SHERIFF'S PREFACE

This 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 Agency. 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. 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 police profession is a noble and honorable calling that requires integrity, honesty, dedication, and a commitment to serve our community. The contents of this Manual will assist you in making proper ethical decisions and will help prepare you for a satisfying and successful career.

Sheriff Jeffrey R. Brown

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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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SARATOGA COUNTY SHERIFF'S OFFICE MISSION STATEMENT

The Saratoga County Sheriff's Office will be recognized as one of the finest law enforcement agencies in the State of New York. Our members will be renowned for their professionalism, dedication to excellence, teamwork, community partnerships, and commitment to making Saratoga County a safe place to live, work and raise a family. We will accomplish this through strict adherence to our core values of SERVICE, INTEGRITY, RESPECT, TRUST, COURAGE, AND DUTY.

The Saratoga County Sheriff's Office will be guided by the following core values:

Service

We recognize that customer service is our highest priority. We are committed to providing caring, competent, and professional police service.

Integrity

We believe Integrity is character in action. We are morally and ethically aware, resolute, and above reproach at all times regardless of our duty status.

Respect

We must respect ourselves, our peers, those we serve, and the sanctity of the law and the institution that is the Saratoga County Sheriff's Office.

Trust

We must solemnly value the trust that has been placed in us by those we are sworn to serve, and we are committed to holding ourselves to a higher standard of accountability to continually earn their respect each and every day.

Courage

We recognize that “courage is not the absence of fear, but the mastery of it.” We stand firm in the face of danger and will confront all threats to the safety and security of our communities with intelligence and vigor.

Duty

We do not swerve from the path of our obligations, nor do we depart from standards of professional conduct. We obey the law and enforce it without consideration of class, color, creed, or condition.

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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 Saratoga County Sheriff's Office to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

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

100.3 POLICE OFFICER POWERS

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

100.3.1 ARREST AUTHORITY WITHIN THE GEOGRAPHICAL AREA OF EMPLOYMENT OF THE SARATOGA COUNTY SHERIFF'S OFFICE

Members serving as police officers have arrest authority within the geographical area of employment of the Saratoga County Sheriff's Office 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 SARATOGA COUNTY SHERIFF'S OFFICE

A member serving as a police officer may arrest a person outside the geographical area of employment of the Saratoga County Sheriff's Office:

(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).

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

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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 member 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 member reasonably believes the offense was committed or in an adjoining county.

100.4 INTERSTATE POLICE OFFICER POWERS

Police officer powers for members of the Saratoga County Sheriff's Office 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 a member is in continuous close pursuit into Connecticut, Massachusetts, New Jersey, Vermont 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 a member 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 member 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.

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 Saratoga County Sheriff's Office, 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 Saratoga County Sheriff's Office that the Sheriff meets the minimum standards for exercising his/her authority granted by law.

101.3 SHERIFF REQUIREMENTS

In order to qualify for the elected office of Sheriff, the person shall meet the following minimum standards (Public Officers Law § 3; County Law § 400):

- Is a citizen of the United States
- Is 18 years of age or older
- Is a resident of the county
- Has not been convicted of a felony
- Has not been convicted of a disqualifying misdemeanor

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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 Office members.

102.2 POLICY

It is the policy of the Saratoga County Sheriff's Office that, when appropriate, Office members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Office and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All Office 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 deputy sheriff/sergeant, etc., according to the best of my ability."

102.4 CANONS OF POLICE ETHICS

All Office members shall read, acknowledge and subscribe to the attached Canons of Police Ethics. Acknowledgement of this policy shall also be acknowledgement that you have read and understand the Canons of Police Ethics.

See attachment: Canons of Police Ethics

102.5 MAINTENANCE OF RECORDS

The oath of office for members shall be filed within 30 days of appointment with the county’s recording office (Public Officers Law § 10; Public Officers Law § 30).

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Law Enforcement Branch of the Saratoga County Sheriff's Office 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 Office. 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 Office 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 Saratoga County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or Office members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training or discipline. The Saratoga County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

103.2.2 POLICY MANUAL FORMAT AND INDEXING

The Saratoga County Sheriff's Office 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

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7. Equipment
8. Support Services
9. Custody
10. Personnel

103.3 AUTHORITY

The Sheriff 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 Sheriff or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders 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:

County - The County of Saratoga.

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

Office/SCSO - The Law Enforcement Branch of the Saratoga County Sheriff's Office.

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 Office.

Manual - The Saratoga County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Office in the Law Enforcement Branch. This includes:

- Full- and part-time (if applicable) employees
- Sworn members

NYSP - New York State Police.

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

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

Member - Those employees, regardless of rank, who are sworn employees of the Law Enforcement Branch of the Saratoga County Sheriff's Office.

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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 a member.

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 Office 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.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the Office network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff 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 shall acknowledge in writing that he/she has been provided access to and has had the opportunity to review the Policy Manual and General Orders. 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 Sheriff 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 Sheriff. Any changes will be forwarded to the Accreditation Committee 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 be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed. The Accreditation Committee 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. The Sheriff or his authorized designee will ensure that members under his/her command are aware of any Policy Manual revision.

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Policy Manual

All Office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their immediate supervisor, 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 Office and defines general responsibilities of Office members.

200.2 POLICY

The Saratoga County Sheriff's Office will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Office. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

The Sheriff is responsible for administering and managing the Saratoga County Sheriff's Office. There are fourdivisions in the Office:

- Administrative Services Division
- Patrols Division
- Investigations Division
- Support Services Division.

200.3.1 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by the Undersheriff, whose responsibility is to provide general management, direction and control for the Administrative Services Division. The Administrative Services Division consists of technical and administrative services.

200.3.2 PATROL DIVISION

The Patrol Division is commanded by the Chief Deputy, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of uniformed patrol and special operations of the Patrol Division.

200.3.3 INVESTIGATIONS DIVISION

The Investigations Division is commanded by an assigned captain, whose primary responsibility is to provide general management, direction and control for the Investigations Division. The Investigations Division consists of the Criminal Investigation Unit, and Narcotics Unit.

200.3.4 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by an assigned captain, whose primary responsibility is to provide general management, direction and control for the Support Services Division. The Support Services Division consists of the Property and Evidence Unit, Collision Reconstruction Unit, Training Unit, and Special Services Unit.

200.4 COMMAND PROTOCOL

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200.4.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all members of the Saratoga County Sheriff's Office. During any period of absence or unavailability of the Sheriff, the Undersheriff will serve as the acting Sheriff.

The order of command authority in the absence or unavailability of the Sheriff or Undersheriff is as follows:

(a) Chief Deputy

(b) Captain

(c) Lieutenant

(d) On-duty Sergeant

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. 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 member shall be in command of all members, unless otherwise directed. When members of equal rank are present from different divisions, the ranking member from the division primarily responsible for the type of incident shall be in command of all members, unless otherwise directed.

200.4.3 ORGANIZATIONAL CHART

The Sheriff 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.

The Organizational Chart can be accessed here: Organizational Chart

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.

200.6 GOALS AND OBJECTIVES

The Sheriff or the authorized designee is responsible for establishing goals and objectives for the Office using a strategic planning process, and shall ensure the goals, objectives, and outcomes are reviewed in writing and updated annually. The review shall be made available to all members.

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Captains are responsible for developing, reviewing, and updating the elements of the plan that affect their division. The strategic plan should specify a time period and should include but is not limited to:

- Long-range goals and objectives.
- Anticipated workload and staffing needs.
- Capital improvement, equipment, and supply needs.
- Provisions for implementation, measuring achievement, and revision as needed.
- Documentation of the review process.

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General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

201.2 POLICY

General Orders will be used to modify policies of the Saratoga County Sheriff's Office when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Office. Applicable collective bargaining agreements and other alternatives should be considered before a General Order is issued.

201.3 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval pursuant to the Policy Manual Policy. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Sheriff or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Sheriff and the Accreditation Committee.

201.4.2 SHERIFF

Only the Sheriff or the authorized designee may approve and issue General Orders.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the General Orders. Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

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Comprehensive Emergency Management Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Saratoga County Sheriff's Office 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 Saratoga County Sheriff's Office can continue to provide its essential functions and perform its primary mission during an emergency.

202.2 POLICY

The Saratoga County Sheriff's Office will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The County Comprehensive Emergency Management Plan complies with Executive Law, Article 2-B. This plan provides guidance for County emergency operations within and outside its borders as may be required and is maintained by the Saratoga County Office of Emergency Services.

202.3 OFFICE RESPONSIBILITIES

In the event police assistance is needed during an emergency by another police agency, members of the Saratoga County Sheriff's Office 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 Saratoga County Sheriff's Office requires police assistance during an emergency, assistance may be requested as stated in the Mutual Aid Plan or in the Outside Agency Assistance Policy.

202.4 ACTIVATING THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

The Comprehensive Emergency Management Plan can be activated in a number of ways. For the Saratoga County Sheriff's Office, the Sheriff or the authorized designee may activate the Comprehensive Emergency Management Plan in response to a major emergency.

Upon activation of the plan, the Sheriff or the authorized designee should contact the County Administrator and the CountyEmergency Management Director to assist with mutual aid response from local, state and federal law enforcement agencies (Executive Law § 29-b).

For additional guidance, see the following documents:

- 2024 Saratoga County Emergency Management Plan (CEMP)
- Law Enforcement and Security Annex

202.4.1 RECALL OF PERSONNEL

In the event that the Comprehensive Emergency Management Plan is activated, all employees of the Saratoga County Sheriff's Office are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

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

202.4.2 EMERGENCY MOBILIZATION

In the event of recall of personnel, the Sheriff may implement an emergency mobilization plan. The the Communication Center will be responsible for notifying members of the plan activation and where to report for assignment, as well as an alternative assembly area.

Alert stages may include recall of the previous shift or oncoming shift, call-in of all personnel, and/or the emergency cancellation of all time off.

An incident commander shall assign command staff in accordance with the Emergency Management Procedures, including provisions for equipment and distribution, transportation, and post-plan evaluation in the event it is utilized. The incident commander may activate any special task forces.

This plan will be reviewed at least once every five years.

202.5 LOCATION OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

Copies of the Comprehensive Emergency Management Plan are available in the sergeants office at the Milton Station and the Communication Center. All supervisors should familiarize themselves with the Comprehensive Emergency Management Plan and the roles members will play when the plan is implemented. The Sheriff or the authorized designee should ensure that Office members are familiar with the roles they will play when the plan is implemented.

202.6 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN REVIEW

The Saratoga County Office of Emergency Services shall review the Comprehensive Emergency Management Plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The necessary revisions will be made by the Office of Emergency Services and provided to the Sheriff.

The Comprehensive Emergency Management Plan shall be submitted to the disaster preparedness commission by December 31st of each year to facilitate state coordination of disaster operations (Executive Law § 23).

202.7 TRAINING

The Office should provide periodic training on the Comprehensive Emergency Management Plan for all supervisors and other appropriate personnel. 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.

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Training

203.1 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.

203.2 POLICY

The Office 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 Office to provide continuing education and training for the professional growth and development of its members.

203.3 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 Office members.

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

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

203.4 TRAINING PLAN

It is the responsibility of the Training Manager to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Office-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 Manager 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 Office-required, minimum-mandated training of members and other members.

203.4.1 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, and the use of force and deadly force. Firearms training must include actual range training. The Training Manager should consider recommendations from the Training Committee to supplement these topics.

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Only members 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.

203.4.2 SPECIALIZED TRAINING

The Training Manager 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, defensive tactics, canine, Special Weapons and Tactics (SWAT), scuba, bomb disposal, mounted patrol, bicycle patrol, investigative specialists, crime scene technicians, and field training officer (FTO). Specialized training will be conducted as soon as possible after appointment and will be periodically evaluated to determine if supplemental training is necessary.

203.4.3 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.

203.5 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 members 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. Members may not carry or use any firearm in the performance of their duties, except for Office 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.

   (a) Members are prohibited from performing regular law enforcement duties prior to completing a basic course for police officers, unless accompanied by and under the direct supervision of a member with a valid basic course certificate.

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2. A certificate achieved after successfully completing a basic course must remain valid throughout the member's term of service.
3. 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).

203.6 TRAINING COMMITTEE

The Training Manager may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Manager may remove or replace members of the committee at his/her discretion.

The Training Committee should 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 Training Committee 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 Office to determine possible training needs.

The Training Committee should convene on a regular basis, as determined by the Training Manager, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Manager. 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 Manager will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and the available resources. Training recommendations as determined by the Training Manager shall be submitted to the command staff for review.

203.7 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 vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member’s participation.
5. Emergency situations or Office necessity.

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(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. Document his/her absence in a memorandum to his/her supervisor.
2. Make arrangements through his/her supervisor in conjunction with the Training Manager to attend the required training on an alternate date.

203.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Saratoga County Sheriff's Office 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 Manager.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Manager. 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 Office.

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.

203.9 TRAINING RECORDS

The Training Manager 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 Manager 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 Manager will ensure that accurate records are on file for all training courses sponsored by the Saratoga County Sheriff's Office and/or attended by sworn personnel, including copies of lesson plans, curricula or course descriptions. Such records shall be retained indefinitely.

