fulfill the requests for records needs to be implemented**. **OBJECTIVE**- Records Unit will **create solutions to eliminate the need for printed logs and commit all new logs to the electronic format**. Records Unit with the assistance of the MIS unit will create solutions and conduct training to use available computer technology to fulfill requests for orders more efficiently and in electronic format without a need to generate printed material. These implementations and training **will be completed over the next three years in the following stages**: This goal is a continuation of a three-year plan. The first goal was completed in 2020.

1. **Mailing paper records** – Whenever an email address or fax number is provided by the records requestor instead of mailing records via traditional post service method the Records Unit members will send requested records as an attachment via email or will fax them to the requestor. All Records Unit members will be trained on how to export records from the Records Management System (RMS) to a format that can be used to send as an attachment and how to send requested records via email. (2021 goal).

STATUS: Completed. 2021- All Utica Police Department Records Unit members have been trained on how to export records from the Records Management System (RMS) to a format that can be used to send as an email attachment, how to convert hard copy records to an electronic format and how to send exported files via email to the requestors. This method of fulfilling records requests is already in use by all Records Unit members and is reducing paper usage and time to complete records requests.

2. **Faxing paper records** – MIS will configure current fax equipment to allow faxing of electronic files from the user's desktop without the need to print. All Records Unit members will be trained on how to send a fax of electronic files from their desktop computers and will start using this new method of faxing in the third year. This method of faxing will eliminate the need to print electronic files before faxing, shredding of paper records after the records have been received by

the requestor, and it will reduce the steps needed to send a fax. (2022 goal).

STATUS: On-going. These operational changes of logging requests for records, processing requests for records, and method of delivery will reduce the time needed to process requests for records while at the same time reducing the environmental footprint of the Records Unit.

ACCREDITATION:

GOAL- To transition entire Policy & Procedure manual over to the Lexipol Knowledge Management System by 2023. The Utica Police Department will complete the transition with assistance from Lexipol, establishing a Policy Manual and Procedural Manual that can be easily updated and user-friendly.

OBJECTIVE- The Utica Police Department will complete the separation of the current Procedural Manual, encompassing Policy and Procedure, breaking it down into two separate manuals within the Lexipol KMS. Once completed, the Lexipol KMS will allow members to easily access and navigate the department's policy manual and procedural manual. The Lexipol system will also assist with policy updates, as they come into law.

STATUS: Almost completed well ahead of the projected timeframe. This project had a target date of 2023 but due to the diligence of the members assigned to the project it was completed as of Jan. 2022. There are a few minor additions to be completed but the agency accreditation manager has assumed the lead on this project and all future edits will be conducted in house.

LOGISTICS & RESOURCES UNIT:

GOAL- To replace leased command staff vehicles with the purchase of new units that can be utilized in various functions of the department, throughout their serviceable life.

OBJECTIVE- The Utica Police Department will purchase and deploy six (6) new vehicles that will replace currently leased command staff vehicles by September 2021. As command staff vehicles are generally low-mileage,

the purchase of new vehicles will assist in future replenishment of older criminal investigation division vehicles which are currently replenished by older, high-mileage patrol vehicles. As the department currently utilizes patrol-based vehicles for a number of different units throughout their 10+ year serviceable lifespan, command staff-based vehicles should show less wear and tear, allowing for lower expected maintenance costs.

STATUS: Partially completed and on-going. All the vehicles have been funded and ordered. However, like many police departments across this country we are facing supply shortages due to the pandemic, and we are still awaiting two (2) command vehicles. Of the ones that have arrived a command car was pushed to CID, Major Crimes, and another to the SWAT Commander.

TRAINING UNIT:

GOAL- It is the goal of the Utica Police Departments Training Unit to continue to develop a sustainable Officer Wellness Program (OWP) by the year 2022. As secondary goal of the OWP, the training unit will train new officers to become a part of our Pier Support program.

OBJECTIVES- The Utica Police Department Training Unit will have at least three (3) new members trained as peer support officers by the conclusion of 2021. Approved training for PSO's will be in accordance with New York State and Division of Criminal Justice Service guidelines.

PLAN:

- By the conclusion of 2022, the Utica Police Departments newly trained PSO's (Pier Support Officers) will provide training to the agency members during annual In-Service training. The officers will also be used during the week-long delivery of the Officer Wellness program in the Basic Course for Police Officers.

- This process will ensure that the entire agency, including recruit officers, will receive the needed information and procedures on how our pier support program will work and operate.

- Considered members of the PSP should be seen as credible, competent, and trustworthy. They should be free of their own struggles or issues and adaptable to training. Candidates may apply or be nominated by their immediate supervisors.

- A structured peer support program will ensure officers have the proper tools to perform their duties at the highest level and develop a healthier, more efficient, and productive officer, which will lead to increased public safety. The Training Unit will make program assessments and utilization of the program to maintain an effective program.

STATUS. Partially completed and on-going. A training canvass was sent out to members of the Utica Police Department for interest in becoming a peer support officer. Command Staff selected three (3) officers, Lt. Starr Wooden, PO Marissa Vomer and PO Kyle Fee to begin the process of peer support training. July 17-21, 2021, the officers attended Post Critical Incident Seminar in Erie County. PO Marissa Vomer attended the training webinar "First Responder behavioral and Mental Health Wellness"

Due to Covid-19, Assisting individuals in Crisis training that was scheduled January 6-8, 2021, training was postponed. At this time, all three officers are currently registered to attend ICISF assisting individuals in crisis March 7-8, 2022, in Allegheny County. After the officers successfully complete this course, they will take their final pre-requisite Advanced Assisting Individuals in crisis which is scheduled spring of 2022. After completion of these trainings, all officers will have the proper training to begin implementing their peer support service. Lt. Wooden, PO. Fee and PO M. Vomer will continue to receive continuing education training in relation to peer support.

BUDGET & GRANTS UNIT:

GOAL- To utilize grant funding to acquire a replacement enclosed trailer and increase the number of certified child passenger seat technicians by 2023.

OBJECTIVE- The Utica Police Department will seek authorization and funding through the Governor's Traffic Safety Committee Child Passenger

Safety grant to purchase a new enclosed trailer. This trailer will replace the current 2003 model year enclosed trailer, which stores child safety seats and equipment purchased with grant funding. As this trailer is nearly 20 years old, it is experiencing several age-related issues such as rust/rot which is not repairable. Research and application for this trailer will be built into the 2022 CPS grant for purchase next year.

NOTE: The Utica Police Department will also build a network of newly trained child passenger safety technicians. The department currently has two available certified cps technicians, which serve the City of Utica and surrounding areas with child seat installation training/assistance. The addition of new technicians will help with future CPS grant funding increases.

STATUS: Partially completed and on-going. The Utica Police Department sent two officers to a Child Passenger Safety training course, which they successfully completed. This brought the compliment of CPS certified officers up to four.

The Utica Police Department also attempted to secure grant funding to purchase a brand-new enclosed trailer to replace the nearly 20-year-old trailer used for Child Passenger Safety. The grant funding was rejected for the 2022 CPS grant. A second attempt to secure grant funding will take place in 2022.

Respectfully submitted,

Captain Don Cinque
Support Division Commander

Uniform Patrol Division Goals & Objectives Yearly Review for 2021

Crime Prevention Unit (CPU)

Goal: Create a specialized policing unit that will focus on crime prevention, crime deterrence and pro-active policing.

Status: Completed. Unit formed in January 2021 as a temporary unit to target gun offenders due to the rise in gun violence in the community. This unit was then named The Crime Prevention Unit (CPU) in May of 2021. The unit targets areas of high crime within the city to deter crime from occurring. These locations are based off crime analysis from the MVCAC and the GIVE investigators.

Objectives:

a. Assign the appropriate number of staff (supervisors/officers) based on departmental needs and staffing constraints.
   Status: Completed. Unit has one Sergeant and 5 patrol officers assigned.
b. Create a flexible work schedule based on crime analysis, crime trends and the needs of the department to have the greatest impact on public safety and community relations.

   Status: Complete. The units scheduled workdays mirror the C-1 schedule but the hours are from 1700-0100 hours. The officers in this unit have been called upon to change their schedules on occasions and do so willingly, due to the needs of the department and community and to have the greatest impact on public safety. CPU has since its inception seized 46 illegal firearms from the city streets, made numerous felony level narcotics arrests, seized over

$115,000 in US currency and made several arrests of murder/attempted murder/assault suspects, therefore having a major impact on the safety of the community/public.

c. Provide specialized training to each member in Community Oriented Policing.

   Status: Ongoing. One officer (Gomez) so far has attended CPTED training and others will need to attend community-based trainings in the future when they are scheduled. All officers within the unit actively partake in community outreach events.

Mental Health Unit (MHU)- renamed: CRISIS RESPONSE TEAM (CRT)

Goal: Create a unit consisting of a specially trained Utica Police Department officer along with a qualified Mental Health Professional to respond to active incidents involving Emotionally Distressed Persons as well as conduct follow-up on all incidents involving Emotionally Distressed Persons.

Status: **Completed**

- PO M. Vomer is assigned to this unit and has been certified in Crisis Intervention Teams since 2018. PO M. Vomer also has CIT Program Coordinator certification as of 2021.
- Torie Hairston is assigned to the MHU and is employed through MCAT / The Neighborhood Center. She is a licensed clinical social worker (LCSW) and is certified in forensic social work. LCSW Hairston also has CIT Program Coordinator certification as of 2021.
- PO M. Vomer and LCSW Torie Hairston co-respond to individuals experiencing emotional distress. Different responses:
  - Follow-ups / outreach attempts
  - Request to respond to Patrol incident
  - Request to respond to MCAT incident

- Request from another service provider to speak with a client of theirs

Objectives:

a. Select one CIT (Crisis Intervention Team) trained officer to be assigned to the unit.
   - **Status: Completed. PO M. Vomer assigned.**

b. Coordinate with the necessary Mental Health Providers to hire/staff the dedicated Mental Health Professional that will be assigned to the unit.
   - **Status: Completed. LCSW Torie Hairston assigned. Employed by MCAT.**

c. Provide the necessary office space and equipment needed.
   - **Status: Completed. Office space created. Equipment provided. LCSW Hairston provided body armor with "civilian" patches attached.**

d. Provide any additional specialized training to members assigned to the unit.
   - **Status: Completed/on-going.**
     - **Members attended CIT International Conference in Phoenix, AZ. Members also received certification in CIT Program Coordination.**
     - **Members are due to attend Fundamental Crisis Intervention Train-the-Trainer in December 2021.**
     - **Will continue to attend trainings as they become available.**

Alarm Registration Compliance

Goal: Develop a procedure to streamline registration and ensure compliance of all residential and commercial burglary alarms within the City of Utica.