203.9.1 MPTC RECORDS

In-service training conducted by the Office may be reported to the 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

204.1 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 Office.

204.2 POLICY

Saratoga County Sheriff's Office 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)).

204.3 PRIVACY EXPECTATION

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

204.4 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 Office.

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 Office 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 report it to his or her immediate supervisor as soon as possible and change their password immediately.

Members are required to check their agency email accounts at least once daily while on duty. It is strongly encouraged that members check their agency email accounts periodically on days when they are on-duty as circumstances allow.

204.5 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.

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Electronic Mail

The County Information Technology Department is responsible for ensuring that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy (Public Officers Law § 87; 21 NYCRR § 1401 et seq.).

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Administrative Communications

205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Office communicates significant changes to 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 Office.

205.2 POLICY

The Saratoga County Sheriff's Office will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

205.3 PERSONNEL ORDERS

Personnel Orders may be issued periodically by the Sheriff or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status.

205.4 SPECIAL ORDERS

Special Orders are directives, orders, and information issued by any supervisors to facilitate the efficient operation of this office. Special Orders may temporarily modify or suspend a policy for a documented reason but do not constitute a permanent change in policy. Special Orders may be posted at all stations, communicated electronically, or distributed only to the members affected. All members are responsible for checking daily for new postings. The supervisor issuing the order should include whether the order has an expiration date. Any Special Order without an expiration date will be reviewed by command staff along with General Orders as set forth in the General Orders policy. Special Orders may require an acknowledgement of receipt as determined by the author.

205.5 CORRESPONDENCE

To ensure that the letterhead and name of the Office are not misused, all official external correspondence shall be on Office letterhead. All Office letterhead shall bear the signature element of the member. Office letterhead may not be used for personal purposes.

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

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

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205.6 SURVEYS

All surveys made in the name of the Office shall be authorized by the Sheriff or the authorized designee.

205.7 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Office shall be issued by the Sheriff or the authorized designee (see the General Orders Policy).

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Supervision Staffing Levels

206.1 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 Office and members throughout all Divisions.

206.2 POLICY

The Saratoga County Sheriff's Office will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Office. The needs of its members should be balanced with the needs of the Office 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 Office.

206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum supervision staffing levels should be established by the Sheriff or the authorized designee 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 Office.

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Saratoga County Sheriff's Office 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).

207.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to provide identification cards to qualified former or retired members to facilitate the lawful carrying of concealed weapons by those individuals.

207.3 LEOSA

The Sheriff may issue an identification card for LEOSA purposes to any qualified member of this Office who (18 USC § 926C(c)):

(a) Separated from service in good standing from this Office as a member.

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

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

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

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

207.3.1 LEOSA CARD FORMAT

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

If the Saratoga County Sheriff's Office qualifies the former member, the LEOSA identification card or separate certification should indicate the date the former member was tested or otherwise found by the Office to meet the active duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Any qualified former member 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 a member and one of the following:

(a) An indication from the Office that he/she has, within the past year, been tested or otherwise found by the Office to meet agency-established active-duty standards

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for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

(b) 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 members 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 state or 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.

207.4 FORMER MEMBER RESPONSIBILITIES

A former member with a card issued under this policy shall immediately notify an on-duty supervisor with the rank of sergeant or higher 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.

207.4.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Office 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 Office.

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

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

207.4 DENIAL, SUSPENSION OR REVOCATION

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

207.5 FIREARM QUALIFICATIONS

Upon approval of the Sheriff, a department firearms instructor may provide former members from this Office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Training Manager will maintain a record of the qualifications and weapons used.

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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 Office 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 member or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. 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 member at the time, taken as a whole, including the conduct of the member and the subject leading up to the use of force.

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. Members are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Members 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.

The Saratoga County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting members with the authority to use reasonable force

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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 member 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 member who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should 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 member 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

Members shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the member 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 member on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that members 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 a member might encounter, members 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 members reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this Office. Members 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 a member to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION
When circumstances reasonably permit, members should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve

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communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

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 a member 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.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a member 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 members or others.

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

(c) Member/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of members 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 member 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.

(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 member.

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

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

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

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(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 member 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. Members may only apply those pain compliance techniques for which they have successfully completed Office-approved training. Members 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 member.

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

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

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, members may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, members are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, members 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.

300.3.6 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

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

(b) Any individual who has had the carotid control hold 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 member shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.

(d) Any member attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(e) The use or attempted use of the carotid control hold shall be thoroughly documented by the member in any related reports.

300.3.7 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 or reduce intake of air is prohibited unless deadly physical force is authorized (Exec. Law § 840).

This application is subject to the same guidelines and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

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

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

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

(b) A member may use deadly force to stop a fleeing subject when the member 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 member 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, a member shall not use deadly force against a person whose actions are a threat solely to themself or property unless the person poses an imminent danger of death or serious physical injury to member or others in close proximity.

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 a member reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the member 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 member 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, members 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.

A member should only discharge a firearm at a moving vehicle or its occupants when the member 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 member or others.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this Office shall be documented promptly, completely and accurately in a use of force report, depending on the nature of the incident. The member should articulate the factors perceived and why the member believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms, as specified in Office policy, procedure, or law (Executive Law § 840).

Members should use the SHIELD Suite to complete required use of force reports which will be reviewed by a supervisor.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable member to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the conducted energy device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

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assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the member'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 member 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.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling member 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 member 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, or who require a protracted physical encounter with multiple members to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Members 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

A member 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.

Members 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 resulting in visible injury, 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 members. 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 and when a supervisor deems it necessary under the circumstances, separately interview the individual upon whom force was applied. If this interview is

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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 an interview was conducted should be documented in the appropriate report.

(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 shall be retained until all potential for civil litigation has expired.

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

(f) Review and approve all related reports.

1. Supervisors shall require that members who engaged in the use of force submit the appropriate report.

(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 shall 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 LIEUTENANT RESPONSIBILITIES

The shift lieutenant 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 REPORTING RESPONSIBILITIES

The shift lieutenant shall ensure that reports are submitted to the DCJS when a member (Executive Law § 837-t; 9 NYCRR 6058.3):

(a) Brandishes, uses, or discharges a firearm at or in the direction of another person.

(b) Uses a carotid control hold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that is reasonably likely to hinder breathing or reduce intake of air.

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(c) Displays, uses, or deploys a chemical agent or control device, including but not limited to oleoresin capsicum (OC), pepper projectiles, tear gas, batons, or kinetic energy projectiles (see the Control Devices Policy).

(d) Brandishes, uses, or deploys an impact weapon.

(e) Brandishes, uses, or deploys an electronic control weapon, including an electronic stun gun, flash bomb, or long-range acoustic device (see the Conducted Energy Device Policy).

(f) Engages in conduct which results in the death or serious bodily injury of another person.

See procedure NYS USE OF FORCE REPORTING DEFINITIONS

300.8 TRAINING

Members shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, members should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

(a) Legal updates.

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

(c) The duty to intervene.

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

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

(g) Applications of conflict prevention, conflict resolution and negotiation, and any other training required by the Municipal Police Training Council Use of Force Model Policy (Executive Law § 840).

300.9 POLICY AVAILABILITY

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

300.10 USE OF FORCE ANALYSIS

At least annually, the Patrol Captain should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of members, suspects, or case numbers, and should include:

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

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(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 Saratoga County Sheriff's Office 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 Saratoga County Sheriff's Office 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 Office 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 Sheriff 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 Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Chief Deputy will convene the Use of Force Review Board as necessary. It will be the responsibility of the captain or supervisor of the involved member to notify the Chief Deputy of any incidents requiring board review. The involved member's immediate 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 Administrative Services Captain 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 Manager

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- Nonadministrative supervisor
- A PBA board member
- A law enforcement officer from an outside law enforcement agency, as appropriate
- Office 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 Sheriff 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 member at the time of the incident, applying any legal requirements, Office 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 Saratoga County Sheriff's Office 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 Office policy and procedure.

(b) The member's actions were in violation of Office 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 Sheriff.

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The Sheriff 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 either the Undersheriff or Chief Deputy for review and appropriate action. If the Sheriff 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 Sheriff.

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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 Saratoga County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and Office 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 Saratoga County Sheriff's Office 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, members 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.
- Prior knowledge of the arrested person.

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 members and others. When deciding whether to remove restraints from a detainee, members 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 member 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

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determination that such restraints are necessary for the safety of the detainee, members, or others. See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

302.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the member has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the member or damage property.

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.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Office. Members should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, members should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

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, members 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 biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the member 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.

Members 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. Members should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person’s vision. Members should avoid comingling those wearing spit hoods with other detainees.

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

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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.

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. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, 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 Office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

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. Only restraint devices approved by the Office shall be used.

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

(a) Whether the member 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 member while handcuffed, kicking at objects or members).

(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, members 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 member 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 safety belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by a member while in the leg restraint. The member should ensure that the person does not roll onto and remain on their stomach.

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

302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the member shall document the details of the detention and the need for handcuffs or other restraints on a case report. Non-compliant handcuffing shall also require the completion of a use of force report(s).

If a person is arrested, the use of restraints other than, or in addition to, handcuffs shall be documented in the related report. The member should include, as appropriate:

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

(b) If supervisor notification and approval occurred.

(c) The types of restraints 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 Manager should ensure that members 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 Office.

(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.

(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 Saratoga County Sheriff's Office authorizes members to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Sheriff may also authorize other positions or individual Office 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 Office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only those members who have successfully completed Office-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 CHIEF DEPUTY RESPONSIBILITIES

The Chief Deputy may authorize the use of a control device by selected Office members who may not currently be issued or carrying the control device or those in specialized assignments who have successfully completed the required training.

303.4.2 FIREARMS INSTRUCTOR RESPONSIBILITIES

The Firearms 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 Firearms Instructor or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 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 Firearms Instructor

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for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

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 member 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.

303.6 CS/CN GUIDELINES

CS and/or CN may be used for crowd control, crowd dispersal or against barricaded suspects, based on the circumstances. Only the Special Operations Team Commander or the authorized designee may authorize the delivery and use of CS or CN, and only after consulting with the member certified in chemical agent dispersal and 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 or CN 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 Office 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. 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.

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 member reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the member or others.

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Members 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.

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.

303.8 POST-APPLICATION NOTICE

Whenever tear gas 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 Office 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 DEPLOYMENT AND USE

Only Office-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Members are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved member determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and members takes priority over the safety of individuals engaged in criminal or suicidal behavior.

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

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

(b) The suspect has made credible threats to harm him/herself or others.

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(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at members, other Office 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.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the member should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of members or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other members and individuals that the device is being deployed.

Members should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, members are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the member reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the member or others.

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Members will inspect shotguns and projectiles at the beginning of each shift to ensure that the shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When they are not deployed, shotguns will be unloaded and properly and securely stored in Sheriff's Office vehicles. When deploying a kinetic energy projectile shotgun, members shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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Absent compelling circumstances, members who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second member watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.10 TRAINING FOR CONTROL DEVICES

The Training Manager 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 recertified as necessary.

(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 members and suspects.

304.3 ISSUANCE AND CARRYING CEDS

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

The Firearms 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 Office inventory.

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

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

Members who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon. Members shall be allowed to carry the CED attached to their issued outer carrier provided it is carried in the issued holster and on the side opposite their duty weapon.

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

(b) For single-shot devices, whenever practicable, members should carry an additional cartridge on their person when carrying the CED.

(c) Members should not hold a firearm and the CED at the same time.

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

304.3.1 USER RESPONSIBILITIES

Members 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 member's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Firearms Instructor for disposition. Members 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 members 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 members and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with a member's lawful orders and it appears both reasonable and feasible under the circumstances, the member 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 member 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, members 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, a member designated as lethal cover for any member 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 member 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 members, themself, or others.

Mere flight from a pursuing member, 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 CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the member, the subject, or others, and the member reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

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(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between members and the subject, thereby giving members 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, members 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 CED

Once a member has successfully deployed two probes on the subject, the member should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors members 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.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the member must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Members should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, members shall notify a supervisor any time the CED has been discharged. If

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needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

304.5.7 OFF-DUTY CONSIDERATIONS

Members are not authorized to carry Office CEDs while off-duty without permission from the Sheriff or the authorized designee.

When not being carried off-duty, members shall ensure that CEDs 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

Members shall document all CED discharges in the related arrest/crime reports and the agency use of force report form. Photographs should be taken of any obvious probe impact or drive-stun application sites and submitted with the agency use of force report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a Office-approved process to preserve the data.

304.6.1 REPORTING CED USE

Any member who utilizes a CED shall promptly complete the agency use of force form as described in the Use of Force policy.

304.6.2 REPORTS

The member should include the following in the arrest/crime report:

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or members trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard,

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similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, 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. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another member and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting member shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Firearms Instructor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

304.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial Office-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 carrying or using the device again.

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

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

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

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

The Training Manager 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 a member.

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

305.2 POLICY

The policy of the Saratoga County Sheriff's Office 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 members.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be requested 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 Saratoga County Sheriff's Office would control the investigation if the suspect’s crime occurred in Saratoga County.

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 Sheriff 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 member’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 a member of this Office is involved.

305.4.3 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.

305.4.4 COORDINATION WITH THE OFFICE OF SPECIAL INVESTIGATION

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED MEMBER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved SCSO member will be the member-in-charge and will assume the responsibilities of a supervisor until properly relieved. This member 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 Office 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 SCSO 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 SCSO member to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

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1. 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.
2. 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 Captain and the Communication Center. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional SCSO 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.

1. Each involved SCSO member should be given an administrative order not to discuss the incident with other involved officers or SCSO members pending further direction from a supervisor.
2. 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 members.

305.5.3 LIEUTENANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Captain shall be responsible for coordinating all aspects of the incident until he/she is relieved by a person of equal or higher rank.

All outside inquiries about the incident shall be directed to the Captain.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Command staff
- Outside agency investigators (if appropriate)
- Psychological/peer support personnel
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- The Office of Special Investigation

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

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1. Involved SCSO members 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-SCSO 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 Office to each involved SCSO member upon request of that member. A licensed psychotherapist may also be provided to any other affected SCSO 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 member and a peer support member is addressed in the Wellness Program Policy.

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 SCSO member shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the lieutenant to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

The prosecuting office with jurisdiction over the incident is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this Office 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) SCSO supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of SCSO members. This will not prohibit

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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 SCSO MEMBERS

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

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

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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 Office.

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 Investigations Division Captain to assign appropriate investigative personnel to handle the investigation of related crimes. Office investigators will be assigned to work with investigators from the prosecuting office with jurisdiction over the incident and may be assigned to separately handle the investigation of any related crimes not being investigated by the prosecuting office with jurisdiction over the incident.

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

305.7 ADMINISTRATIVE INVESTIGATION

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

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

(a) Any member 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 member, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

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(b) If any member 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 member.

1. If a further interview of the member 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 member shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved member 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 member's physical and psychological needs have been addressed before commencing the interview.

2. If requested, the member shall have the right to be represented by a PBA representative during the interview. However, in order to maintain the integrity of each individual member's statement, involved members 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 member may also record the interview.

4. The member shall be informed of the nature of the investigation. He/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The member shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Office of Professional Standards shall compile all relevant information and reports necessary for the Office 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 Office may be assigned to work exclusively under the direction of the legal counsel for the Office 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.

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305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review, upon approval by a supervisor of the Office of Professional Standards, 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 Captain.

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 consulting the prosecuting attorney or County Attorney's Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Saratoga County Sheriff's Office 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 Sheriff or the authorized designee should identify the appropriate participants. This debriefing 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 Office representative responsible for each phase of the investigation. Releases will be available to the Captain, Investigations Captain and Sheriff or authorized designee in the event of inquiries from the media.

No involved SCSO member shall make any comment to the media unless he/she is authorized by a Captain or higher rank.

Office 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.

306.2 POLICY

The Saratoga County Sheriff's Office will equip its members with firearms to address the risks posed to the public and Office members by violent and sometimes well-armed persons. The Office 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 Office and have been thoroughly inspected by the 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 Office range. All sworn members must carry a firearm while working in any field assignment while in the performance of their official duties, unless approved by a supervisor due to the nature of a specific assignment (e.g., undercover).

All other weapons not provided by the Office, 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 Office policy, may not be carried by members in the performance of their official duties without the express written authorization of the Sheriff or the authorized designee. This exclusion does not apply to the carrying of a single pocketknife or boot knife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized Office-issued handguns are:

MAKE	MODEL	CALIBER
S&W	M&P 2.0	.45 ACP
Sig Sauer	P320	9 mm
Sig Sauer	P365 XL	9 mm

306.3.2 SHOTGUNS

The authorized Office-issued shotgun is the Remington 870 12ga.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle (provided the shotgun will fit in the available configuration) with the magazine loaded, the action closed on an empty chamber and the safety in the safe position. In the event the shotgun

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does not fit in the available configuration, it must be properly secured in the patrol vehicle with the magazine loaded, the action closed on an empty chamber and the safety in the safe position.

306.3.3 PATROL RIFLES

The authorized Office-issued patrol rifles are the S&W MP15 chambered in Remington .223/NATO 5.56 or the Colt AR-15 chambered in Remington.223/NATO 5.56. The authorized Office-issued precision rifles are the Savage Model 10 and Daniel Defense rifles chambered in.308 Winchester. The following additional office-issued patrol rifles and precision rifles are approved for on-duty use: N/A

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Precision rifles are limited to members of the Special Operations Team. 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.

(g) When needed to euthanize an animal with supervisor approval.

When not deployed, the patrol rifle shall be properly secured either in a locking weapons rack in the patrol vehicle or in the trunk of the vehicle with the chamber empty, magazine loaded and inserted into the magazine well.

306.3.4 AUTHORIZED OFF-DUTY FIREARMS

This section only applies to members who wish to possess and carry Office-issued firearms and/or personally owned off-duty firearms based on their authority as a police officer by the filing of a form specified by the New York State Police ("C" Form). Members who possess and carry firearms pursuant to a New York State Pistol Permit or the Federal Law Enforcement Officers Safety Act do so by a separate authority (see the Retiree Concealed Firearms policy).

The carrying of issued duty firearms or personally owned firearms carried on a "C" Form by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave, disciplinary suspension). Members who choose to purchase and carry a personally owned firearm while off-duty, based on their training, authority and scope as a member (i.e. carried on a "C" Form), will be required to meet the following guidelines:

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(a) A personally owned firearm carried on a "C" Form shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. 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) Members who possess or carry a firearm (as defined in Penal Law § 265.00) under a license exemption shall report to the Office in writing the make, model, caliber and serial number of each such firearm on the form specified by the New York State Police (NYSP). The Firearms Instructor will forward the form to the Sheriff for signing. The original form will then be submitted to the NYSP Pistol Permit Unit. The Records Unit will maintain a list of the information in the member's personnel record. (Penal Law § 400.00(12-c)).

1. Within 10 days of any acquisition or disposition of any firearm, members shall report the name and address of the person from whom the weapon was acquired or to whom it was disposed. The Office shall promptly forward that information to the NYSP (Penal Law § 400.00(12-c)).

(d) If a member desires to use more than one firearm carried on a "C" Form while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met. Members may not possess any more than two firearms carried on a "C" Form at any time.

(e) Members shall only carry Office-authorized ammunition when carrying issued firearms or a firearm carried on a "C" Form.

(f) When armed, members shall carry their badges and Saratoga County Sheriff's Office identification cards under circumstances requiring possession of such identification.

306.3.5 AMMUNITION

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

306.4 EQUIPMENT

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

306.4.1 REPAIRS OR MODIFICATIONS

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

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

Any repairs or modifications to the member's personally owned firearm carried on a "C" Form shall be done at his/her expense.

306.4.2 HOLSTERS

Only Office-approved holsters shall be used and worn by members for office-issued firearms while on-duty. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. When not on-duty, an office-issued firearm must be carried in a holster provided by the member.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on-duty after they have been examined and approved by the Firearms Instructor. Once the approved 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. A member who has been issued a tactical light for his/her office-issued firearm shall have that light affixed to the firearm it was issued for at all times while on-duty unless approved by a supervisor. Members shall not utilize a tactical light as a substitute for a flashlight when searching vehicles, etc… and may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target, except for approved training situations

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on-duty or off-duty on a "C" Form after they have been examined and approved by the Firearms Instructor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights 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.

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.

A member who has been issued optics or LASER sights for his/her Office-issued firearm shall have said optics or LASER sights affixed to the firearm they were issued for at all times while on-duty unless approved by a supervisor

306.5 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.

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(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 firearms instructors. Members shall not dry fire or practice quick draws except under firearms instructor supervision.

(c) Members shall only clean, repair, load or unload a firearm where designated in any Office facility.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded where a safe backdrop is available.

(e) Members shall not place or store any firearm or other weapon on Office 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) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Office 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 Office or a Firearms Instructor approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the 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.

306.5.1 INSPECTION AND STORAGE

Office-issued handguns shall be inspected regularly and upon access or possession by another person. 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, loaded with approved ammunition, and that all optics, tactical lights, or LASERS are fully operational. 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 or into clearing barrels.

Office-owned firearms may be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner and then stored in the appropriate equipment storage room.

306.5.2 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 whenever said firearms or ammunition are not in their possession. Members shall not permit Office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

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306.5.3 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.

306.6 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. In addition to annual training, all police officers will qualify at least annually with their duty firearms, unless more frequent standards are required by the Municipal Police Training Council (MPTC). Training and qualifications must be on an approved range course.

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

306.7 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. Scoring will be delineated by a pass or fail grade.

(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.

306.8 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 on-duty supervisor as soon as circumstances permit, but not later than six hours after the incident (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 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.

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In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her immediate supervisor or provide a recorded statement to the Sheriff or the authorized designee prior to the end of shift, unless otherwise directed by a supervisor.

(b) If off-duty at the time of the incident, the member shall file a written report with his/her immediate supervisor and/or provide a recorded statement to the Sheriff or authorized designee no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

Regardless of whether the discharge occurred on or off duty, the written report must be provided within 48 hours of the incident (Executive Law § 837-v).

306.8.1 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.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, Office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.8.2 INJURED ANIMALS

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 member euthanizing the animal shall advise his/her supervisor of the circumstances as soon as practicable after doing so.

306.9 FIREARMS INSTRUCTOR DUTIES

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

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

The Firearms Instructor or the qualified designee has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this Office to verify proper operation. The Firearms Instructor has the authority to deem any Office-issued firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm carried on a "C" Form.

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The 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 Firearms Instructor shall complete and submit to the Training Manager 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 Office, a list of each member who completes the training. The Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

306.9.1 INVENTORY

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

306.10 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 members who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Members 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 Office based on the law and published TSA rules.

(b) Members must carry their Saratoga County Sheriff's Office identification card, bearing the member's name, a full-face photograph, and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The member should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Saratoga County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the member's travel. If approved, TSA will send the Saratoga County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The member 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 Sheriff authorizing armed travel may also accompany the member. The letter should outline the member's need to fly armed, detail his/her itinerary, and include that the member has completed the mandatory TSA training for a law enforcement officer flying while armed.

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

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(f) It is the member'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 member 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 member 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) Members should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

306.11 CARRYING FIREARMS OUT OF STATE

The following shall apply only to Office-owned firearms and personally owned firearms possessed on a "C" form and is subject to the provisions of the current CBA. Qualified, active, full-time members of this Office are authorized to carry a concealed firearm in all other states and subject to the following conditions (18 USC § 926B):

(a) The member shall carry his/her Saratoga County Sheriff's Office identification card whenever carrying such firearm.

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

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

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

Members 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 a member 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 members, 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.

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.

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

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 a member's emergency signal to stop.

307.2 POLICY

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

307.3 MEMBER RESPONSIBILITIES

Vehicle pursuits should only be conducted using authorized Sheriff's Office emergency vehicles that are equipped with emergency lighting and sirens.

Members shall drive with reasonable care for the safety of all persons and property. However, members 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.

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(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

Members 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.

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 members, 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 members' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and Desk Officer/Desk Sergeant/ supervisor, and the driving capabilities of the pursuing members 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) Emergency lighting and siren limitations on unmarked Sheriff's Office vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

(i) Vehicle speeds.

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

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

(l) Whether the pursuing vehicle is carrying passengers other than on-duty Sheriff's members. Pursuits shall not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport.

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307.3.2 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 member 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, members 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. Members 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 members 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.

307.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked Sheriff's Office emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to two Sheriff's Office emergency vehicles (primary and secondary). However, the number of vehicles involved will vary with the circumstances.

A member or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of members involved would be insufficient to safely arrest the number of suspects. All other members shall stay out of the pursuit but should remain alert to its progress and location. Any member who drops out of a pursuit may then, if

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necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Members operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Members in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those members should discontinue such support immediately upon arrival of a sufficient number of authorized emergency Sheriff's Office vehicles or any air support.

307.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing member 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 member initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing member should notify the Desk Officer/Desk Sergeant, 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.

(h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing member, the member in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing member should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a member in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing member to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second member in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

(a) Immediately notifying the Desk Officer/Desk Sergeant of his/her entry into the pursuit.

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(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 member 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 member 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 member considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for members who are involved in the pursuit:

(a) Members, 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 members 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 members should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) As a general rule, members should not pursue a vehicle driving the wrong direction on a roadway or highway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Request assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
3. Request other members to observe exits available to the suspect.

(d) Notify appropriate law enforcement agencies if it appears that the pursuit may enter another jurisdiction.

(e) Members 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 member and with a clear understanding of the maneuver process between the involved members.

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307.5.1 PURSUIT TRAILING

In the event that initial pursuing members relinquish control of the pursuit to another agency, the initial members 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 AIR SUPPORT ASSISTANCE

When available, air support assistance may be utilized at the discretion of the aircraft Pilot in Command..

307.5.3 MEMBERS NOT INVOLVED IN THE PURSUIT

Members 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 members 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 members 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 Sheriff's Office 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 and secondary pursuit vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other members are assigned to the pursuit.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving members from this Office.

The field supervisor of the member initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

(a) Immediately 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 Office 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.

(f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

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(h) Ensuring that the shift lieutenant 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 Office.

(j) Controlling and managing Saratoga County Sheriff's Office members when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit as required.