Objectives:

a. Conduct a comprehensive review of the current procedures in place to track alarm registrations and activations.

Status: Completed. Review of alarm compliance procedures was initially completed in 2014 and again was revisited in 2020.Alarm Project

b. Develop an updated streamlined procedure that adequately handles the tracking, documenting and follow-up needed to maintain compliance.

Status: Completed. Said procedure was updated and codified, please see the attached document which outlines the updated procedure for the "City of Utica Alarm Registration Project – How To". Also please see the documents attached for tracking/documenting labelled "City of Utica Active Registered Alarms" and "City of Utica Unregistered Alarms", the Alarm Project Manager continuously follows-up/updates said lists.

c. Assign the appropriate number of necessary personnel (Supervisors/officers) to staff the project.

Status: Completed. PO Jennings who is assigned to the Utica Police Traffic Unit is currently the Alarm Project Manager for the City of Utica Police Department, said assignment is an ancillary duty.

Respectfully submitted,

Captain Brian Bansner
Uniform Patrol Division Commander

2022 UPD Goals Objectives.pdf

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Utica Police Department's

2022 Goals & Objectives for the Criminal Investigations, Support & Uniform Patrol Divisions.

January 31, 2022

Criminal Investigations Division Goals & Objectives for 2022

Criminal Investigations Section

Goal: Cold case (Homicide/Missing Person) peer review

Objective: Meet with assigned investigators and supervisors monthly to review open cold cases.

Goal: Improve case management storage among all investigators.

Objective: Each investigator will be issued an external hard drive for case file storage to relieve DEMS case management storage.

Special Investigation Unit

Goal: Consolidate regional narcotics units to streamline county wide narcotics interdiction efforts.

Objective: Partner with the Oneida County Sheriff's Office to merge narcotics units and resources.

Warrants Unit

Goal: Make the public aware of open warrants in the City of Utica in an effort to increase the closure rates of current open warrants.

Objective: Publish open Utica Police Department open warrants on City of Utica Website and social media platforms. The City of Utica IT Manager will be responsible for updating the Utica Police Department website with the updated active Utica Police Department Warrants. The Public Information Officer will be responsible for all press releases/ social media posted related to updated active Utica Police Department warrants. Improve public awareness of access to active warrants via periodic media releases.

CSU/Tech Unit

Goal: Take inventory and review current equipment for upgrades and research and acquire new technology that will assist with streamlining and improving crime scene unit work.

Objective Research available products and new technologies to document accident reconstruction scenes. Test and evaluate available systems prior to acquiring the new technology.

***Upgrade the card identification printer/computer in CSU lab.

Juvenile Aid Unit

Goal: Increase manpower to the unit due to increased workload as the result of "raise the age."

Objective: Train a night CID Investigator in juvenile aid responsibilities and make their primary job function juvenile aid investigation during the night shift. This will help reduce call back and case work to the existing day shift juvenile aid investigators.

***Add a fourth investigator to the JAU complement (personnel permitting).

Mohawk Valley Crime Analysis Center

Goal : Advance digital signage program within MVCAC Network.

***Increase the number of pole cameras in the City of Utica.

Objectives: Distribute five (5) digital signage boards to appropriate jurisdictions. Increase the number of pole cameras in high crime areas as determined by statistical data to assist with capturing crimes in progress and assist with the arrest and prosecution of those who commit these crimes.

Respectfully submitted,

Captain Bryan Coromato
Utica Police Department
Crime Investigations Division Commander

Support Division Goals & Objectives for 2022

Training Unit

Goal: As a result of the collaborative efforts of the members of the City of Utica's police reform committee, there were several police reform initiatives proposed in 2021. The training unit will meet the requirements of the City of Utica's police reform committee as they pertain to training by implementing additional implicit bias and procedural justice training on multiple media platforms.

Objective: Adult learners retain information depending on how information is presented. Some are visual learners; some can retain information by reading the material and others are best served by an auditory platform. In an effort to accommodate all of the ways that adults learnt, the training unit will present the required police reform trainings in multiple media platforms, on-line learning, class presentation, and guest speakers.

Records Unit

Goal: Formulate a program in which records can be disseminated to individuals electronically. This will allow for the expeditious dissemination of records as well as avoiding an unnecessary trip for the public and unnecessary person to person contact during the pandemic.

Objective: Create a system that will allow for the transfer of records to the appropriate individual. Instructions will have to be disseminated on our various social media and webpage platforms as to how to acquire records

electronically. An email address for records would need to be established and a security vetting process designed to positively identify that the appropriate person is receiving records. Additionally, an electronic payment system will need to be implemented in conjunction with the City of Utica Comptroller's Office.

MIS Unit

Goal: As more body worn cameras are being issued and more frequently utilized throughout the agency, it has become apparent that the provisions made for storage of the video/audio data is insufficient. Therefore, MIS will work with the City of Utica IT Department to increase storage capabilities and assess how the data is being stored.
Outfit all the command staff with the technological capability to attend virtual meetings from their desktop computers.

Objective: Increase data storage capabilities through the acquisition of additional servers and assess how the data is stored as it relates to the classification of the incident and the duplication of video/audio data.
Acquire the necessary technology to allow all command staff the ability to attend virtual meetings, trainings, etc. from their desktop computers.

Budgets and Grants

Goal: Hire a civilian to assume the responsibilities of the budgets and grants office. This would allow for the position of the officer that is currently assigned to this job duty to return to street patrol in the Uniformed Patrol Division.

Objective: Advertise for this position, interview potential qualified candidates, and hire a civilian in accordance with the rules and regulations of Civil Service and the City of Utica.

Logistics and Resources Unit

Goal: After a testing and evaluation period, it has been determined that the agency will move to the outer carrier, load bearing, ballistic vests for patrol members wishing to utilize said equipment. In an on-going effort to improve officer wellness, the Logistics and Resources will continue to monitor the

manufacturers recommended useful life of officer's ballistic vests and outfit members with a new, load bearing ballistic vest as the member becomes eligible for this replacement equipment.

Objective: So as not incur additional expenses, members will receive a new outer carrier ballistic vest when their current ballistic vest has reached its end of life as recommended by the manufacturer.

Respectfully Submitted,

Captain Donald Cinque
Utica Police Department
Support Division Commander

Uniform Patrol Division Goals & Objectives for 2022

Uniform Patrol

Goal: Provide the Uniform Patrol Division with mobile devices to remotely provide field level Mental Health Evaluations through the Mobile Crisis Assessment Team/Neighborhood Center.

Objectives:

a) Obtain iPads through the Mobile Access Program funded by the NYS Office of Mental Health.
b) Coordinate with MIS to set up the necessary accounts and security access needed to ensure functionality of the iPads while deployed in the field.
c) Draft and implement the necessary procedure(s) for use of the devices.
d) Provide training to every member of the Uniform Patrol Division regarding the Mobile Access Program, iPad usage and procedures associated with same.

Community Outreach Team

Goal: Create an online platform via a fillable form for which the public can complete a survey on public safety and law enforcement which will be received, reviewed, and summarized by the Community Outreach Team for dissemination to the Chief's Office that may be utilized as a data set and/or tool for operational decision making.

An example of the form would be from US DOJ website.

https://cops.usdoj.gov/ric/Publications/cops-w0743-pub.pdf

Objectives:

a) Create a fillable form survey.
b) Market survey through various outlets (on-line, social media, news media).
c) Complete, review, and summarize the survey data for submission to the Chief's Office.

Traffic Unit:

Goal: Train members of the Traffic Unit in the topic of Traffic Surveys so that they can effectively and efficiently complete all aspects of a traffic surveys subsequently utilizing these surveys as a decision-making tool for traffic issues.

Objectives:

a) Find the proper training which may include informal training with the New York State Department of Transportation and/or other traffic safety experts as well as outside Police agencies.
b) Obtain the updated Manual on Uniform Traffic Control Devices (to include the NYS Supplemental Manual) from the U.S. Department of Transportation, Federal Highway Administration.
c) Obtain necessary funding through the training budget.
d) Assign necessary members of the Traffic Unit to attend the required training.

Respectfully submitted,

Captain Brian D. Bansner
Utica Police Department
Uniform Patrol Division Commander

OG-100 Call Taking Procedures.pdf

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ONEIDA COUNTY DEPARTMENT OF EMERGENCY SERVICES **STANDARD OPERATING POLICY & PROCEDURE**	NUMBER: **OG-100**
	SUPERSEDES: **All Previous**
	EFFECTIVE DATE: **July 1, 2011**
SUBJECT: **Call Taking Procedures**	REVISED DATE: **June 1, 2020**
	DISTRIBUTION: **ALL AUTHORIZED MANUALS** **1 Each - Telecommunicators**
AUTHORITY: **Edward Stevens** **Director of the Oneida County 911 Center**	ISSUED BY: **Edward Stevens** **Director of the Oneida County 911 Center**
REFERENCES: **4.2**	

PURPOSE:

To state the Oneida County 911 Communications Center's policies, definitions and procedures regarding the answering of emergency telephone calls from the public.

To establish uniform procedures in phone interviews on primary or secondary operations for CAD and Pro-QA or job card incidents and provide all public safety telecommunicators with a standardized format for establishing and maintaining control of the data gathering and interview process.

For the purposes of this policy Public Safety Telecommunicators will include Dispatch Officer.

POLICY:

It shall be the policy of the Oneida County 911 Communications Center to:

A. Establish standard guidelines of how calls received from the public are answered by public safety telecommunicators.

B. Ensure prompt and courteous service to the community in emergency and non-emergency situations by a competent and well-trained staff.

C. Develop and use assessment skills to promptly identify a call as an emergency, whether or not the caller indicates it as such.

D. Respond appropriately to emergency and non-emergency calls and direct calls to appropriate resources.

E. Provide adequate training and re-training of employees to ensure accuracy and completeness of information required for the appropriate dispatching of public safety resources.

F. Ensure appropriate documentation of calls for help and responses to calls through proficient use of CAD and non-CAD procedures.

G. Provide information to the public and user agencies as necessary and appropriate in accordance with the 911 Center's emergency communications mission.

H. Require employees to immediately report to the Shift Supervisor all incidents where an excessive delay has occurred in either call taking, dispatch or resource response, all of which may impact the operation or credibility of the 911 Center.

I. Provide a protocol to be followed by public safety telecommunicators to assist them in interviewing callers, determination of appropriate response category, and provision of post-dispatch and pre-arrival instructions.

J. Comply with all State and local laws, rules, regulations and standards that may relate to this Policy.

DEFINITIONS AND ACRONYMS:

A. ALI: Automatic Location Identification: The automatic display of telephone number, address/location and supplemental emergency services information of the location from which a call originates.

B. ANI: Automatic Number Identification.

C. EMS: Emergency Medical Services.

D. PSAP: Public Safety Answering Point.

E. TTY/TTD: Teletypewriter/Telecommunications Device for the Deaf.

F. VOIP: Voice over Internet Protocol.

G. FIRST PARTY CALLER: Person calling for emergency help who is also the patient or victim.

I. SECOND PARTY CALLER: Person calling for emergency help who is in close proximity to the patient or victim.

H. THIRD PARTY CALLER: Person calling for emergency help who is removed from or not in close proximity to the patient or victim.

J. FOURTH PARTY CALLER: Person calling for emergency help who is from another public service agency and may or may not have personal information about the incident.

PROCEDURE:

A. CALL TAKING STANDARDS:

1. Standards for Answering 911 Calls:

    a. Ninety percent of all 911 calls arriving at the 911 Center shall be answered within ten seconds during the busiest hour, (the hour each day with the greatest call volume, as defined in the *NENA Mastery Glossary: 00-001*).

    b. Ninety-five percent of all 911 calls should be answered within twenty seconds.

2. Order of Answering Priority: It is the responsibility of the public safety telecommunicator to answer all in-coming calls. All phones shall be answered in order of priority:

    a. First Priority: 911 lines;

    b. Second Priority: Emergency 7/10 digit lines;

    c. Third Priority: Non-emergency lines;

    d. Fourth Priority: Administrative lines;

    e. Fifth Priority: Internal phone lines.

3. Standard Answering Protocol: 911 Lines: "911, what is the address of the emergency." After receiving the answer ask "what city, town or village", then say "repeat that so I know I have it correct." Then ask, "What is the phone number you are calling from?" you must verify the phone number to the ANI on the power 911 screen to make sure the phone number is correct. If there is not an ANI you must, "ask the caller to repeat the number in case you get disconnected". Ask the caller "What is your Name", Then say, "okay tell me exactly what happened."

4. Standard Answering Protocol: Non-Emergency/7-Digit Lines: When answering non-emergency lines, the answering agency should be clearly identified to the caller, "911 answering for ___" or "Agency name, dispatcher name, may I help you." "What is the address of the incident" After receiving the answer ask "what city, town or village", then say, "repeat that so I know I have it correct". Then ask, "What is the phone number you are calling from?" you must verify the phone number to the ANI on the power 911 screen to make

sure the phone number is correct. If there is not an ANI you must, ask the callers to "repeat that in case we get disconnected." Ask the caller "What is your Name", Then say, "okay tell me exactly what happened."

5. Non-Emergency Calls Received on Emergency Lines: If a call is of a non-emergency nature and is received on an emergency line, the public safety telecommunicator will advise the caller that they have called on an emergency line and will direct the caller to a non-emergency line. It is not recommended that the call be transferred to an administrative line, since that line may tie up 911 lines and cause a delay in answering legitimate emergency calls.

6. Information Gathering: The public safety telecommunicator will obtain the basic information from the caller. At a minimum, this information should include:

   a. Street, house number (including apartments, industry and business); Always have the caller repeat the address so you know you have it correct, never repeat the address back to the caller.

   b. Name and telephone number of caller;

   c. Municipality (county, township, village, city, etc.);

   d. For calls that are transferred to another PSAP, it is important to obtain this minimum amount of information in the event the call is lost during the transfer.

   e. Hazards should be identified, including any potential hazards on the scene.

   f. It is also important to determine the relationship between the caller and those involved; is it 1st, 2nd or 3rd party?

7. Address Verification: The public safety telecommunicator will verify all addresses reported. After entering and validating the address always have the caller repeat the address including city, town or village so you know you have it correct. In the event there is a discrepancy, additional steps must be taken to verify the location of the incident being reported, such as annunciating each digit of the address/and or having the caller spell the address and/or asking city, town or village to clarify. An ALI discrepancy report (DIS-001) along with the printed ALI from the 911 call must be given to the CAD Administrator if the address given does not correspond with the ALI display. *(revised 2/1/19)*

8. Transferring Emergency Calls: When emergency calls need to be transferred to another PSAP, the public safety telecommunicator will transfer the call without delay after getting the minimum information listed in 6d above. The public safety telecommunicator will advise the caller: "Please do not hang up; I am connecting you with (name of agency)." The public safety telecommunicator should stay on the line until the connection is complete.

9. Wireless 911 Calls: All wireless 911 lines at the 911 Center shall be answered beginning, "911, what is the address of the emergency." After receiving the answer, ask, "what city, town or village", then say "repeat that so I know I have it correct." Then ask, "What is the phone number you are calling from?" you must verify the phone number to the ANI on the power 911 screen to make sure the phone number is correct. If there is not an ANI you must, ask the caller to "repeat that in case we get disconnected Then say, "okay, tell me exactly what happened." Wireless 911 Calls should be handled in accordance with the attached, *NENA Guidelines for Minimum Response to Wireless 911 Calls: Document 56-001*.

10. 911 Hang-ups /Abandoned calls from landline phones: The public safety telecommunicator will attempt a call back when a 911 call is routed to the PSAP and the call disconnects before the public safety telecommunicator can determine if assistance is needed. The public safety telecommunicator will call back once to make this determination. If the phone is busy or there is no answer, additional attempts to contact the caller will not be made by the public safety telecommunicator. If the call back attempt goes to voice mail, no message will be left. This procedure is the same for cell phones as well. If contact is made verify information to include caller's name, location (address) and nature of the call. DO NOT advise the caller that patrols will be dispatched.

    There is no need to dispatch a car to a business if you call back and they advise everything is okay. Rome PD and New Hartford PD would like one car sent to verify.

11. 911 Hang-ups/Abandoned calls from wireless phones – The public safety telecommunicator will attempt callback to the number. If contact is made verify information to include caller's name, location (address) and nature of the call. DO NOT advise the caller that patrols will be dispatched.

    Contact made to parties calling from a business, where there is a chance they may no longer be there when a patrol arrive still need one car sent to verify.

    If no contact is made to the wireless device and there is an indication of a possible emergency (background noises, etc.) and the call is a Phase 2, a CAD entry will be

created to make an area check in the vicinity of the location that is being plotted. **Always utilize RapidLite to aid in better locating any wireless caller.** *(revised 2/1/19)*

If no contact is made to the wireless device and there is indication of a possible emergency (background noises, etc.) and the call is a Phase 1, contact the cell phone carrier to attempt to ascertain the phone's location. A CAD entry will be created to make an area check in the vicinity of the coordinates provided by the cell phone carrier.

If the car clears unfounded with continuous abandoned calls in the area advise the patrol supervisor. Leave it to their discretion.

If no contact is made with the wireless device and there exists no evidence of an emergency (no obvious distressful background noises, etc.) no further action needs to be taken.

12. Structure Fire: If at any time during a call the caller makes any statement reporting the presence of smoke and/or fire in, on or attached to a structure, the PST will create a call as a "structure fire" in CAD for a verified location without delay. Once the call has been entered the PST will continue to obtain information as outlined in all applicable policies, such as verifying a call back number, obtaining the caller's name and entering additional call details as they are obtained. The PST will not for any reason delay the creation of a structure fire call to obtain or enter additional information. *(revised 3/1/19)*

13. Silent Calls: In compliance with the attached, Public Law 101-336, also known as the *Americans with Disabilities Act*, all silent calls will be interviewed with a TTY/TDD to determine if the caller is attempting to report an emergency using a special communications device for hearing impaired individuals.

14. Misdial: A call is classified as unintentional when the public safety telecommunicator can hear a conversation, radio, etc. in the background and have listened sufficiently and checked a TTY/TDD to determine that there is no indication of an emergency situation.

15. Prank Calls: Public safety telecommunicators will call back a suspected prank caller. Prank calls should be treated as a real emergency until proven otherwise. The called party will be questioned to determine if further action is needed or a response is required.

16. False Reports: False or unfounded 911 calls will be referred to the appropriate law enforcement agency.

17. Misrouted Calls: Calls may be received at the 911 Center that are intended for another PSAP. These calls should be transferred to the other PSAP, if possible, after advising the caller of the transfer. Calls of this type include wireless and landline misroutes as well as nomadic VoIP callers. Out of area PSAP contact information may be found in the *NENA PSAP Registry* or via the NLETS system.

18. Foreign Language Calls: A foreign language translation service is available to assist the public safety telecommunicator in the processing of foreign language calls.

    a. When receiving a call in need of a foreign language interpreter:

        i. Advise the caller to stay on the line for an interpreter.

        ii. Continue to have an open line with the customer and double click on Voiance Interpretation under "Other Tab" when prompted:

            1. Press "1" for Spanish;
            2. Press "0" for all other languages

        iii. Wait for the answer point to conference in an interpreter.

        iv. Brief the interpreter on what you want to accomplish, with any pertinent information you may already have.

        v. Say "End of Call" to the interpreter when the call is completed.

        vi. If the call is delayed with a difficult/lengthy translation the:

            EMD will code the case; 32-B-4(unknown problems, language not understood in the center), and send the case to the dispatch queue, then continue with the EMD protocol questions, and when possible reconfigure the case to a more specific determinant code.