307.6.1 SHIFT LIEUTENANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the shift lieutenant, if available, or shift sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The shift sergeant will be responsible for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The shift lieutenant shall review all pertinent reports for content and forward them to the Shift Captain.

307.7 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved members should broadcast pertinent information to assist other members in locating the vehicle. The primary pursuing member or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.8 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing member 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 member 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.

307.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Members will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Saratoga County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved members 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 members at the termination point of a pursuit initiated by this Office shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

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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 Office, the other agency should relinquish control.

307.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Members from this Office 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, a member from this Office 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 Office to assist or take over a pursuit that has entered the jurisdiction of the Saratoga County Sheriff's Office, the supervisor should consider:

(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing members.

(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 sergeant or the shift lieutenant should review a request for assistance from another agency. The shift lieutenant or sergeant, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by members of this Office will conclude at the County limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this Office 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, members shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.9 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, blocking or vehicle intercept, boxing-in, or ramming.

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307.9.1 WHEN USE IS AUTHORIZED

Whenever practicable, a member shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, members/ 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 members 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 member at the time of the decision.

307.9.2 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. Members 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 member from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.9.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the members, 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. Members 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 members 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 members with supervisor approval 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, members 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 member'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

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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, beyond the use of high speed to evade police, 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 members, the public and occupants of the pursued vehicle. Members and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

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

Unless relieved by a supervisor, the primary pursuing member should coordinate efforts to apprehend the suspect following the pursuit. Members should consider the safety of the public and the involved members when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.11 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

(a) The primary pursuing member shall complete a case report and other appropriate reports.

(b) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Sheriff or the authorized designee. This log or memorandum should include, at a minimum:

1. Date and time of the pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved vehicles and members.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.

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(a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.

7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.
11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

(c) After receiving copies of reports, logs, GPS data of all vehicles involved and other pertinent information, the Sheriff or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.

(d) Annually, the Sheriff should direct a documented review and analysis of Office vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

307.12 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all members 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 members and others.

The Sheriff or the authorized designee may call for a post-pursuit board to review vehicle pursuits that agency members are involved in.

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Foot Pursuits

309.1 PURPOSE AND SCOPE

This policy provides guidelines to assist members in making the decision to initiate or continue the pursuit of suspects on foot.

309.2 POLICY

It is the policy of this Office that members, 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 Office members, the public or the suspect.

Members are expected to act reasonably, based on the totality of the circumstances.

309.3 DECISION TO PURSUE

The safety of Office members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Members must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Office members.

Members may be justified in initiating a foot pursuit when the member 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 a member must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place Office members and the public at significant risk. Therefore, no member 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, a member 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.

309.4 GENERAL GUIDELINES

When reasonably practicable, members 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 member is acting alone.

(c) Two or more members 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 member keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The member is unsure of his/her location and direction of travel.

(e) The member is pursuing multiple suspects and it is not reasonable to believe that the member would be able to control the suspects should a confrontation occur.

(f) The physical condition of the member renders him/her incapable of controlling the suspect if apprehended.

(g) The member loses radio contact with the Desk Officer/Desk Sergeant or with assisting or backup members.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient members to provide backup and containment. The primary member should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The member becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to members or the public.

(j) The member reasonably believes that the danger to the pursuing members or public outweighs the objective of immediate apprehension.

(k) The member loses possession of his/her firearm or other essential equipment.

(l) The member 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.

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(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 Office members or the public if the suspect is not immediately apprehended.

(o) The member's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

309.5 RESPONSIBILITIES IN FOOT PURSUITS

309.5.1 INITIATING MEMBER RESPONSIBILITIES

Unless relieved by another member or a supervisor, the initiating member shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating member should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient members are present to safely apprehend the suspect.

Early communication of available information from the involved members is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Members 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

Members should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any member 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 member will notify the Desk Officer/Desk Sergeant 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 members, suspects or members of the public.

309.5.2 ASSISTING MEMBER RESPONSIBILITIES

Whenever any member announces that he/she is engaged in a foot pursuit, all other members should minimize nonessential radio traffic to permit the involved members maximum access to the radio frequency.

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309.5.3 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 Office guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing members 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.

309.6 REPORTING REQUIREMENTS

The initiating member shall complete appropriate crime/arrest reports documenting, at a minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and members.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting members taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating member need not complete a formal report.

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Member Response to Calls

310.1 PURPOSE AND SCOPE

This policy provides members 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.

310.2 POLICY

It is the policy of this Office to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

310.3 RESPONSE TO CALLS

Members responding to all calls shall proceed accordingly, unless they are sent or redirected to a higher priority call. Deputies responding to non-emergency calls should obey all traffic laws and proceed without the use of emergency lights and siren.

310.3.1 EMERGENCY CALLS

Members responding to an emergency call shall proceed immediately as appropriate and should continuously operate the emergency vehicle lighting and siren for safety purposes (Vehicle and Traffic Law § 114-b; Vehicle and Traffic Law § 1104). Deputies may discontinue the use of emergency lights and siren at such a time that using them would create a safety hazard for any person (e.g., crimes in progress where lights and siren may unintentionally alert a suspect to the police presence) or where they may hamper the apprehension of a violator or suspect. Deputies must continue to drive with due regard for the safety of all persons.

Members 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) When in pursuit or apprehending a violator or suspected violator.

(b) When responding to a reported emergency involving possible personal injury, death or significant property damage.

(c) When immediate assistance is requested by a member or other law enforcement agency.

If a deputy who is not specifically assigned to a call believes a response to assist the assigned primary unit is appropriate, the deputy shall immediately notify the dispatcher of his or her intention to respond.

310.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved Office 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:

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- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of members or resources required
- Hazards and any known or potential dangers for responding members

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the Desk Officer/Desk Sergeant.

310.5 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. However the member may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (Vehicle and Traffic Law § 1104):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.

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.

310.5.1 NUMBER OF MEMBERS ASSIGNED

The number of members assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

An emergency response involving more than one Sheriff's vehicle should be coordinated by the Communication Center to avoid any unanticipated intersecting of response routes. The field supervisor shall monitor radio transmissions and make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

310.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Members in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws.

If the emergency equipment on the vehicle should fail to operate, the member must terminate the emergency response and continue accordingly. The member shall notify his/her immediate

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supervisor or the Desk Officer/Desk Sergeant of the equipment failure so that another member may be assigned to the emergency response.

310.7 MEMBER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the member. If, in the member's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the member 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 member should immediately notify the Desk Officer/Desk Sergeant. A member shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, a member shall immediately give the location from which he/she is responding.

The first member arriving at the emergency call should determine whether to increase or reduce the level of the response of additional members and shall notify the Desk Officer/Desk Sergeant of his/her determination. Any subsequent change in the appropriate response level should be communicated to the Desk Officer/Desk Sergeant by the member in charge of the scene unless a supervisor assumes this responsibility.

310.8 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the field supervisor shall verify that:

(a) The proper response has been initiated.

(b) No more than those members 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 members into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional members 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.

When making the decision to authorize an emergency response, the field supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding members and the location of the incident.

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Canines

311.1 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.

311.2 POLICY

It is the policy of the Saratoga County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

311.3 ASSIGNMENT

Canine teams will perform the same duties as a non-canine team.They should be assigned to assist or cover assignments as circumstances arise.Canine teams will automatically respond to emergency calls involving missing persons or serious crimes in progress unless otherwise directed by a supervisor.

311.4 CANINE COORDINATOR

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 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 in coordination with the appropriate supervisor.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

311.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine through the patrol supervisor. Requests for a canine team from Office units outside of the Patrol Division shall be reviewed by the patrol supervisor.

311.5.1 OUTSIDE AGENCY REQUEST

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

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(b) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(c) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

311.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator and the appropriate supervisor 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.

311.6 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 member 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 members 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.

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing member, 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 patrol supervisor. Absent a change in circumstances that presents an imminent threat to members, 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.

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.

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311.6.1 PREPARATION FOR 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 members or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other members 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.

A supervisor who is sufficiently apprised of the situation including the canine handler's recommendation(s) 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.

311.6.2 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.

311.6.3 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 a canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to

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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 on-duty patrol supervisor. Subsequent notification should be made to the canine coordinator without delay. 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 in accordance with current Office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

The Office 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).

311.7 NON-APPREHENSION GUIDELINES

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 members, 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.

311.7.1 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.

311.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

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(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.

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.

311.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and members 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 an actual or 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.

311.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) A member who is currently off probation.

(b) Resides in a residence that has been determined to be suitable by the canine coordinator for housing a police canine.

(c) Agreeing to be assigned to the position for a minimum of three years.

(d) Pass a physical fitness test based upon current fitness standards approved by the Sheriff.

311.9 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:

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(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 Office equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in an off-street location in close proximity to his/her residence or, alternatively in a locked garage, away from public view.

(d) Any member assigned a county-owned vehicle that is authorized to be taken home shall use the vehicle for official purposes only (i.e., to and from work only and while on-duty).In the event the vehicle is to be utilized by a handler that is not on duty and not during his/her regular tour (veterinary visits etc., the patrol supervisor shall be notified by the member prior to departing his home with the vehicle.

(e) Canine handlers are the only members authorized to operate a county-owned canine vehicle.

(f) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Saratoga County Sheriff's Office facility or at a location to be determined by the canine coordinator.

(g) Handlers shall permit the canine coordinator, or a member of a rank of Captain or higher, 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.

(h) 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.

(i) At no time shall the canine be left in the direct care, custody or control of a person who is not the handler.

(j) 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.

(k) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Captain.

(l) 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 Captain.

(m) 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.

(n) In the event it becomes necessary for any reason for a handler to take his or her assigned canine out-of-state for any reason, he or she will secure advance approval from the Sheriff or his designee.

(o) The Sheriff may at his discretion sign over ownership of a retired canine to its assigned handler.

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311.9.1 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.

311.10 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).

311.11 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 who shall report it to a Captain 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 Saratoga County Animal Shelter by the Deputy Director..

311.12 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 Office members in order to familiarize them with how to conduct themselves in the presence of Office canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, 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 lieutenant.

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311.12.1 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 shall receive continuous training as defined by DCJS standards under the oversight of the canine coordinator and the current contract with the Saratoga County Sheriff's Office canine training provider.

(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 Office.

311.12.2 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.

311.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler’s and the canine’s training file.

311.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Members possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Saratoga County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

311.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Members 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 Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Saratoga County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this Office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

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311.12.6 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 Office.

(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.

(d) All controlled substance training samples will be inspected, weighed, and tested annually. The results of the annual testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the Property and Evidence Unit Custodian.

(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 or rear 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 and Evidence 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.

311.12.7 EXPLOSIVE TRAINING AIDS

Members 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.

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(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 inform the Captain and 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

312.1 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 Saratoga County Sheriff's Office to prevent the cycle of domestic violence and abuse by taking enforcement action when appropriate, to provide assistance to victims and to guide members 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.

312.1.1 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).

Concurrent Jurisdiction – Criminal Court and Family Court may exercise simultaneous control over Family Offenses committed during the same incident per CPL §530.11 and FCA §812.

Family offense - Those offenses specified in Family Court Act § 812 and CPL § 530.11 (see domestic violence definition and list of offenses over which the Family Court and Criminal Courts have concurrent jurisdiction when committed by a member of the same family or household).

(a) If the offender is less than the age designated in §30.00 of the Penal Law, the Family Court has exclusive jurisdiction.

(b) Domestic incidents may involve offenses other than designated family offenses. Criminal courts have exclusive jurisdiction over non-family offenses.

(c) The violation of an order of protection is not a family offense, but the Family Court can have jurisdiction over the matter if the order was issued by the Family Court.

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.

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(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:

(a) The nature or type of relationship, regardless of whether the relationship is sexual in nature.

(b) The frequency of interaction between the persons.

(c) The duration of the relationship.

(d) 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).

312.2 POLICY

The Saratoga County Sheriff's Office'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 Office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible and not attempt to mediate in lieu of court proceedings in accordance with CPL § 140.10(4).

312.3 OFFICER SAFETY

The investigation of domestic violence cases often places members in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all members to exercise due caution and reasonable care in providing for the safety of any members and parties involved.

312.3.1 ARRIVAL ON SCENE

Arrival on scene is part of the investigation, therefore, members should be alert to the sights and sounds coming from the location, and that anything or anyone present may serve as evidence. Members 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 member 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.

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(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.

(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.

312.4 INVESTIGATIONS

The following guidelines should be followed by members 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 members have not been dispatched, responding members should request an additional unit to respond to the location.

(b) When practicable and appropriate, members should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence. All relevant statements made by the suspect during the investigation should be documented.

(c) Members 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 time should also be obtained for follow-up.

(d) When practicable and legally permitted, secure appropriate evidentiary materials which may include, among other things, video footage of the scene and/or injuries, etc., a recorded statement with the suspect in an iRecord room..

(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 deputy if the injuries later become visible.

(f) Members should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

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(g) If the suspect is no longer at the scene, members 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. Members 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. Members 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):
    (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 members 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. Members may seize all such weapons in plain sight or discovered in a lawful search (CPL § 140.10).
4. Members shall take custody of any license to carry, possess, repair, or dispose of any weapons seized (CPL § 140.10).
5. Members 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, members 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 member should attach a copy of the order to the incident or arrest report.