            EPD will code the case; 134-D-1(unknown 3rd party caller as no further information for verification is available), and send the case to dispatch, then continue with the EPD protocol questions, and when possible reconfigure the case to a more specific determinant code.

19. Public Safety Telecommunicator Discretion: Public safety telecommunicators should pay close attention to background noise, tone and word choice of caller as additional evidence to assist with the determination of the status of the 911 call. The time of day and location of the caller may be additional clues to indicate whether a response is necessary. In any situation where the public safety telecommunicator believes an emergency situation may exist, an appropriate public safety response will be initiated based on local policies and procedures.

20. Cancellation: The public safety telecommunicator may disregard a 911 call if there is evidence that the call is one of the following situations:

    a. 911 Misdial; and
    b. Unintentional or Prank Calls.
    c. Rome Police Department and New Hartford Police Department is to be advised on all 911 calls from a landline.

21. Contact: If contact is made with the caller, public safety telecommunicators will follow call handling procedures established to determine whether a public safety response is necessary.

22. Indicated Emergency: Any evidence of an indicated emergency situation requires that public safety telecommunicators initiate efforts to re-contact the caller to determine the nature of the incident and an accurate location for appropriate public safety response. If attempts to contact the caller are unsuccessful, a field public safety response will be initiated based on the caller's location as indicated by the ALI display.

23. ALI Failure: In the event of a failure to provide a caller location, an attempt to determine the address from which the call originated will be made through reverse look-up, where permitted, or by contacting the telecommunications service provider. *(revised 2/1/19)*

24. ANI Failure: In the event a 911 call received without an ANI display, the call will be treated as if received on a 7-10 digit emergency line. The public safety telecommunicator will obtain the basic information from the caller. At a minimum

this information should include: location of the incident, call back number, type of emergency, time frame, hazards, identity of those involved and their location.

25. Incorrect or No ALI-ANI Information: If the ANI or ALI information provided is not accurate, based on the information provided by the caller, the public safety telecommunicator will complete and forward DIS-001- Discrepancy Report along with the printed ALI from the 911 call to the CAD Administrator for review. *(revised 2/1/19)*

26. Equipment Problems: All 911 telephone equipment problems will be reported immediately to their supervisor. The supervisor will then submit the problem to the E911 Help Desk and notify the Director or Deputy Director when the Director is not available.

27. Redundant Calls: Redundant calls occur when several calls have been received on the same incident. The public safety telecommunicator will make sure the caller is reporting the same incident and not an unrelated one. Once the public safety telecommunicator is sure that the caller is reporting an incident that has already been received and any additional pertinent information is obtained, the caller will be advised that the call has already been reported. These calls should be disconnected as soon as possible in order to free 911 lines. The public safety telecommunicator will however add additionally, the caller's name, call back number and address in the "calls" tab in an incident.

B. TTY CALLS:

1. Recognizing TTY Calls: All public safety telecommunicators must be able to properly recognize and handle TTY calls. A potential TTY call may sound one of the following ways:
    a. Recorded announcement from the TTY: Some TTYs emit a recorded spoken announcement to the public safety telecommunicator that a TTY call is being placed, such as "Hearing Impaired Caller, Use TTY."

    b. Audible Tones from the TTY: Some TTY callers may press TTY keys to emit audible tones to notify the public safety telecommunicator that a TTY call is being placed.

    c. Silence on the Line: Often a person using a TTY will make a call that is perceived by the public safety telecommunicator as a silent, open line call. This is due to the fact the caller's equipment does not recognize that the call

has been answered until the public safety telecommunicator sends a TTY response.

d. A silent, open line call must be considered a potential TTY call until proven otherwise. If the public safety telecommunicator does not get a voice response to their query, they should immediately send a TTY query to determine if a TTY caller is on the line.

e. In the past some PSAPs have required callers using TTYs to press the space bar or other keys to emit tones to notify the public safety telecommunicator of the TTY call; this requirement however violates the Americans with Disabilities Act. Requiring TTY callers to press keys repeatedly until recognized is unfamiliar to most TTY callers. TTY callers cannot be relied upon to perform such unfamiliar tasks especially in emergency situations; in many emergency situations there may not be enough time or an opportunity to press keys repeatedly until recognized.

f. All public safety telecommunicators must have the capability to switch back and forth easily from TTY mode to voice mode during the same call. This capability is especially necessary for silent calls since public safety telecommunicators are required to first query the line by voice and then quickly switch to query the line by TTY. This capability is also necessary for the Hearing Carry Over (HCO) and Voice Carry Over (VCO).

2. Understanding TTY Communications:

a. Keep your sentence structure as simple and to the point as possible.

b. Ask clarifying questions one at a time.

c. Provide the caller with choices. For example, rather than asking, "Is the door unlocked?" Ask, "Is the door locked or open?"

d. Use easy to understand vocabulary; avoid slang, acronyms and law enforcement, fire service or EMS jargon.

e. Extend the same patience and courtesy to TDD callers as you would to all other callers.

3. Handling TTY Calls for Service: The public safety telecommunicator is the vital link in the communications cycle as response units may have difficulty communicating with the communications impaired caller once they arrive on the scene.

a. It is important for the public safety telecommunicator to maintain contact with the caller and provide updates to response units if the situation changes, and provide assistance to the caller and response units once they arrive on scene.

b. The public safety telecommunicator will need to learn the technology for handling TDD calls within their PSAP. The Oneida County 911 Center has this functionality incorporated into its CAD system.

c. All TTY callers will be given PAIs and PDIs through the TDD. Type the questions exactly as written and wait for the answers.

C. TEXT TO 911

In lieu of voice communication, callers may opt instead to contact the 911 Center via SMS Messaging, also called texting.

1. TO INITIATE A TWO-WAY CONVERSATION: The Telecommunicator will answer the call coming in on that queue like any other 9-1-1 call. A window will appear allowing two-way conversation between the Telecommunicator and the caller.

If pre-set messages are available, the Telecommunicator may choose to use those messages as appropriate. If it is determined that a field unit response is indicated, the Telecommunicator will generate the call in CAD using the call/ create call tab. Initial information will be gathered in the following order:

a. The caller will be greeted with the same script that voice callers receive:
Example: "*911 what is the address of your emergency*?"

b. The Telecommunicator should ask the caller if they can call in by voice (If it is safe to do so).

c. The nature of the call will be asked for and the appropriate call-types entered into the call. Once a call is classified it will be routed for dispatch to the appropriate unit(s).

d. Telecommunicators will ensure that all scene-safety information is obtained to ensure that bystander and responder safety issues have been addressed.
e. All scene-safety and any other pertinent information will be recorded and relayed to the responders as appropriate.

Before ending of the call, the Telecommunicator will inform the caller that the requested assistance is being sent to the address that the caller initially requested. This will help confirm that the address of the incident is correct.

Example – *"EMS will be dispatched to 123 Genesee St, Utica."*

f. Ending a call is accomplished by using the release button. Once a call is released, a message should be sent to the caller indicating that the session has ended. A SMS Messaging session cannot be restored/ initiated by the 9-1-1 Center again unless the caller messages 9-1-1 again in a new session.

2. GENERAL:

At no time will a Telecommunicator use 'texting' lingo, shortcuts, or acronyms. All correspondence from the Telecommunicator will be in full-length form, with the exception of common acronyms, which include, but are not limited to:

- St for Street
- Rd for Road
- Hwy for Highway
- EMS for Emergency Medical Services
- NY for New York
- US for United States

a. The caller should be encouraged not to use 'texting' lingo, shortcuts, or acronyms so as to help eliminate any confusion on the part of both parties; however, callers are not required to oblige. In the event it becomes difficult to understand a caller's need due to the use of these shortcuts.

b. If the Telecommunicator is unable to explain to the caller that they need to call 9-1-1, the Telecommunicator will initiate a voice call to the originating number and attempt contact.

c. A caller should not be called back in cases where their safety, or the safety of another, is in question; however, if a responder requests that

a callback be made on a request for service that was initially received via SMS Messaging, the Telecommunicator will inform the officer of such. If the officer still requests a callback at that point, the callback request will be honored.

The content of all SMS Messages to/from the 9-1-1 Center are public record. All communication from the 9-1-1 Center shall be of a professional nature and work-related.

3. NON-RESPONSE FROM TEXTER:

a. Response to this would depend upon the initial text that is received. If there is language within the message to indicate it might be a legitimate 9-1-1 text, then text message back "If you have an emergency, text or call 9-1-1". If there is still no response the public safety telecommunicator will attempt a call back. The public safety telecommunicator will call back once to make this determination.

b. If the phone is busy or there is no answer, additional attempts to contact the caller will not be made by the public safety telecommunicator. If the call back attempt goes to voice mail, no message will be left

c. If the language within the text is garbled and might indicate a "misdialed or accidental text" then text message back "If you have an emergency, text or call 9-1-1". If there is still no response:

4. TRACING ANONYMOUS TEXT:

Currently no anonymous text can be sent. However, if they are through another carrier, any traceable information provided should be handled as it would for voice calls. If there is no information, no action can be taken.

5. MULTIPLE TEXT HANDLING:

a. Multiple text sessions will be prioritized in the same manner as 9-1-1 calls. Highest priority Text-to-9-1-1 call will be determined by the nature of the emergency. Make sure you respond to each message and ensure, if multiple texts are received about the same call, that they are indeed the same and not a different call.

b. Telecommunicators will need to make others in the room aware of multiple text sessions to ensure multiple calls are not entered.

6. MISDIRECTED TEXT:

   If technically possible, transfer to the proper agency. If not technically possible, take pertinent information and relay to proper agency. Maintain contact with the complainant and handle as appropriate for call type. Release the complainant when appropriate for situation according to policy or when unit(s) is on-scene. The Telecommunicator may have to provide contact information for the proper agency on end of session or when appropriate.

7. TEXT FOR NON-EMERGENCY:

   If a call is of a non-emergency nature and a text is received the public safety telecommunicator will advise the caller to please call our non-emergency number 736-0141 to report this non-emergency.

8. PRIORITY VOICE vs. TEXT:

   Calls shall be prioritized based on the nature of the call, whether voice or text.