(j) Members shall take appropriate enforcement action when there is probable cause to believe an offense has occurred (CPL § 140.10).

(k) Members 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).

(l) Abuse may include a pattern of berating behavior, physical or verbal threats, or damage to jointly held property. These actions tend to have as their purpose the abuse or coercive control of the victim and may appear minor if viewed out of context. When these acts, viewed in context, violate the law, arrest is the appropriate action.

MEMBER RESPONSIBILITIES

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312.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, members should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim with information on using Victim Information and Notification Everyday (VINE) utilizing www.sheriff-assist.org to receive notifications on orders of protection and inmate release.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail if that information is available to the member.

(d) Advise the victim and offender that the criminal action is being initiated by the state and not the victim.

(e) Complete the necessary booking procedures including fingerprinting and photographing of the offender, if applicable.

(f) Supervisors should review and approve all forms.

312.4.2 IF NO ARREST IS MADE

If no arrest is made, the member 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.

(c) Advise the parties of the potential remedies available through Family Court.

312.4.3 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 and Evidence Unit Policy.

(b) Notify any agency issuing firearm permits of the arrestee’s name and firearms confiscation.

(c) Ensure that the court is notified of any licensed firearm.

(d) Ensure that the court is notified by the Records Office or the member at arraignment 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).

312.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, members should be aware that a victim’s behavior and actions may be affected.

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(a) Victims shall be provided with the Office domestic violence information handout, even if the incident may not rise to the level of a crime (Family Court Act § 812; CPL § 530.11).

(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, members should stand by for a reasonable amount of time.

(d) If the victim has sustained injury or complains of pain, members should seek medical assistance for the victim as soon as practicable unless the victim specifically requests otherwise. In such case, the declination of medical assistance shall be documented by the reporting member.

(e) Members 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 member determines that a need exists.

(f) Members 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, members should seek or assist the victim in obtaining an emergency order of protection.

(h) If there is reasonable suspicion that a child (less than 18) may be a victim of abuse or maltreatment (as defined in Family Court Act §101.2), the investigating member shall ensure the case is reported to the Statewide Central Register of Child Abuse and Maltreatment. Crimes involving child abuse or maltreatment shall be referred to the appropriate investigative bodies.

312.6 DISPATCH ASSISTANCE

Members shall request that the Communication Center check whether any of the involved persons are subject to the terms of a court order.

All calls of domestic violence, including incomplete 9-1-1 calls, shall be handled as high priority and responded to as soon as practicable.

312.6.1 RECLASSIFICATION OR CANCELLATION

A domestic incident shall 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.

312.7 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 members 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.

312.8 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, members 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.

Members should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Members should contact a supervisor for clarification when needed.

312.9 STANDARDS FOR ARRESTS

Members investigating a domestic violence report should consider the following (CPL § 140.10):

(a) Members 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:

(a) Any felony family offense.

(b) Any misdemeanor family offense unless the victim, without prompting from the member, requests otherwise. Supervisory approval is required in all cases where no arrest will be made for a family offense.

(b) Members shall make an arrest for violations of a duly served order of protection, an order of protection of 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:

(a) Domestic Relations Law § 240 (custody and child support)

(b) Domestic Relations Law § 252 (actions for divorce)

(c) Family Court Act Articles 4, 5, 6 or 8 (support, paternity, termination/adoption or family offenses proceedings)

(d) CPL § 530.12 (protection for victims of family offenses)

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(e) CPL § 330.20 (procedure following verdict or plea of not responsible by reason of mental disease or defect)

- These arrests require that:

  The arrest shall be made if the person violates a stay-away provision included in one of the above orders or commits a family offense in violation of the court order.

  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.

  If the suspect is not at the scene, the deputy shall conduct follow-up investigation and ultimately arrest the suspect, regardless of whether the protected person/victim is willing to assist with prosecution. A credible description by the protected person/victim regarding the way the order was violated, absent of contradictory evidence, is sufficient in establishing probable cause to arrest the suspect. Members will evaluate the facts pursuant to CPL §70.10.

(c) 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, a member is not required to arrest both parties. The member shall attempt to identify and arrest the primary aggressor using factors including but not limited to (CPL §140.10):

(a) The comparative extent of any injuries inflicted by and between the parties.

(b) Whether any party is threatening or has threatened future harm against another party or another family or household member.

(c) Whether any party has a prior history of domestic violence that the officer can reasonably ascertain.

(d) Whether any party acted defensively to protect him/herself from injury.

(e) 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.

(f) Cross-complaint (opposing parties accuse one another of an offense) arrests of the decided victim shall not be made unless probable cause exists following a police investigation, considering all the facts and circumstances. An arrest should not be based solely on uncorroborated allegations.

(d) Family Offense Victims may proceed in Family Court or Criminal Court, or concurrently in both courts. The victim may elect concurrent jurisdiction at the time of arrest, or later. In such cases, the Criminal Court will have concurrent jurisdiction over Family Offenses, even if a petition is pending in Family Court containing substantially the same allegations set forth in the accusatory instrument.

(e) Members should take a report from a victim of a family offense even if the offense did not occur in the jurisdiction of the Saratoga County Sheriff's Office (Executive Law § 646).

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312.9.1 RELEASE RESTRICTIONS

For all arrests involving a family offense and/or if a temporary order of protection is requested and family court is not in session, a judge will be contacted for an arraignment. Appearance Tickets may be issued only at the direction of the criminal court judge of jurisdiction or by direction of a supervisor if a judge is not available. When issued regarding domestic incidents they shall be issued for the next scheduled court day.

Appearance Tickets will not be issued, and the arrestee will not be released when there exists reasonable suspicion the arrestee poses a danger to himself, a victim, or another third party if released on an Appearance Ticket. (See the Emergency Admissions and Appearance Ticket Policies).

312.10 REPORTS AND RECORDS

Deputies shall complete a written report on the form provided by the New York State Division of Criminal Justice Services (New York State Domestic Incident Report (DIR)), regardless of whether an offense was committed or an arrest is made (CPL § 140.10) for all Domestic Incidents. The supporting deposition section of the DIR should be completed by the complainant. A case report must be completed in RMS and a DIR completed for all calls dispatched as a domestic incident unless a supervisor authorizes to the contrary.

(a) Upon completion of a report, officers should provide the victim with a copy of the domestic incident report (DIR); notice of Victim's Rights and, if necessary, read it to the victim, including explaining the rights and associated court options.

(b) Prepare case report(s) or other Departmental forms as appropriate. Department-specific forms will remain with the case file unless the report proceeds in Criminal Court; in which case the forms will be forwarded accordingly.

(c) 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.

(d) 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 appropriate agency Committee for the Coordination of Police Services to Elderly Persons.

(e) If the complaint stems from a victim of a family offense that occurred outside of the jurisdiction of the Saratoga County Sheriff's Office, 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).

312.11 SERVICE OF COURT ORDERS

Members 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).

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Upon service, the member 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).

312.11.1 ORDER OF PROTECTION REGISTRY

When a member 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, he/she shall cause the required information to be immediately entered into the order of protection registry (Executive Law § 221-a).

312.12 ROLE OF THE SUPERVISOR

Supervisors shall:

(a) Respond to the location when requested by a member 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.

312.13 TRAINING

Members and Desk Officer/Desk Sergeants 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.

(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

313.1 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 Saratoga County Sheriff's Office personnel to consider when dealing with search and seizure issues.

313.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this Office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this Office will comply with relevant federal and state law governing the seizure of persons and property.

The Office will provide relevant and current training to members as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

313.3 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.

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 Office 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, members are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

313.4 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 Office will strive to conduct searches with dignity and courtesy.

(b) Members 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 member. A cover member 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 member, a reasonable effort should be made to summon a member of the same sex as the subject to conduct the search. When it is not practicable to summon a member of the same sex as the subject, the following guidelines should be followed:

1. Another member or a supervisor should witness the search.
2. The member should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

313.5 DOCUMENTATION

Members are responsible for documenting any search and ensuring that any required reports are sufficient including, at minimum, documentation of:

- Reason for the search.
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- What, if any, injuries or damage occurred.
- All steps taken to secure property.
- The results of the search including a description of any property or contraband seized.
- If the person searched is the opposite sex, any efforts to summon a member of the same sex as the person being searched and the identification of any witness member.

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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 Office policy have been met.

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Child Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Saratoga County Sheriff's Office 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 by utilizing the statewide central register of child abuse and maltreatment.

314.1.1 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 abuse, neglect, or maltreatment 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.

314.2 POLICY

The Saratoga County Sheriff's Office will investigate all reported incidents of alleged child abuse and ensure the local CPS division and the New York State Child Abuse and Maltreatment Register are notified as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Saratoga County Sheriff's Office shall notify the statewide central register of child abuse and maltreatment when there is reasonable cause to suspect that a child has been abused or maltreated (Social Services Law § 413, 415).

If there is reasonable cause to suspect that a child has died as a result of abuse or maltreatment, the appropriate Coroner 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).

314.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Social Services Law § 415):

(a) Immediately contact the statewide central register of child abuse and maltreatment.

(b) Notification shall include the following information, if known:

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(a) Names and addresses of the child and the child's parents or other person responsible for the child's care, and the family composition, where appropriate.

(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 injuries, 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 Coroner.

(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 Investigations Captain (Social Services Law § 413).

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

314.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, members 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 member in all circumstances where a suspected child abuse victim was contacted.

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(b) The exigent circumstances that existed if members 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.

(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).

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the member should make reasonable attempts to contact Saratoga County 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 Office 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 member 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 member shall ensure that the child is delivered to Saratoga County CPS.

Whenever practicable, the member should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, members 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.

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(b) With the written consent of the parent, guardian or other legally responsible person if the member reasonably suspects that the child is being abused or neglected (Family Court Act § 1021).

1. The removing member 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 member'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 member 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).

314.6.1 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).

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Members should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating members 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.

314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A member 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.

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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.

314.7.3 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)).

314.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating member should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The member 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, members should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for members to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

314.9 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.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division captain or his designee should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when notified that a member has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.

(c) Develop a report format or checklist for use when members respond to drug labs or other narcotics crime scenes. The checklist will help members document the environmental, medical, social, and other conditions that may affect the child.

314.9.2 MEMBER RESPONSIBILITIES

Members responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

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(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the shift supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

New York requires or permits the following:

314.10.1 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).

314.10.2 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 Office 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).

314.10.3 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).

314.10.4 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 member 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)).

314.11 TRAINING

The Office should provide training on best practices in child abuse investigations. The training should include:

(a) For all members:

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:

1. Participating in multidisciplinary investigations, as appropriate.
2. Conducting forensic interviews.
3. Availability of therapy services for children and families.

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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

315.1 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 Saratoga County Sheriff's Office members as required by law.

315.1.1 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.

315.2 POLICY

The Saratoga County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

315.3 MANDATORY NOTIFICATION

A police or peace officer member of the Saratoga County Sheriff's Office 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 Saratoga County Sheriff's Office 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.

315.3.1 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.

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5. The name and address of the facility or provider agency.
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.

315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

315.5 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 member 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.

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(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.

315.6 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 member 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.

Generally, members of this Office 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 member 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 member shall ensure that the adult is delivered to APS.

Whenever practicable, the member should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, members should contact a supervisor promptly after taking the adult into protective custody.

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Members should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating members should defer interviews until a person who is specially trained in such interviews is available.

315.7.2 DETAINING VICTIMS FOR INTERVIEWS

A member 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.

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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.

315.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating member should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The member 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, members should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for members 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.

315.9 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.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division captain 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 notified that a member 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 members respond to drug labs or other narcotics crime scenes. The checklist will help members document the environmental, medical, social and other conditions that may affect the adult.

315.9.2 MEMBER RESPONSIBILITIES

Members 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.

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(b) Notify a supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

New York requires or permits the following:

315.10.1 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.

315.10.2 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.

315.11 TRAINING

The Office 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

316.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Office 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.

316.2 POLICY

The Saratoga County Sheriff's Office 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 Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Office 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 Office 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.

Members of the Saratoga County Sheriff's Office shall follow the Saratoga County policies pertaining to harassment. Those policies can be found here:

Sexual_Harassment_Policy

Workplace Harassment Policy 20170731

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Missing Persons

317.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

317.1.1 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

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well-being is in jeopardy. This definition also includes person(s) who are the subject of a welfare check call when their well-being cannot be established with reasonable certainty.

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).

317.2 POLICY

The Saratoga County Sheriff's Office 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).

317.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations Division Captain shall ensure the following forms and kits are developed and available:

- Missing person report forms, including those developed by DCJS
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical and dental records release forms
- Biological sample collection kits

Office forms can be accessed here:

- 2024 Missing Adult Form 6-7-24
- 2024 Runaway Intake Report 6-7-24
- 2024 Family Abduction Report Full 6-7-24

317.4 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.

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A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

317.5 INITIAL INVESTIGATION

Members 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 as soon as practicable.

(b) 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.

(c) 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).

(d) Broadcast a radio alert (e.g. internal broadcast, interagency broadcast) 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 member (Executive Law § 221).

(e) 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).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.