9. TRACKING MOVING TEXT-TO-9-1-1 CALLERS:

   a. The Telecommunicator shall use the rebid feature to obtain a current location of the caller.

   b. If the caller leaves the agency jurisdiction, the Telecommunicator will transfer the text session to the agency responsible for that jurisdiction, only if they are capable of receiving text sessions. If the receiving agency does not have the capability of receiving text, the original Telecommunicator will maintain the session and relay information to the appropriate agency.

   c. If the text session enters another jurisdiction, then the incident will be passed onto that agency, either by transferring the session or by relaying all information by voice.

   d. If there is a session in progress, it will need to be passed on to any relieving personnel.

D. CALL TAKING INFORMATION CHECKLIST:

1. Location: When answering, "What is the address of your emergency," it is possible that the location they are calling from is not the location where the emergency is occurring; therefore the public safety telecommunicator must verify the caller's location. Use of the EMD and EPD protocols will be followed to gather information, the following are important to assist in guiding responders:

    a. City/Town/Village;

    b. Apartment number, floor /office/suite#;

    c. Nearest cross road;

    d. Color of house;

    e. Cars in driveway; and

    f. Any other distinguishing characteristics that could aid first responders in recognizing the address.

    g. Business name/building name

E. TYPES OF CALLERS: As a public safety telecommunicator, you will learn that every call is different. Every caller has his/her own unique way of dealing with his or her own situation. Some callers will be calm when faced with tragedy and others will react hysterically to seemingly minor problems. Communication is a two way process, therefore as public safety telecommunicators, you will need to identify the types of callers and learn the most efficient way to deal with each. Use "Positive Ambiguity." Do not "lie" to the caller, even if it is motivated by kindness. Do not make promises that are not within your ability to keep.

1. The Angry Caller: This caller is angry for any number of reasons. They may be upset with the circumstances (they arrive home and find it burglarized). They may be angry at law enforcement or the way their call was handled by another public safety telecommunicator. They may be frustrated because they do not know where to look for assistance (family court, animal control, landlord/tenant problems). They may simply be angry with the person who caused them their pain or difficulty.

    a. No matter how angry the caller may become, do not take it personally.
    b. It is not effective to argue with the caller and exacerbate the situation further.

c. The most effective way to deal with this type of caller is to listen to their problem and offer them the assistance they need.

2. The Profane Caller: Profane words are used by people who are upset; angry or frightened; intoxicated or hysterical.

   a. Keep in mind they are just words; the caller may have no idea that his/her language offends you.

   b. It is your right to tell the caller, "I understand you are upset but could you refrain from using profane language and tell me what happened?"

   c. If the caller is getting personal or making threats, determine if there is an actual emergency, if not, terminate the call.

3. The Hysterical Caller: A hysterical caller is out of control and not able to think or communicate properly. It will be your responsibility to gain control of the situation and think for him/her.

   a. The most important thing when handling such a caller is to keep control of your own emotions. You are the person who can help this caller the most by dispatching the appropriate emergency personnel.

   b. Your calm tone will calm the caller and persistent repetition is also effective. Use "Repetitive Persistence." This works for many abusive and aggressive callers as well as those who are hysterical. Give the caller an action, followed by a reason for complying for this action. "It is important I get this information so we can get the right help to you". Repeat this, using exactly the same phrasing, and in a calm and level voice, as often as necessary until the caller listens and cooperates. Be prepared to use this technique more than once.

   c. Keep your voice firm and the caller will be reassured by your self-control. Ask direct questions and keep talking. Use the caller's name often; this will help the caller stay grounded in reality.

   d. Sometimes however, you will not be able to take control of the call. A caller may remain hysterical until help arrives. It is best to just accept that, through no fault of your own, it is impossible to control every situation.

4. Callers with Mental Problems: Occasionally, people will call and babble incoherently. Others may have stories of conspiracy, aliens or delusions. These callers believe

what they are reporting and many of these people call frequently and other public safety telecommunicators will be able to assist in identifying these people.

a. Do not discount the caller's request for assistance, it may be legitimate.

b. Offer the caller the services of a Mental Health Specialist, (MCAT) and if the caller answers affirmatively and is in no imminent danger, transfer the call to the MCAT office.

5. The Intoxicated Caller: These calls may be the most difficult to handle. Intoxicated callers may not be able to accurately relay the location of situation. They may be depressed, resulting in suicidal tendencies. They may become violent, blinded by rage with the intent to injure others. They often have drastic mood swings, making them unpredictable.

   a. Just as with the hysterical caller, you need to remain calm when talking to an intoxicated caller.

   b. Do not let this caller coerce you into an argument. Obtain as much information as possible from the caller, and if it serves no useful purpose to stay on the line, terminate the call.

6. The Suicidal Caller or Hostage Situation: These callers are emotionally, psychologically or mentally out of control. There may be a history of violence, emotional problems and or drug/alcohol involvement. Many of these situations are the result of domestic disputes, with the suspect struggling to gain control of the situation, viewing their actions as their only options.

   a. You may encounter a wide range of emotions. Anger, confusion, irrational thoughts and frustration may all be factors. The caller may be agitated, using a loud voice to express himself. He may be emotionally exhausted, using slow or depressed speech. Quite often this subject's moods will swing from one extreme to the other. You will need to access the caller's state of mind by listening to what he/she says and how he/she says it.

   b. It is vital to advise the responding police/fire personnel of any information you have regarding the caller's state of mind. The safety of responding personnel must always remain a priority.

   c. When dealing with an irrational mood, you must become the voice of reason. Therefore you must discourage the suspect's desire to die or kill another.

   d. The suspect needs to be given hope and shown that there are other alternatives.

e. It is important to develop a trusting relationship with the suspect. They must believe you care.

f. Using the suspect's first name is important. If you do not feel comfortable giving your own name, you may use another, if you can be sincere in doing so.

g. When dealing with a person in this frame of mind it is important to:

i. Emphasize the future;
ii. Take all threats seriously;
iii. Listen carefully;
iv. Be empathetic;
v. Be persistent;
vi. Talk about other things; and
vii. Get a commitment from the subject.

Do NOT:

i. Dismiss threats;
ii. Downplay the subject's feelings;
iii. Leave the caller on hold;
iv. Tell the subject they are being selfish/cowardly;
v. Dare the subject to go through with it; or
vi. Tell the subject they are only trying to get attention.

7. THIRD PARTY CALLS:

a. Do not assume that third party callers do not know anything, even if they say they do not know anything!

b. Always attempt to ask all case entry and key questions when possible.

c. Always ask the caller if they can get to the patient to render aid. If they agree, give Post-Dispatch Instructions (PDIs) and Pre-Arrival Instructions (PAIs) as appropriate and necessary.

d. Once the PST has made several attempts to gather information without success, he/she may choose to terminate the call, once it has been determined

that the caller has no further information and cannot or will not get close to the incident.

F. OBTAINING THE NATURE OF THE EMERGENCY - EPD:

1. All attempts to obtain Case Entry and Key Questions information from the caller will be made by utilizing good communication techniques and reading the questions exactly as written in the protocol.

   a. If the initial scripted question is not understood, or the caller does not initially provide an appropriate answer, the PST may re-phrase the question in an appropriately clarified form.

   b. Questions may only be omitted if the answer is obvious or has already been clearly provided; however, questions related to the safety of the caller MUST be asked on every call.

   c. PST's may modify their language to the "first person" in the event that the caller is first party.

   d. When the call taker asks a question, but the caller does not answer, the call taker must ask the question again. The call taker is allowed to move on after asking the question at least twice and mark the question unknown.

   e. For callers with little or no knowledge of English, call takers will use Voiance Language Services to assist in the delivery of protocol questions and instructions.

2. If the caller starts to give you a long history, rephrase and repeat the question as, "What's the problem now? What's happening now?"

3. Go to the appropriate Chief Complaint category when you have gathered all case entry information. If you are still unable to identify the correct Chief Complaint category, select protocol 134 (third party callers).

4. Ask all of the Key Questions in the order they appear in PRO QA and follow the script.

5. Politely but firmly focus the caller on answering all the questions as you ask them. Do not allow callers to offer additional information until they have answered all scripted questions. If callers lose their focus and do not concentrate on answering questions as you can, say "Sir/Madam I need you to answer this question so that I can get help

to you as quickly as possible." Repeat this as often as necessary using the same phrasing.

G. EDWARD Determinant:

1. The EDWARD Determinant is intended to be used for situations involving immediate life threat.

    a. In the PPDS protocol, the EDWARD response is reserved for Sinking Vehicle situations with persons trapped inside the vehicle.

2. EDWARD calls will be dispatched immediately from Case Entry.

    a. Immediately following dispatch, the EPD will follow the Pre-Arrival Instruction directors on the PPDS protocol system.

H. Notifications:

1. EPD's will perform the appropriate notifications (Fire, EMS, Animal Control) as directed by the protocol.

    a. Where appropriate, a "Pre-notification" to a required service may be done early in the protocol sequence.

I. Specific Call Types – EPD is not needed:

1. MVA Car / Deer: Ask if the deer is dead, note in CAD, advise patrol of the same and have the complainant return to the scene. Obtain a description of the complainant's vehicle. If damage is less than $1,000.00 the caller may file an, *MV-104* form with their insurance company in lieu of a police report.

2. Protesting Checks: Ask if the check has been protested with the bank: The caller must wait ten days after protesting a check. If requirements are satisfied, take the caller's information.

3. Premise Check: (For complete policy see Policy OG-210, *Premise Check Procedures*) Obtain the following:

    a. Name and telephone number of the owner of the property and where they are going to be.

    b. Address of premises to be checked, reason and length of time.

c. Key holder name, address and phone number.

d. Any vehicles left in driveway, lights left on in the residence, anyone allowed to be in the residence?

e. Enter in CAD the address to be checked, name, phone numbers, premise check type and all other information; put in notes field.

f. Fax CAD repot to the proper LE agency.

4. Stray, Lost or Wandering animals: location of the emergency, callers name and phone number, type of animal(s) and the hazard (ex. Horses in the roadway) should be gathered by the call taker.

5. Missing Person Return: If a previously reported missing person has returned you should get the reporting parties name, address where the party has returned to, phone number, and name of person who has returned.

J. Thruway Complaints: All calls dealing with the NYS Thruway will be transferred to the NYS Thruway Authority through the one button transfer; however

1. In the case of a personal injury MVA, ascertain the nearest mile marker east bound or west bound.

2. Dispatch fire and ambulance to the scene; advise thruway authority that rescue and ambulance are being dispatched.

3. Contact the toll booth; advise that the fire department and ambulance will be entering.

K. Social Worker: The Child Protective Services (CPS) Social Worker is not the same as a Child Advocacy Center Member; if someone calls for a social worker they are referring to CPS.

1. After hours, use the available cell phone number, during normal business hours, contact by business phone.

2. Enter into CAD, Oneida County for location, social worker (type of complaint), name and phone number of person to call.

L. Child Advocacy Center (CAC): Handles sex crime investigations for victims age 16 and under.

1. Investigations involving persons 17 years and older must be conducted by law

enforcement.

2. When contacting a CAC investigator after business hours always attempt to call their cell phone first, if not available there, call phone at their residence. Make the appropriate entry into CAD.

M. Carbon Monoxide Detector Activation: Upon notification of carbon monoxide detector activation, inquire from the caller if anyone is experiencing headache, fatigue, flu-like symptoms, nausea, dizziness or confusion or if there are any pets that are sick or ill in the house.

1. A "yes" to any of the above questions will result in EMS being dispatched along with the respective fire department, in any emergency response.

2. If "no" illness is reported, dispatch the respective fire department(s); non-emergency to the scene.

3. Residents should be directed to leave the structure and to take shelter in an outside vehicle or at a neighbor's residence until the fire department or EMS arrives.

N. Stray, lost, or wandering animals: Get caller information, location of the Animal(s), and what type of hazard (ex. Cattle in the roadway)

O. PANIC ALARMS: When determined by following EPD Protocol 104 that an alarm is a Hold-Up/Panic/Duress alarm, the public safety telecommunicator is not to call back the residence/business where the alarm has been activated. Doing so, may put the victim in a life threatening situation.

P. CONTACTING FAMILY MEMBERS: Often patrol will request that you contact family members or friends of juveniles being held, subjects under arrest or persons involved in motor vehicle accidents (MVA's).

1. Identify yourself as a public safety telecommunicator from the Oneida County 911 Center and the agency you are calling for.

2. Expect most people to be alarmed by your call. If you are not calling for an emergency, advise the person of this as soon as possible.

3. When making notifications for persons under arrest, you do NOT have the authority to give the nature of the circumstances surrounding the arrest. If the person you contacted becomes persistent, simply state that you do not have the information, you are just making a notification for the arresting agency.

4. When you are making a notification regarding a MVA, do not tell the family the victim's condition is serious or critical. It is okay to advise the family that the victim's injuries are minor, if this is true. Many people panic when they are notified of a family emergency. Ask if the family member if they are okay to drive to the hospital. If it not, attempt to locate someone to drive the family member.

5. You will not be required to make death notifications over the phone. If friends or family of the victim of a fatal incident contact you, do not advise them that the victim is deceased. Have patrol contact the family as soon as they are located.

Q. <u>OBTAINING THE NATURE OF THE EMERGENCY - EMD:</u>

1. If the caller starts to give you a long medical history, rephrase and repeat the question as, "What's the problem now? What's happening now?"

2. If the caller's response does not enable you to select a Chief Complaint category, seek clarification of the Chief complaint they gave you.

3. Go to the appropriate Chief Complaint category when you have gathered all case Entry information. If you are still unable to identify the correct Chief Complaint category, select either Protocol 26 (second party callers) or Protocol 32 (third party callers).

4. Ask the remaining questions on the Case Entry tab, in the correct order.

5. Ask all of the Key Questions in the order they appear on the tab and follow the script.

6. When the call taker asks a question but the caller does not answer, the call taker must ask the question again. The call taker is allowed to move on after asking the question at least one more time then mark the question unknown.

7. Enter the incident into the CAD, where PRO QA will automatically assign the medical determinate.

8. Say to caller, "I'm sending the ambulance to help you now. Stay on the line and I will tell you exactly what to do next."

9. Politely but firmly focus the caller on answering all the questions as you ask them. Do not allow callers to offer additional information until they have answered all scripted questions. If callers lose their focus and do not concentrate on answering questions as you can, say "Sir/Madam I need you to answer this question so that I can get help to you as quickly as possible." Repeat this as often as necessary using the same phrasing.

S. THIRD PARTY CALLS - EMD:

1. Do not assume that third party callers do not know anything, even if they say they do not know anything!

2. Always attempt to ask all case entry and key questions when possible.

3. Always attempt to get the phone number of location of the incident.

4. Once the PST has made several attempts to gather information without success, he/she may choose to terminate the call, once it has been determined that the caller has no further information and cannot or will not get close to the incident.

5. For EMD always ask the caller if they will go back to the patient to render aid. If they agree, give Post-Dispatch Instruction (PDIs) and Pre-Arrival Instructions (PAIs) as appropriate and necessary.

T. PRE-ARRIVAL INSTRUCTIONS: (revised 06/01/20)

1. Pre-arrival instructions are required on all calls.

2. For calls handled using the Priority Dispatch Medical and Police Protocols Pre-Arrival Instructions will be provided as outlined in the protocol. For the purpose of this policy, pre-arrival instructions include post-dispatch instructions as outlined in these protocols.

    a. Do not ask permission to provide pre-arrival instructions.

    b. Should the workload of the dispatch center exceed call processing capabilities, (e.g. as a result of an unusual volume of 9-1-1 calls) the EPD will apply the "emergency rule" and temporarily suspend the provision of PAI's. This is integral to ensure the safe and effective operation of the dispatch center for all individuals requiring service. Should unanswered 9-1-1 calls or other vital operations require it, the EPD should place callers requiring PAI's on hold, giving a reason for the necessity of doing so. EPD's will also advise the caller that they will return as soon as possible.

    Or:

    When the acting PST Supervisor suspends the provision of EPD due to overwhelming circumstances, the ED will follow the protocol through Key Questioning, after the final determinant code is sent, the ED will suspend all scripted pre-arrival and Post-Dispatch instructions and instead, release the call with the following pre-arrival instruction (or similar); "I need to hang up now to take another call, the police will be

notified as soon as possible, if the situation gets worse in any way call us back immediately."

3. For calls not handled through the police and medical protocols.
    a. At minimum, each caller must be advised to "call back if anything changes or you have any further information."

Structure Fire calls:

1. People calling from within the building on fire will be advised "if it's safe to do so, leave the building, close the doors behind you and remain outside."

    a. Once outside meet with emergency crews and inform them if any people or animals are inside the structure.

2. If a caller is not able to exit the structure they will be advised to "go to a room with a window and close the door behind them." An accurate description of their location will be obtained including the side of the building, floor, and window location.

3. If a caller is outside of the building, they will be advised not to enter the building.

Other Potentially Hazardous Conditions (i.e. Odor of Gas)

1. Callers in a harmful or potentially harmful location will be advised, "If it's safe to do so, go to a safe location."

    a. If the caller is able to safely remain on the line, the PST will remain on the line until they have made it to safety and the location of the caller can be obtained for responders.

U. MEDICAL FACILITIES:

Use Protocol 33 in its entirety on all calls from a medical facility with staff present at the time of call (nursing home, hospital, doctor's office, infirmary or clinic) to receive a response code.

V. PROTOCOL USE FOR COMBINED INCIDENTS:

1. Combined Law Enforcement/EMS Cases With Danger Present:

   a. For incidents requiring both police and EMS responses, the ED will immediately invoke the Police Priority Dispatch (PPDS) for all cases reported as:

      - Assaults, sexual assaults, shootings, stabbings, suicide attempts, violent or disruptive psychiatric events, dangerous animal attacks, homicides or attempted homicides, riots, fights, suspected terrorist attacks, SWAT team cases and any other cases involving violent crimes and In-Progress or just occurred crimes where suspects may be present.

         a. When an EMS response is required, the ED will invoke the Medical Priority Dispatch System (MPDS) protocol, following the completion of all necessary PPDS question, dispatch coding, and instructions. Any MPDS questions already answered though a PPDS interrogation will be considered obvious, and ED's are not required to ask those questions a second time.

         b. The ED will assign the correct MPDS coding to the case and provide all necessary post-dispatch and pre-arrival instructions when it is safe to do so.

4. Combined Law Enforcement/EMS Cases With No Immediate Danger Present:

   a. For crimes with injuries or illness, where there is no immediate danger present, such as past criminal events where the assailant is gone or cases where the crime occurred at a different location, the ED shall first use the Medical Priority Dispatch System (EMD) protocol and complete all EMD questions, dispatch coding and instructions before invoking the PPDS (EPD) protocol. For example:

      - A sudden cardiac arrest, unconscious or potential heart attack case, accompanied by some past criminal activity (chronic drug addiction, child neglect, endangering a minor, stolen property, etc.) would call for using MPDS protocol first.

W. MULTIPLE CALLERS FOR THE SAME EVENT:

1. When more than one call is received for the same incident, the (ED) must complete the Case Entry interrogation, and then determine if a complete ED interrogation is required, based on the caller's answer to Case Entry questions.

c. The ED shall answer every emergency call with the expectation that the caller will be reporting new information not yet received from previous callers, including those cases where an incident record may already exist for the address/location provided by the caller.

d. The ED will complete Case Entry according to standard Priority Dispatch System procedures for MPDS and PPDS.

e. Before determining a reported event to be a duplicate of an active incident, the ED **must** confirm that the address/location and incident description is the same as an existing incident already entered in CAD. (Note: more than one shooting, traffic accident, Hazmat event, or any other injury or illness may occur in close proximity to each other, requiring a separate incident and response)

f. When the caller is a third-party caller (not in the immediate vicinity of the event/victim), and the ED determines the event to be a duplicate incident, and no new information is offered by the current caller during the Case Entry interrogation, the ED may terminate the phone call once Case Entry interrogation is completed.

g. If new information is provided by the caller during Case Entry, the ED must complete the Key Question interrogation, and assign a final coding according to standard Priority Dispatch System procedures for MPDS and PPDS.

h. When the caller is a first or second-party caller (either a victim/patient or someone with the victim/patient), the Ed must complete the Key Question interrogation, assign final coding, and provide DLS instructions according to standard Priority Dispatch System procedures for MPDS and PPDS.