(g) 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).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

(i) 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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(j) Notify a supervisor if the well-being of a person who is the subject of a welfare check call cannot be ascertained with reasonable certainty.

317.6 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.

317.6.1 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.

317.7 INVESTIGATIONS DIVISION 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.
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).

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(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 Coroner.

(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) 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).

(k) 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).

317.8 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. The missing person should be interviewed as to the circumstances of his or her disappearance, e.g. where they were, how they got there, etc., for aid in future investigations should that person become missing again.

The assigned member 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) Records is notified to purge and destroy appropriate missing person files as required (Executive Law § 837-e; Executive Law § 838).

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317.8.1 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.

317.9 CASE CLOSURE

The Investigations Division Captain 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 Saratoga County or this Office 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 Office 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.

(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.

317.10 TRAINING

Subject to available resources, the Training Manager should ensure that members of this Office 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 Office 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.

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(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

318.1 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.

318.2 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.

318.3 RESPONSIBILITIES

318.3.1 MEMBER RESPONSIBILITIES

Members of the Saratoga County Sheriff's Office should notify their immediate 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. Procedures for all alerts can be found here: Alert Procedures.pdf

318.3.2 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 Sheriff through the chain of command 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 appropriate Captain

318.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children.

318.4.1 CRITERIA

The following criteria are utilized to determine if an AMBER Alert should be issued:

(a) The person is under 18 years of age.

(b) The person is reported as abducted.

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(c) The person is in danger of serious bodily harm or death as a result of another person, or due to a health condition.

318.4.2 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.

318.5 MISSING CHILD

Missing Child Alerts are used for missing children under the age of 21 who do not meet the AMBER Alert criteria.

318.5.1 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.

318.5.2 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.

318.6 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).

318.6.1 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.

318.6.2 PROCEDURE
The following is the procedure for initiating a Missing Vulnerable Adult Alert:

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(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.

318.7 MISSING COLLEGE STUDENT

Missing College Student Alerts are used for missing college students of any age who do not meet the AMBER Alert criteria.

318.7.1 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.

318.7.2 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.

318.8 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 a member, or who pose an imminent threat to a member (Executive Law § 837-w).

318.8.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued:

(a) A member has been seriously injured or died in the line of duty and the suspect has fled the scene.

(b) A member is missing in connection with the member's official duties.

(c) There is an imminent and credible threat that an individual intends to cause serious injury or death of a member.

318.8.2 PROCEDURE

The Sheriff or the authorized designee shall develop procedures consistent with the guidelines of the Division of Criminal Justice for the issuance of Blue Alerts.

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318.9 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.

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Victim and Witness Assistance

319.1 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.

319.2 POLICY

The Saratoga County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Saratoga County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

319.3 CRIME VICTIM RESOURCES

The Sheriff may designate a member of the Office to ensure adequate supplies of victim rights and compensation notices and pamphlets are available at the various stations. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

319.3.1 DUTIES

The designated member 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 designated member shall also ensure that the crime victim information posters required by Executive Law § 625-a are prominently displayed at public access locations within the Office.

The designated member shall also be responsible for ensuring that Office investigation report forms are current and include a space to designate whether a person received information on victim’s rights (Executive Law § 625-b).

319.4 CRIME VICTIMS

Members should provide all victims with the applicable victim information handouts.

Members 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. Members should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written Office material or available victim resources.

319.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Members 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. A member shall notify the victim

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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, members 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.

319.5 VICTIM INFORMATION

The Sheriff or the designated member shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence which may be satisfied by the New York State Standardized Domestic Incident Report (Family Court Act § 812; CPL § 530.11).

    1. This should include services that may be available to a victim of domestic violence under the Domestic Violence Prevention Act (Social Services Law 459-a et seq.).

(b) Community resources for victims of sexual assault, including the name, address and phone number of the nearest rape crisis center (Executive Law § 642).

    (a) If the victim is a juvenile, this information should also be provided to a parent or other person responsible for the juvenile’s care, if appropriate.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Executive Law § 631).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime (Executive Law § 624; Executive Law § 625-a).

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.

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(h) Notice regarding U visa and T visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the member's name, badge number and any applicable case or incident number.

(k) Information regarding the rights the victim has under the Fair Treatment Standards for Crime Victims provisions (Executive Law § 641 et seq.; 9 NYCRR § 6170.4).

(l) Information regarding the crime witness protection program (9 NYCRR § 6171.2).

(m) Sexual assault victim bill of rights handout published by the Department of Health (Public Health Law § 2805-i)

319.6 WITNESSES

Members should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Members may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Members should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

319.7 WITNESS INFORMATION

The Sheriff or the designated member shall ensure that witness information handouts are available and current. These should include as appropriate:

(a) A place for the member's name, badge number and any applicable case or incident number.

(b) 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).

(c) Information regarding the crime witness protection program (9 NYCRR § 6171.2).

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Hate Crimes

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

320.1.1 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.

320.2 POLICY

The Saratoga County Sheriff's Office 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.

320.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this Office 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.

320.4 INVESTIGATIONS

Whenever any member of this Office 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 members 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 members should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, members should take appropriate action to mitigate further injury or damage to potential victims or the community.

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(e) Depending on the situation, the assigned members or supervisor may request assistance from investigators or other resources.

(f) The assigned members 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 members 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 members 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 members 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.

320.4.1 INVESTIGATIONS DIVISION RESPONSIBILITIES

If a hate crime case is assigned to the 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).

320.4.2 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."

320.4.3 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.

(b) Statements made by the perpetrator.

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(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.

320.5 TRAINING

All members of this Office 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

321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Saratoga County Sheriff's Office and are expected of all Office members. 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 Office or a member's supervisors.

321.2 POLICY

The continued employment or appointment of every member of this Office 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.

321.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any superior officer, absent a reasonable and bona fide justification.

321.3.1 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 Office 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, Office 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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321.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors 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.

321.4 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.

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.

321.5 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 Office service.

321.5.1 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 Office or County manuals.

(b) Disobedience of any legal directive or order issued by any Office member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

321.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Saratoga County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Office business or activity.

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(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 Office 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.

321.5.3 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.

321.5.4 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 Office.

(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 Office.

(f) Engaging in an inappropriate personal, romantic or sexual relationship with a student or former student at or from an educational institution where the member is or was assigned as a School Resource Officer regardless of whether that person is of the age of consent.

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321.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(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.

321.5.6 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 Office.

(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 Office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Saratoga County Sheriff's Office badge, uniform, identification card or Office property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using Office 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.

321.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, 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 Office within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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321.5.8 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 Office 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 Office-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 Office or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this Office or subverts the good order, efficiency and discipline of this Office 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 Office premises.
2. At any work site, while onduty or while in uniform, or while using any Office equipment or system.
3. Gambling activity undertaken as part of a member'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 Office property.

(h) Engaging in political activities during assigned working hours.

(i) Any act on- or off-duty that brings discredit to this Office.

321.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on member's part or the part of any other member where such activities resulted in contact, other than social or incidental contact, with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

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(c) Exceeding lawful police 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 Office or the County.

(g) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this Office.

(h) Unauthorized possession of, loss of, or damage to Office property or the property of others, or endangering it through carelessness or maliciousness.

(i) Attempted or actual theft of Office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of Office property or the property of another person.

(j) 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.

(k) 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 Sheriff of such action.

(l) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this Office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Office or its members.

321.5.10 SAFETY

(a) Failure to observe or violating Office 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 legally possessed or otherwise authorized by the Sheriff.

(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.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury by the end of the member's tour of duty, but no later than 24 hours after the accident or injury occurred.

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321.5.11 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) Reporting for work or being at work in violation of the agreed upon standards as established in the Drug and Alcohol Testing Policy of the collective bargaining agreement by and between the County of Saratoga, the Saratoga County Sheriff and the Saratoga County Deputy Sheriff's Police Benevolent Association.

(c) Possession or use of alcohol at any work site or 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.

(d) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

321.5.12 LEGISLATIVE RESTRICTIONS

Members 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)
5. Failing to disclose an interest in property for which a variance is requested (General Municipal Law § 809)

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Information Technology Use

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of Office information technology resources, including computers, electronic devices, hardware, software and systems.

322.1.1 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 Saratoga County Sheriff's Office 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 Office or Office funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), 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 and firmware. 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.

322.2 POLICY

It is the policy of the Saratoga County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

322.3 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 Office computer system.

The Office 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 Office, including the Office email system, computer network, and/or any information placed into storage on any Office system or device. This includes records of all keystrokes or web-browsing history made at any Office computer or over any Office 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 Office computers, electronic devices, or networks.

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322.4 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. (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.

322.4.1 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 Office computer. Members shall not install personal copies of any software on any Office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on Office premises, computer systems or electronic devices. Such unauthorized use of software exposes the Office 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 Office- or County-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

322.4.2 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to Office-related activities. Data stored on or available through Office 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 Office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

322.4.3 INTERNET USE

Internet access provided by or through the Office shall be strictly limited to Office-related activities. Internet sites containing information that is not appropriate or applicable to Office 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.

322.4.4 OFF-DUTY USE
Members shall only use technology resources provided by the Office while off-duty in a manner consistent with their assignment and may not be used for personal business. Cell phones issued by the Office may be used for personal calls if authorized by a supervisor.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

322.5 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 Office 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 IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

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.

322.6 INSPECTION AND REVIEW

A Captain 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 Office involving one of its members or a member's duties, an alleged or suspected violation of any Office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the Office computer system when requested by a Captain or during the course of regular duties that require such information.

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Office Use of Social Media

323.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the Office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by Office 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 Office (see the Investigation and Prosecution Policy).

323.1.1 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 Office website or social networking services.

323.2 POLICY

The Saratoga County Sheriff's Office will use social media as a method of effectively informing the public about Office services, issues, investigations, recruitment and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

323.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only Office-approved equipment during the normal course of duties to post and monitor Office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff 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 the Sheriff or the authorized designee prior to posting.

Requests to post information over Office social media by members who are not authorized to post should be made through the member's chain of command.

323.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Office mission, and that conforms to all Office 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 Office 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.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

323.4.1 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 Sheriff or authorized designee may assign a member to be responsible for the compilation of information to be released.

323.5 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 Office-Sensitive 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 Saratoga County Sheriff's Office or its members.

(e) Any information that could compromise the safety and security of Office operations, members of the Office, 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 Sheriff or the authorized designee.

Any member who becomes aware of content on this Office'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 report same to a lieutenant who will investigate the cause of the entry.

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323.5.1 PUBLIC POSTING PROHIBITED

Recognizing the prevalence of unrelated, and potentially defamatory and/or libelous comments on social media in general, Office social media sites shall be designed and maintained to prevent comments by other users to the extent possible.

The Office may provide a method for members of the public to contact Office members directly.

323.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of Office 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. The same supervisor should review the Office social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

323.7 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 Office sites.

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Report Preparation

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Office who complete investigations and reports as a part of their duties.

324.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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.

324.3 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.

324.4 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.

324.4.1 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 Office 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 or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

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324.4.2 ELECTRONIC SIGNATURES

The Saratoga County Sheriff's Office has established an electronic signature procedure for use by all members of the Saratoga County Sheriff's Office. The Sheriff or the authorized designee 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.

324.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate Office-approved forms and reporting methods, unless otherwise directed 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.

324.5.1 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 where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the Office-approved alternative reporting method (e.g., a dispatch log).

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324.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented in a written case report includes:

(a) Any found property or found evidence.

(b) All protective custody and welfare detentions.

(c) Any time a person has reportedly threatened to harm themselves or another.

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).

(e) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(f) Suspicious incidents that may place the public or others at risk.

(g) Any use of force by members of this Office against any person (see the Use of Force Policy).

(h) Any firearm discharge (see the Firearms Policy).

(i) Any time a member points a firearm at any person.

(j) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).

(k) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

(l) Any accident involving one or more vessels upon a water way where the damage exceeds the statutory minimum, or where a person is injured or killed (Navigation Law § 47-a).

(m) 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.

(n) Any court ordered pistol license suspension and or revocation.

324.5.3 MISCELLANEOUS INJURIES

Any injury or medical call that is reported to this Office shall require a written case report when:

(a) There is a report of a drug overdose, or a medical call in which the circumstances indicate a possible drug overdose including alcohol.

(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 Saratoga County Sheriff's Office 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).

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(h) The wound or injury is from a burn (Penal Law § 265.26).

324.5.4 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)

(b) Sudden, accidental or suspicious deaths

(c) Suicides

(d) Homicides or suspected homicides

(e) Found dead bodies or body parts

324.5.5 COUNTY PERSONNEL OR PROPERTY

Incidents involving County personnel or property shall require a report when:

(a) An injury occurs as the result of an act of a County employee or on County property.

(b) There is damage to County property or equipment.

324.6 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor shall notify the reporting deputy stating the reasons for rejection.

It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

324.6.1 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 submitted to the Records Unit 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

325.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official Office information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

325.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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.

325.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, the authorized designee may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

325.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of Office 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 Sheriff. 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 Sheriff 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.

325.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to a lieutenant. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this Office make any comment or release any official information to the media without prior approval from a supervisor or the Sheriff or authorized designee.

(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 Office.

(c) Under no circumstance should any member of this Office make any comment to the media regarding any law enforcement incident not involving this Office without prior

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approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

325.6 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 Sheriff or authorized designee.