X. ACCEPTABLE ABBREVIATIONS FOR CAD ENTRY:

1. Personnel:

   a. SGT: Sergeant

b. LT: Lieutenant
c. INV: Investigator
d. OIC: Officer in Charge
e. PO: Police Officer
f. OFCR: Officer
g. FTO: Field Training Officer
h. HQ: Headquarters
i. NYSP: New York State Police
j. OCSO: Oneida County Sheriff's Office
k. CFO: Camden Field Office
l. WFO: Waterville Field Office
m. BFO: Barneveld Field Office
n. IA: Inter Agency
o. PI: Private Investigator
p. PD: Police Department
q. FD: Fire Department
r. LE: Law Enforcement

2. Miscellaneous:

a. ADV: Advise
b. ALI: Automated Location Identification
c. ANI: Automated Number Identification
d. ANS: Answer
e. APT: Apartment
f. ASAP: As Soon as Possible
g. ATC: Attempt to Contact
h. ATL: Attempt to Locate
i. ATTN: Attention
j. BLDG: Building
k. BOCB: Busy on Call Back
l. BOLO: Be on the Look Out

m. BUS: Business
n. CANC: Cancel
o. COMP OF: Complaining of
p. DR: Disregard
q. DUI: Driving Under the Influence
r. DWI: Driving While Intoxicated
s. ENR: En-route
t. FTP: Failure to Pay
u. FYI: For Your Information
v. GOA: Gone on Arrival
w. GOP: Guards on Post
x. GSW: Gun Shot Wound
y. JKT: Jacket
z. LM: Loud Music
aa. LP: Loud Party
bb. MISC: Miscellaneous
cc. MSAG: Master Street Address Guide
dd. MSG: Message
ee. NAOCB: No Answer on Call Back
ff. NATGRID: National Grid
gg. NO ANS: No Answer
hh. OCC: Occurred
ii. OCCUP: Occupied
jj. POSS: Possible
kk. POV: Personally Owned Vehicle
ll. PSAP: Public Safety Answering Point
mm. RAW: Right Away
nn. REQ: Requesting
oo. RESP: Responding
pp. RO: Registered Owner
qq. RP: Reporting Person

rr. RTL: Refusing to Leave

ss. UNK: Unknown

tt. VMOC: Voicemail on Call Back

3. Street Locations:

a. PK: Park

b. AVE: Avenue

c. RD: Road

d. ST: Street

e. TRL: Trail

f. PKWY: Parkway

g. LN: Lane

h. PL: Place

i. BLVD: Boulevard

j. CIR: Circle

k. CT: Court

l. DR: Drive

m. TERR: Terrace

n. ALY: Alley

o. CTR: Center

p. GTWY: Gateway

q. LP: Loop

r. PK: Pike

s. SQ: Square

t. WY: Way

u. N,S,E,W: North, South, East, West

v. NE & NW: Northeast and Northwest

w. SE & SW: Southeast and Southwest

4. Directions:

a. IFO: In Front Of
b. IRO: In Rear Of
c. NEC: Northeast Corner
d. NWC: Northwest Corner
e. SEC: Southeast Corner
f. SWC: Southwest Corner
g. EB: East Bound
h. NB: North Bound
i. WB: West Bound
j. SB: South Bound
k. WO: West Of
l. NO: North Of
m. EO: East Of
n. SO: South Of
o. AF: Across From
p. IAO: In Area Of
q. ETA: Estimated Time of Arrival
r. LOC: Location
s. TWDS: Towards
t. < >: Between
u. MM: Mile Marker

5. Colors:

a. BLK: Black
b. BLU: Blue
c. BLN: Blonde
d. WHI: White
e. ORG: Orange
f. PLE: Purple

g. GRN: Green
h. BRO: Brown
i. BLD: Bald
j. YEL: Yellow
k. RED: Red or Auburn
l. SDY: Sandy
m. HAZ: Hazel
n. MAR: Maroon
o. GRY: Gray
p. PNK: Pink
q. MUL: Multicolored

6. Suspects:

a. B/F: Black Female
b. W/F: White Female
c. FO: Female Other
d. H/F: Hispanic Female
e. B/M: Black Male
f. W/M: White Male
g. M/O: Male Other
h. H/M: Hispanic Male
i. F/JUV: Female Juvenile
j. M/JUV: Male Juvenile
k. AKA: Also Known As
l. LKA: Last Known Address
m. LSN: Last Seen
n. LSW: Last Seen Wearing
o. DOB: Date of Birth
p. SSN: Social Security Number
q. JUV: Juvenile
r. BF: Boyfriend

s. GF: Girlfriend
t. X: Example: Ex-Girlfriend or Ex-Boyfriend
u. SUBJ: Subject
v. SUSP: Suspect
w. BB CAP: Baseball Cap

7. Vehicles:

a. VEH: Vehicle
b. NISS: Nissan
c. TBIRD: Thunderbird
d. CADDY: Cadillac
e. PONT: Pontiac
f. SW: Station Wagon
g. SUV: Sport Utility Vehicle
h. VAN: Van
i. VW: Volkswagon
j. CHEV: Chevrolet
k. MERZ: Mercedes
l. MERC: Mercury
m. TK: Truck
n. PC: Passenger Car
o. HYUN: Hyundai
p. HOND: Honda
q. ACUR: Acura
r. DODG: Dodge
s. TT: Tractor Trailer

Canned Message List for PSAPs

First Canned Questions

If it's safe to do so dial 911.

What is the address of your emergency?

What City, town or village?

What is the Phone Number you are calling from ?

What is your Name?

Okay tell me exactly what happened?

Instructional Canned statements

Please use full, simple words

Do not use abbreviations

Please wait, you are being transferred

Stay calm, help is on the way

Please call our non-emergency number to report this non-emergency (315)736-0141

Ending session, if you need more help contact 9-1-1

Unlock the door

Subsequent Canned Questions

Location of suspect?

Are there any weapons?

Is anyone hurt?

What does the person look like?

What are they wearing?

Is the person breathing?

How old is the person?

Where is the fire?

Are there any people inside?

Do you have any further information, or need additional help?

An ambulance will be dispatched.

A fire/rescue crew will dispatched.

Law enforcement will be dispatched.

Memo 22-02 CAP Court Transport.pdf

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MEMO# 22-02

TO: All Sworn Personnel
Issuing Authority: Chief Mark Williams
DATE: 06/20/22
SUBJECT: CAP Court Transport

There have been intermittent concerns with CAP Court operations whereas prisoner transport teams have been left sitting in the transport van outside of CAP Court for extended periods of time until it was their turn to go into CAP Court. The concerns were forwarded to the CAP Court administration as well as the Oneida County Sheriff's Office. A meeting with all stakeholders was convened and the following procedure was agreed upon:

1. Once all prisoners being held for arraignment are ready to be transported to CAP Court, the Booking Officer or Chauffeur will ensure the Squad Commander and CAP Court Clerk are advised of any special considerations for said prisoners (i.e. medical, mental, behavioral, physical, misc. considerations).
2. The Squad Commander will assemble a Transport Team ensuring that said team is comprised of ample manpower to maintain security of all inmates at all times while in transit to CAP Court and while awaiting as well as undergoing arraignment at the courthouse.
    - Note: The Transport Team is responsible to maintain security of all prisoners in the Utica Police Department's custody through all phases of the CAP Court arraignment process (transport, interview with Public Defender, awaiting arraignment, during arraignment, finally until the prisoner is either released or turned over into the custody of Oneida Co. Jail). Let it be known that the location where the group of prisoners are placed to await arraignment may be separate from the Public Defender interview room therefore the Transport Team may need to be comprised of 1 officer to maintain security of the group, 1 officer to maintain security of the prisoner being interviewed, and 1 officer for added security in case special circumstances / considerations exist.
3. Upon arrival at CAP Court, the Transport Team will bring all prisoners into the CAP Courthouse, place same in the designated area where they will await arraignment and maintain security / custody of each prisoner through the entire arraignment process.
    - If an issue with a prisoner arises at CAP Court, assistance from Deputies posted at the Oneida Co. Jail shall be requested

Please report any issues or concerns with CAP Court Operations to the Squad Commander so that further resolve can be sought.

2026 Goals and Objectives.pdf

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Utica Police Department's

2026 Goals & Objectives for the Criminal Investigations, Support & Uniform Patrol Divisions.

January 31, 2026

Criminal Investigations Division Goals & Objectives for 2026

Criminal Investigation Section

Goal: The Utica Police Department Criminal Investigations Division will train at a minimum (5) five investigators in Science Based Interviewing.

Objective: Utilize funding through the Gun Involved Violence Elimination Grant and in conjunction with the Mohawk Valley Police Academy the department will pay for and host a Science Based Interviewing School to train our investigators in this evidence based interviewing technique.

Crime Scene Unit

Goal: The Utica Police Department Crime Scene Unit will increase staffing on the Crime Scene Callback List to ensure adequate coverage and enhance the quality of crime scene processing.

Objective: The department will add three additional qualified officers to the Crime Scene Callback list and send these officers to an approved crime scene processing/evidence technician course in an effort to both improve response capacity and reduce workload on current personnel.

Juvenile Aid Unit

Goal: The Utica Police Department Juvenile Aid Unit (JAU) will design and remodel the JAU interview.

Objective: The department will research, design and implement changes to the JAU interview room based on best practices and standards for safe juvenile interview spaces as dictated by NYS and other juvenile justice experts to develop a new and modern area that suits the needs of the Juvenile Aid Unit.

Professional Standards Unit

Goal: The Utica Police Department will provide training to members of the Professional Standards Unit and General Criminal Investigations Unit related to conducting Background Investigations.

Objective #1: In an effort to stay compliant with NYS Department of Criminal Justice Services hiring standards, the department will send all members of the Professional Standards Unit and at least (3) three members of General Assignment CID to a NYS DCJS approved background investigations training.

Special Investigations Unit

Goal: The Utica Police Department will seek to obtain new covert pole cameras.

Objective: In an effort to increase investigative capabilities, the department will seek to obtain at least (2) two covert pole cameras for use during sensitive investigations being conducted within the Special Investigations Unit. These cameras will aid in collecting necessary evidence for prosecution of criminal cases.