(c) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express written consent of the person in custody.

(d) No member of this Office who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

325.6.1 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 and subject to any restrictions as determined by the supervisor in charge. Office 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 the Sheriff or authorized designee.

325.6.2 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 shift lieutenant. 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).

325.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the member releasing the information to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel 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:

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(a) (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.

(a) 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 the Sheriff or authorized designee.

(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 Office unless authorized by the Sheriff.

(i) Information obtained in confidence.

(j) Any information that is otherwise privileged or restricted under state or federal law.

325.7.1 EMPLOYEE INFORMATION

The identities of members involved in shootings or other critical incidents that are under investigation may only be released to the media upon the consent of the involved member.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of members involved in shootings or other critical incidents, shall be referred to the Sheriff or authorized designee.

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 lieutenant 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).

325.8 RELEASE OF INFORMATION

The Office may routinely release information to the media without receiving a specific request. This may include media releases regarding felony arrests not prohibited by this policy or law, critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects, or any other matter that the Sheriff or

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the authorized designee believes the public may reasonably have an interest in. This information may also be released through the Office website or other electronic data sources.

325.8.1 PERMISSION FOR USE OF THE DEPARTMENT FACILITIES

Normally, the Office will not grant permission for its equipment or the interior of its facilities to be used for television, motion pictures, or other entertainment productions.However, when coverage is required for recording interviews, news documentaries, news releases, or events of an unusual nature, representatives from the news media or public information programs may be allowed to use their equipment inside police facilities, if authorized by the Sheriff or authorized designee.

325.8.2 COOPERATION FOR FEATURE ARTICLES OR PROGRAMS

Requests for Office cooperation in the preparation of articles for newspapers, magazines, and other publications will be individually considered and if approved, permission for the interviewing of Office personnel and the photographing of facilities will be limited to the scope of approval.Members participating in the preparations of such articles should be ascertain the scope of approval and should be cautious not to exceed those limits.In any event, members should exercise care and discretion so as not to make statements or convey information which, if later quoted, may create a misunderstanding or compromise the effectiveness of police service.

325.8.3 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

326.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Office members who must appear in court. It will allow the Saratoga County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

326.2 POLICY

Saratoga County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances (CPLR § 2305).

326.3 SUBPOENAS

Only Office members authorized to receive a subpoena on behalf of this Office or any of its members may do so.

326.3.1 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 County Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the County 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 Saratoga County Sheriff's Office.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Saratoga County Sheriff's Office.

The supervisor will then notify the Sheriffthrough the chain of command and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

326.3.2 CIVIL SUBPOENA

The Office 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.

The Office may seek reimbursement for the member’s compensation through the civil attorney of record who subpoenaed the member.

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326.3.3 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.

326.4 COURT APPEARANCES WITHOUT A SUBPOENA
Members receiving the appropriate notification from a local criminal court that their appearance is requested for a traffic trial or a pre-trial conference, must appear in court as if they were subpoenaed.

326.5 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.

326.6 STANDBY
To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the designated Office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

326.7 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.

Uniform members shall dress in the Class A uniform. Non-uniform personnel shall wear business attire. Command staff may dress in either Class A 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.

326.7.1 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.

326.8 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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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 Saratoga County Sheriff's Office 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 Office.

327.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the on-duty supervisor 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 Office, the on-duty supervisor 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 Office.

Members 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 Office until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this Office will not ordinarily be booked at this Office. Only in exceptional circumstances, and subject to supervisor approval, will this Office 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 member 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 Saratoga County Sheriff's Office shall be aware of the statutory limitations of his/her authority and shall notify his/her immediate on-duty supervisor 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 Sheriff 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 shift sergeant.

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 Sheriff 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 the Sheriff or the authorized designee to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

327.7 MUTUAL AID AGREEMENTS WITH SURROUNDING COUNTIES

The Saratoga County Sheriff's Office has entered into mutual aid agreements with four surrounding counties. Those agreements can be accessed here:

- 2023 Agreement with County of Washington
- 2023 Agreement with County of Warren
- 2023 Agreement with County of Montgomery
- 2023 Agreement with County of Fulton

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Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Saratoga County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction, and how the Office will disseminate information and respond to public inquiries for information about registered sex offenders.

328.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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 agency Sex Offender Registry Enforcement (SORE) Deputy 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. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Sex Offender Registry Enforcement (SORE) Deputy 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 register and the member should secure a warrant when appropriate (Correction Law § 168-t).

328.3.1 CONTENTS OF REGISTRATION

The Office 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 agency Sex Offender Registry Enforcement (SORE) Deputy shall 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 agency Sex Offender Registry Enforcement (SORE) Deputy should also establish a procedure to routinely disseminate information regarding registered offenders to Saratoga County Sheriff's Office members, including timely updates regarding new or relocated registrants.

328.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff through the chain of command if warranted. A determination will be made by the Sheriff or the authorized designee, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the DCJS SORA or the Saratoga County Sheriff's Office's OffenderWatch website.

The Identification Officer 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 Office shall compile, maintain and update a listing of vulnerable organizational entities or vulnerable populations (e.g., schools, day care facilities, nursing homes) 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

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(b) Name and aliases used

(c) Home address of the offender. For a level one offender, this is limited to the release of the zip code only. For a level three offender, this includes the address of the offender's place of employment.

(d) Crimes of which the offender has been convicted

(e) Method of operation of the offender

(f) Types of victims targeted

(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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Major Incident Notification

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Saratoga County Sheriff's Office in determining when, how and to whom notification of major incidents should be made.

329.2 POLICY

The Saratoga County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this Office 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

Most situations where the media show a strong interest are also of interest to the Sheriff, the command staff and the County. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shooting and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- At-risk missing children or vulnerable missing adults
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Significant injury or death to a member of the Office, whether on- or off-duty
- Arrest of a member of the Office, prominent local, state, county or federal official, dignitary of a foreign country or other prominent person
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic Sheriff's services
- Any other incident that has attracted or is likely to attract significant media attention
- Serious injury or death of a prominent local, state, county, federal official or dignitary of a foreign country

329.4 LIEUTENANT RESPONSIBILITIES

The shift lieutenant is responsible for making the appropriate notifications. The shift lieutenant 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

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be made by using the call notification protocol as established by the Sheriff or the authorized designee.

329.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section aboveafter normal business hours, the Sheriff or the authorized designee shall be notified directly. If said incident occurs during normal business hours, notification shall be made in accordance with the chain of command.

329.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home after hours, the on-duty supervisor shall notify the Sheriff or the authorized designee, then contact the appropriate investigator. If the incident requires an investigator callout during normal business hours, the on-duty supervisor shall notify the Investigations Division Captainor the authorized designee who will then assign an investigator. The on-duty supervisor shall also notify the lieutenant in his/her chain of command

329.4.3 TRAFFIC UNIT NOTIFICATION

In the event of a major injury or traffic fatality, the on-duty supervisor shall be notified, who will then contact the Investigations Division Captain or the authorized designee who will assign an investigator as appropriate. The on-duty supervisor shall also notify the lieutenant in his/her chain of command.

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Death Investigation

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where members 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 Saratoga County Sheriff's Office 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

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigations Division lieutenant as necessary. The shift lieutenant will make notification to command staff in accordance with the Major Incident Notification Policy.

330.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

330.3.2 CORONER REQUEST

Members are not authorized to pronounce death unless they are also Coroners, Deputy Coroners, or appointed Coroner investigators. The Coroner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Coroner 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

(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

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330.3.3 SEARCHING DEAD BODIES

(a) The Coroner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.

(b) A member 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 Coroner or his/her assistant shall be promptly notified.

(c) The Coroner, with the permission of the Office, 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. A member at the scene shall witness the search and, at the request of the Coroner, sign the property forms listing the items found on the body. The Coroner will retain the property and forms. The Coroner does not take or retain evidence.

(d) Should exigent circumstances indicate to a member that any other search of a known dead body is warranted prior to the arrival of the Coroner or his/her assistant, the investigating member should first obtain verbal consent from the Coroner 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 member pending the arrival of the Coroner 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 Coroner 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 member suspects that the death involves a homicide or other suspicious circumstances, the member shall take steps to protect the scene. The Investigations Division lieutenant shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the shift lieutenant or Investigations Division captain, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide. When appropriate or necessary the shift lieutenant shall contact the New York State Police for assistance.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

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330.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

An investigator or supervisor of this Office 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 investigator or supervisor will request from the Coroner 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 Coroner's Office, notification shall be made consistent with the Municipal Police Training Council In-Person Death Notifications Model Policy. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this Office 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.

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 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 IN-PERSON DEATH NOTIFICATION PROCEDURES

Members should consult and review the MPTC In-person Death Notification model policy prior to making any death notifications.

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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 Saratoga County Sheriff's Office 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 MEMBER RESPONSIBILITIES

A member confronted with a person claiming to have made a private person’s arrest should determine whether such an arrest is lawful.

If the member determines that the private person’s arrest is unlawful, the member 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 a member determines that a private person’s arrest is justified, the member 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 a member takes an arrested juvenile into custody, the member 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

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detained. The member shall then proceed as required by the Temporary Custody of Juveniles Policy (CPL § 140.40).

331.5 PRIVATE PERSON’S ARREST REPORT

The arresting person should be asked to complete and sign the accusatory instrument or a supporting deposition and Domestic Incident Report, if applicable.. If the person fails or refuses to do so, the arrested individual should be released, unless the member 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 Office 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 Saratoga County Sheriff's Office, designated by the Office, 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 Saratoga County Sheriff's Office 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 Office 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 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Chief Deputy or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the Saratoga County Sheriff's Office's LEP services to LEP individuals.

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(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each lieutenant and Director of Emergency Communications. The list should include information regarding:

1. Languages spoken.
2. Contact information.
3. Availability.

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by this Office to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of this Office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding Office LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Office services, programs and activities.

332.4 FOUR-FACTOR ANALYSIS

Because there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Office members, or who may benefit from programs or services within the jurisdiction of this Office or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with Office members, programs or services.

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(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

332.5 TYPES OF LEP ASSISTANCE AVAILABLE

Saratoga County Sheriff's Office 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 Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office 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 Office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

332.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

332.7 AUDIO RECORDINGS

The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

332.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established Office 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.

When a qualified bilingual member from this Office is not available, personnel from other County departments who have been identified by the Office as having the requisite skills and competence may be requested.

332.9 AUTHORIZED INTERPRETERS

Any person designated by the Office 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

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understanding of the functions of an interpreter that allows for correct and effective translation. 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 Office and of any particularized vocabulary or phraseology that may be 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.

332.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor.

Other sources may include:

- Qualified bilingual members of this Office or personnel from other County departments.
- 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 Office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to Office guidelines.

332.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers 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 Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer 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

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and non-confrontational situations. Family members should not be used in cases of a domestic incident.

332.10 CONTACT AND REPORTING

Although all law enforcement contacts, services and individual rights are important, this Office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this Office 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 Office or some other identified source.

332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Saratoga County Sheriff's Office 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.

332.12 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 member is unable to effectively communicate with an LEP individual.

If available and when practicable, members should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

332.13 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, members should consider calling for an authorized interpreter in the following order:

- An authorized Office 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.

332.14 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.

332.15 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.

332.16 COMPLAINTS

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this Office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator or the shift supervisor depending on the nature of the complaint.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy.

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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.

332.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Office are important to the ultimate success of more traditional law enforcement duties. This Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

332.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access Office-authorized telephonic and in-person interpreters and other available resources.

The Training Manager 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 Manager 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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Communications with Persons with Disabilities

333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

333.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY) or videophones (video relay service or VRS); use of taped text or qualified readers; or use of a qualified interpreter.

Disability or impairment – An individual who has or is regarded as being substantially limited in a major life activity, including hearing or seeing, with or without assistance other than ordinary eyeglasses or contacts (42 USC § 12102). 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).

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.

333.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Chief Deputy or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

(a) Working with the County ADA coordinator regarding the Saratoga County Sheriff's Office’s efforts to ensure equal access to services, programs and activities.

(b) Developing reports or new procedures or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to Office services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each lieutenant and Director of Emergency Communications. The list should include information regarding:

1. Contact information.
2. Availability.

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Office services, programs and activities.

333.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

333.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is 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 auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, 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 or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing or has impaired speech must be handcuffed while in the custody of the Saratoga County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

333.6 TYPES OF ASSISTANCE AVAILABLE

Saratoga County Sheriff's Office members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Office will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Office will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept Office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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333.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

333.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(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 request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

333.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, are hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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333.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Office to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

333.11 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 contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

333.12 REPORTING

Whenever any member of this Office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Office or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

333.13 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 individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this Office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

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 verbally request consent to search if the member is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available and when practicable, members should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. 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.

333.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

333.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing or have speech impairment are protected during a custodial interrogation, this Office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects

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who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

To ensure that communications during custodial investigations 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.

333.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting member should, if necessary to complete the booking process, attempt to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the member reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind or have other disabilities. 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. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

Notification to the court should be made to allow for the appointment of a qualified interpreter prior to any legal proceeding (Judiciary Law § 390).

333.16 COMPLAINTS

The Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this Office are able to do so. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator or the shift supervisor depending on the nature.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy.