Warrants Unit

Goal: The Utica Police Department will establish a new procedure for wanted individuals to turn themselves in to the department on existing warrants.

Objective: The Warrants Unit will coordinate with Utica City Court and the Oneida County District Attorney's office to develop, implement and advertise a pre-planned "Turn-In" day for wanted individuals to surrender themselves at the Utica Police Department on their respective warrant(s). A streamlined process will be implemented so that on a routine basis (monthly) this would occur in an effort to gain more compliance and increase the closure rate on existing warrants.

Respectfully submitted,
Captain Brian D. Bansner #0399
Criminal Investigations Division Commander

Support Division Goals & Objectives for 2026

Management Information Services (MIS) Unit

Goal: Purchase a newer virtual server operating system license.

Objective: We have a virtual server system that is currently operating 10 virtual machines, all of which are vital to our everyday operations. Currently this system is running on Windows Server 2012 operating system license, which is outdated and sometimes struggles trying to handle newer programs. More importantly, Windows Server 2012 is no longer receiving security updates from Windows due to it being "end-of-life". Updating this licensing would allow the system to remain secure and improve efficiently for years to come. Estimate cost- $12,000 to $14,000.

Records Unit

Goal: Create a section on the city website regarding Records and the request process.

Objective: Create a page on the City of Utica web page under the UPD section, where people would be able to find out about requesting records. Currently there is no such section which leads to a number of citizen's calling the records division to determine how to get access. It would explain to them the process, and persons with a right to records would be directed to submit a request to updrecordsunit@uticapd.com. Others would be steered to the FOIL request process via the City Clerk's office.

Training Unit

Goal: Transition duty weapons from the Smith & Wesson M&P 2.0 .45 caliber to the Glock 9mm Model 45 Gen V with Aimpoint COA.

Objective #1: Train four firearms instructors to be Glock Armorers.

Objective #2: Have all firearms instructors attend a red dot system firearms training course to assist with instructing officer on the new weapons platform.

Logistics and Resources Unit

Goal: To increase the number of qualified applicants taking the Utica Police Department entrance examination through enhanced, targeted, and modernized recruitment strategies, ensuring the department can maintain appropriate staffing levels and proactively address current and anticipated personnel shortages.

Objective: The Utica Police Department will implement a comprehensive recruitment initiative designed to significantly increase participation in the 2026 police entrance examination. The department is currently operating six officers below its approved compliment of 165 sworn personnel, with an additional 23 officers eligible for retirement by the end of 2027 and 11 officers currently eligible to retire at any time. To offset these projected losses, the department will expand outreach efforts through improved advertising, community engagement, partnerships with local schools and organizations, and increased use of digital and social media platforms. Recruitment effectiveness will be evaluated by tracking exam participation numbers, applicant demographics, and progression through the hiring process to determine whether these strategies successfully increase the pool of qualified candidates and support long-term staffing stability.

Budget and Grants Unit

Goal #1: To enhance officer wellness by providing physical, mental, and social resources through grant funding.

Objective: The Utica Police Department will utilize grant funding to provide officers with the means and resources to advance overall health and wellness. Possible projects include pre-made meals, physical fitness stipends, fitness classes, and health resources.

Goal #2: The Utica Police Department will prioritize the inquiries into existing and new technologies that help combat gun violence in the City of Utica.

Objective: The Utica Police Department will explore grants and funding to expand on its current Pole Camera and ALPR locations. The department will also explore grant opportunities to establish a Drone First Responder Program.

Respectfully Submitted,
Captain Michael Murphy
Support Division Commander

Uniform Patrol Division Goals & Objectives for 2026

Uniformed Patrol Branch

Goal #1: The Patrol Division shall reduce the number of department-wide patrol-related emails by establishing a standardized communication protocol that limits mass email distribution to time-sensitive and mission-critical information, with routine crime notifications, BOLOs, and trend information delivered primarily through roll call briefings and the MVCAC.

Objective: The Patrol Division shall implement a standardized internal communication protocol that coordinates information dissemination among roll call briefings, the Department's Crime Analysis Center, and electronic communications, in order to reduce redundant patrol-related email distribution while ensuring timely access to accurate, actionable, and mission-critical information.

Crime Prevention Unit

Goal. #1: Enhance unit cohesion, professional identity, and esprit de corps by reestablishing the Tactical Unit designation and clearly identifying specialized enforcement personnel.

Objective: In 2026 the Utica Police Department shall rebrand the Crime Prevention Unit as the traditional Tactical Unit by updating unit identification on outer carrier patches and marked patrol vehicles (Cars 20–28), providing consistent visual recognition that fosters pride, teamwork, and a strong sense of unit identity among assigned personnel.

Goal #2: Increase patrol officer proficiency in drug interdiction and vehicle concealment detection through expanded and targeted specialized training programs.

Objective: The Tactical Unit shall ensure that all officers attend designated training courses focused on drug interdiction techniques and vehicle trap/hidden compartment identification, tracking participation and proficiency to enhance investigative effectiveness and operational readiness.

Goal #3: Enhance the operational effectiveness of plain-clothes surveillance operations by ensuring officers have access to appropriate civilian-type vehicles for investigative missions.

Objective: The Department shall evaluate and implement a program to provide the Tactical Unit with access to civilian-style vehicles—through acquisition, assignment, or rental—to support plain-clothes surveillance operations, ensuring mission readiness, operational discretion, and investigative success.

Respectfully submitted,

Captain Howard Brodt

Uniform Patrol Division Commander

2026 Uniform Patrol Division Goals & Objectives

Patrol Support Branch

Traffic Unit

Goal: Continue to be attentive to traffic complaints and concerns, specifically traffic complaints and concerns of city officials and/or residents, by conducting and participating in at least three traffic enforcement details each month, with a focus on abating said traffic complaints and concerns by means of vigilance, enforcement, and assessment.

Objective: At the beginning of each month, the Patrol Support front line supervisor will set a plan for at least six traffic details, to be completed by the end of the month in question, aimed at abating recent traffic complaints and concerns of city officials and/or residents through vigilance, enforcement, and/or assessment. The details will be supervised by the Patrol Support front line supervisor and conducted by members of the Traffic Unit with assistance of other resources as necessary. The results of each detail will be codified and documented within our departmental records management system (Type: "Detail-Traffic") for review and/or reference.

Domestic Violence Unit

Goal: Continue to ensure all high risk domestic violence victims, serviced by our agency under the new DCJS STRIVE Program, are aware of and are afforded all attainable domestic violence services and protections through application of evidence based best practice initiatives to safeguard against inherent service gaps and/or shortfalls.

Objective #1: Conduct Domestic Violence in-service training in conjunction with the STRIVE Coordinator Sharon Rood, who is a DCJS certified General Topics Instructor as well as a Geiger Institute trained DA-LE Instructor, for the purpose of refreshing our personnel on any new or updated Domestic Violence policy and procedure, any new or updated Domestic Violence laws, proper completion and application of the DA-LE, inform and educate about the core STRIVE initiatives, and strive to foster improved investigations by providing an overview of best practices.

Objective #2: At the beginning of each regular tour of duty, the officer assigned to the Domestic Violence Unit will conduct a daily audit of all high risk domestic violence victims (as designated by the Law Enforcement Danger Assessment "DA-LE") who were serviced by our agency since the last daily audit, to ensure that said victims are aware of and have been afforded all attainable domestic violence services and protections, if service gaps and/or shortfalls are noted, the Domestic Violence officer conducting the audit shall take the appropriate action(s) necessary (proactive investigative follow-up such as but not limited to home visits, proactive enforcement details, etc.) to rectify the noted gaps and/or shortfalls. The Patrol Support front line supervisor will ensure said monthly audit is completed.

Crisis Response Team (CRT)

Goal: Enhance the Crisis Response Team's ability to service individuals in crisis.

Objective #1: Obtain an unmarked vehicle to be utilized for the Crisis Response Team's daily operations which will allow for an increased opportunity to engage individuals in crisis as well as negate the potential for undue stress being cast upon individuals who are being serviced by the Crisis Response Team.

Objective #2: Administer Roll Call Training to be disseminated to the Patrol Division on the topic of familiarization with the newly implemented Crisis Stabilization Center in the City of Utica which was implemented to serve as an added mental health service for persons suffering from mental health crisis. The Roll Call Training shall be created and proctored by the Crisis Response Team, disseminated and logged by the Patrol Division supervisors, and filed by the Training Unit.

METRO SWAT

Goal #1: Maintain the DCJS (MPTC) SWAT Team Certification Standards.

Objective: Complete an audit of said standards to ensure the team's compliance with same, address any shortfalls, one such current shortfall is in regards to the "Command and Supervision" Training Standard in that the Team Commander must complete approved SWAT Command training set forth by the National Tactical Officers Association.

Goal #2: Foster the development of effective Team Leaders who are ready to accept greater responsibilities through a blend of coaching, advancing technical expertise, improving tactical decision-making, and progressing management strategies with a focus on Incident Command System.

Objective: Assign each Team Leader a critical incident training evolution which will require strategic tactical planning, coordination, execution, and after action review to be completed during the current METRO SWAT training cycle.

Animal Control

Goal: Develop, implement, and maintain licensure standards for the operation of operating a municipal dog shelter in compliance with the NYS Agriculture and Markets Law, Article 26-C.

Objective: Assist the Administrative Division in securing grant funding through the NYS Companion Animal Capital Projects Fund grant by providing a comprehensive assessment of existing shelter compliance needs to advance the above stated goal.

Utica City School District School Safety Officer Liaison

Goal: Assist the Utica City School District and Utica Police School Safety Officers with the enhancement of safety and security at Proctor High School.

Objective: Develop and execute a critical incident training exercise at Proctor High School focusing on improving the joint functionality (response, coordination, communication, and operations) between Utica City School District Staff and Utica Police School Safety Officers.

Special Events

Goal: Prepare a supervisor to assume special event planning responsibilities through targeted coaching, advancement of technical expertise, reinforced sound decision-making, and the development of progressive management strategies, with a focus on Incident Command System.

Objective: Develop, select, and mentor a qualified and interested candidate.

Respectfully submitted,
Captain James Holt
Commander of the Uniform Patrol Division- Support Branch

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