333.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Office are important to the ultimate success of more traditional law enforcement duties. This Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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333.18 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Office will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision or are blind. Those who may have contact with such individuals should receive periodic refresher training. The Training Manager shall maintain records of all 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

335.1 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.

335.2 POLICY

The Saratoga County Sheriff's Office 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.

335.3 OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following offenders must submit a biological sample (Executive Law § 995; Executive Law § 995-c):

(a) When the Saratoga County Sheriff's Office 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.

335.4 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.

335.4.1 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.

335.5 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, 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) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.

(f) A corrections supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

335.5.1 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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Child and Dependent Adult Safety

336.1 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 Office.

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.

336.2 POLICY

It is the policy of this Office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Saratoga County Sheriff's Office 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.

336.3 LIAISON RESPONSIBILITIES

The Sheriff shall appoint a member to serve as a liaison to assist in safeguarding dependents of arrested parents or guardians.

336.4 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, members should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. When possible, members should attempt to determine in advance if any children are present in a pre-arrest situation. This may include having Desk Officer/Desk Sergeants 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, members 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. Members 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, members 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, members 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 member at the scene should

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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.

336.4.1 AFTER AN ARREST

Whenever an arrest is made, the member should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Members 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. Members 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), members 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 member 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 shift sergeant 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 member 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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336.4.2 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.

336.4.3 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

336.4.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling members, 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.

336.5 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling member should contact the appropriate welfare service or other Office-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 Sheriff's 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.

336.6 TRAINING

The Training Manager is responsible for ensuring that all members of this Office 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.

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Service Animals

337.1 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).

337.1.1 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)).

337.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to provide equal access to services, programs, and activities of the Office to persons with service animals. Office members shall protect the rights of persons assisted by service animals in accordance with state and federal law (Civil Rights Law § 47 et seq.).

337.3 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. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Saratoga County Sheriff's Office 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.

337.4 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.

337.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Office members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

337.6 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 Office 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.

337.7 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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Absent a violation of law independent of the ADA, members 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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Native American Graves Protection and Repatriation

338.1 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.).

338.1.1 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.

338.2 POLICY

It is the policy of the Saratoga County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects,

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sacred 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.

338.3 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

338.4 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).

338.5 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

339.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for members of the Saratoga County Sheriff's Office with respect to taking law enforcement action while off-duty.

339.2 POLICY

It is the policy of the Saratoga County Sheriff's Office that members generally should not initiate law enforcement action while off-duty. Members are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any member 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, may take reasonable action to minimize or eliminate the threat.

339.3 DECISION TO INTERVENE

There is no legal requirement for off-duty members to take law enforcement action. Members 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 a member 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.

339.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the member 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 member from the caller and broadcast that information to responding members.

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Whenever practicable, the member should loudly and repeatedly identify him/herself as a member with the Saratoga County Sheriff's Office until acknowledged. Official identification should also be displayed when possible.

339.4 CONSIDERATIONS

When encountering a non-uniformed member in public, uniformed members should wait for acknowledgement by the non-uniformed member in case he/she is working in an undercover capacity.

339.4.1 INCIDENTS OF PERSONAL INTEREST

Office 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.

339.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the member shall notify the agency as soon as reasonably practicable. Members shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Members shall notify the on-duty shift sergeant regarding any law enforcement action taken while off-duty. The shift sergeant shall brief his/her chain of command and may be dispatched to the scene by his/her superiors.

The shift lieutenant shall determine whether a crime report or an administrative report should be completed by the involved member.

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Extreme Risk Protection Orders

340.1 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.

340.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order - 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).

Prohibited items - Firearms, rifles, or shotguns that are prohibited by an extreme risk protection order (CPLR § 6340).

340.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to apply for and serve extreme risk protection orders in compliance with state law, and to properly account for prohibited items obtained by the Office pursuant to such orders.

340.3 EXTREME RISK PROTECTION ORDERS

A member who reasonably believes that an extreme risk protection order is appropriate should obtain supervisor approval prior to seeking an order. Application for an extreme risk protection order shall require approval from a member of at least the rank of sergeant. When application has been authorized by the appropriate personnel, it shall be reviewed and approved by the applying member's supervisor prior to filing.

340.3.1 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).

340.3.2 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).

340.4 SERVICE

Members 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).

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340.4.1 SAFETY CONSIDERATIONS

When appropriate, based on the circumstances and Office procedures, service of orders should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should fewer than two members be present when an order is being served.

340.4.2 SURRENDER OF PROHIBITED ITEMS

Members serving an extreme risk protection order shall request that the named person immediately surrender all prohibited items as required by the order. Members 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).

A receipt identifying all surrendered or seized items shall be prepared by the members and a copy given to the person (CPLR § 6344). The members should ensure the original receipt is included in the original case report and forwarded to the Identification Officer as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Unit Policy.

340.4.3 SEARCH WARRANTS

Members should consider whether a search warrant may be reasonably necessary prior to attempting service of an order. Similarly, members should be aware that search warrant authority may be conferred upon them by virtue of the extreme risk protection order if stated therein.

Consideration should also be given to whether a search warrant is necessary after an extreme risk protection order has been served if a member 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. Additionally, members should complete the risk assessment form and submit it to the appropriate supervisor for review and classification of risk prior to execution.

340.5 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in Office custody pursuant to an extreme risk protection order should be referred to the Property and Evidence Unit.

340.6 RENEWAL OF EXTREME RISK PROTECTION ORDER

If a member believes a person subject to an extreme risk protection order continues to be likely to engage in conduct that would result in serious harm to himself, herself, or others, as defined in paragraph one or two of subdivision (a) of section 9.39 of the Mental Hygiene Law, such member shall, at any time within sixty days prior to the expiration of such existing extreme risk protection order, initiate a request for renewal of such order, setting forth the facts and circumstances necessitating the request (CPLR § 6345). Any request for extension of an extreme risk protection order shall require approval from a member of at least the rank of sergeant. When application has

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been authorized by the appropriate personnel, it shall be reviewed and approved by the applying member's supervisor prior to filing.

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Generative Artificial Intelligence Use

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for Office use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of Office information technology resources are found in the Information Technology Use Policy.

341.1.1 DEFINITIONS

Definitions related to this policy include:

Automated decision-making tool - Any software that uses algorithms, computational models, or artificial intelligence techniques, or a combination, to automate, support, or replace human decision-making (Technical Law § 401).

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

341.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance Office procedures, and improve the overall effectiveness of the Saratoga County Sheriff's Office.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as Office tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Office to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Office using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

341.3 RESPONSIBILITIES

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341.3.1 SHERIFF

The Sheriff or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any Office functions.

341.3.2 AI COORDINATOR

The Sheriff or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Administrative Services Captain or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

(a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Sheriff or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:

1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Office consistently over time.
2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the Office's use of the system.
3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.

(b) Ensuring appropriate contractual safeguards are in place to manage third-party use of Office data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Office and third-party vendor.

(c) Coordinating with others within the Office and County, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.

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(d) Maintaining a list or inventory of Office-approved GenAI systems and, when appropriate for Office transparency, making the list or inventory available to the public.

(e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

(f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.

(g) Developing and updating training for the authorized users of each Office-approved GenAI system.

(h) Ensuring access to Office GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.

(i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Office to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the Office's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.

(j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.

(k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.

(l) Reviewing this policy and Office practices and proposing updates as needed to the Sheriff.

(m) Developing procedures in coordination with the *Brady* information coordinator and the Identification Officer for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the New York Freedom of Information Law.

(n) Ensuring the assessment, adoption, notification, and use of automated decision-making tools is consistent with state law (Technical Law § 402-a).

341.4 USE OF GENERATIVE AI

The use of Office GenAI systems by Office members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

(a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.

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(b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).

(c) Include a statement in the final document or work product that GenAI was used to aid in its production.

341.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

341.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Sheriff or the authorized designee for the intended use.

341.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

(a) A review of this policy

(b) The need for human oversight of GenAI outputs

(c) The interpretation, review, and verification of GenAI output

(d) Checking GenAI output for bias or protected information

(e) Ethical use of GenAI technology

(f) Data security and privacy concerns

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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 Saratoga County Sheriff's Office provides patrol services 24 hours a day, 7 days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and Office members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed members in clearly marked law enforcement vehicles in assigned jurisdictional areas of Saratoga County. 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.

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400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Office 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.

Additionally, information should be shared with outside agencies and the public in conformance with Office policies and applicable laws. Members are encouraged to share information with other units and divisions utilizing the chain of command where appropriate.

400.5 CROWDS, EVENTS AND GATHERINGS

Members may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Members 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.

Members 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, members 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.

Members are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

400.6 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 Sheriff or the authorized designee.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to Office members that affirms the Saratoga County Sheriff's Office'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 Office'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 or improper profiling - 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 Saratoga County Sheriff's Office 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 Office 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 a member 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 Office 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.

401.4.1 REASON FOR CONTACT

Members contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved member 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 member to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS
Each time a member makes a traffic stop, the member 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 member and his/her supervisor in a timely manner.
    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review Mobile Data Terminal (MDT) data and any other available resource used to document contact between members and the public to ensure compliance with this policy.
    (a) Supervisors should document these periodic reviews.
    (b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this Office who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Chief Deputy or the authorized designee should review all personnel complaints for allegations of biased policing and submit a report, including public concerns and complaints, to the Sheriff. The annual report should not contain any identifying information about any specific complaint, member of the public or member. It should be reviewed by the Sheriff 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

Training on fair and objective policing and review of this policy shall be conducted annually and include:

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(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

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Briefing

402.1 PURPOSE AND SCOPE

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this short period.

402.2 POLICY

Briefing 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 BRIEFING

All divisions and specialized units will conduct regular briefing to discuss, disseminate and exchange information among Office members, work groups and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Briefing 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.

Supervisors should also ensure that all members are informed about General Orders and any recent policy changes.

402.4 PREPARATION OF MATERIALS

The member conducting briefing is responsible for preparation of the materials necessary for a constructive briefing.

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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 Saratoga County Sheriff's Office 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 member at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Members 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 a member has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the member 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

Members 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 members 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. Members 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, members 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.

A fire chief may, as part of his/her obligation to determine the cause of a fire or explosion, request and authorize members to participate in determination of cause and conduct a search for that limited purpose without a search warrant (General Municipal Law § 204-d).

403.6 INVESTIGATIONS DIVISION CAPTAIN RESPONSIBILITIES

The Investigations Division Captain 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 Manager shall ensure that members who are responsible for processing crime or disaster scenes receive the appropriate training.

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Special Operations Team (SOT)

404.1 PURPOSE AND SCOPE

This policy provides guidelines for the specialized support of the Special Operations Team (SOT) in handling critical field operations where special tactical deployment methods or intense negotiations are beyond the capacity of field members.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Special Operations Team (SOT): Designated members who are specially trained and equipped to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of members not similarly trained.

Crisis Negotiations - Designated members, 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 members, 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 Office 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.

Explosive Breach – A technique of employing explosive materials to create an opening through a door, window, wall, or other barrier to allow access.

Breacher – A member of the SOT who is specifically trained in the construction, placement, and firing of explosive breaching charges.

Assistant Breacher – A member of the Tactical Team or designated tactical operator who works with and trains under the direction of the Breacher who assists with the construction, placement, and firing of explosive breaching charges.

Explosive Breaching Device – A target-specific device constructed with explosives and non-explosive materials for the purpose of gaining entry into a structure.

Breachers Report – A detailed form used to document the use of explosive breaching charges during training and actual operations

Noise/Flash Diversionary Device (NFDD) - Also known as “flash bangs”, NFDD are devices that are commercially produced that produce a loud noise accompanied by brilliant light when activated.

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404.2 POLICY

It shall be the policy of the Saratoga County Sheriff's Office to maintain a SOT, either internally or through participation in a regional team, comprised of negotiation and tactical teams, and to provide the equipment, manpower and training necessary to maintain such teams and support the Saratoga County Sheriff's Office and any other requesting law enforcement agency during critical incidents. The SOT should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

When a critical incident occurs, the SOT shall be activated. Critical incidents consist of, but are not limited to, the following:

(a) **Barricaded persons or hostage situations** (see the Hostage and Barricade Incidents policy)

(b) **Suicide Threat:** Cases in which a person in crisis threatens to take his/her own life in a manner that has the propensity to produce death or injury to others as well.

(c) **Sniper Cases:** The firing upon citizens and/or law enforcement by an armed suspect whether stationary or mobile.

(d) **Dignitary or VIP:** An assignment to provide security or assist other agencies in providing security to special persons, such as VIPs, witnesses, or suspects based upon a threat or potential threat to their safety.

(e) **High Risk Warrant:** Cases where persons inside the structure to be secured are believed to be armed and/or dangerous, or which involve risk factors indicating that the use of the SOT would be appropriate.

(f) **Civil Disturbances:** Law enforcement response to actual or potential civil disturbances including riots, disorders, violence arising from dissident gatherings, protests, marches, strikes, or other disputes and the need for specialized training and/or equipment to safely handle the matter exists.

(g) **Special Assignments:** As approved by the Sheriff based upon a high degree of potential threat.

404.3 CAPABILITIES

This Office acknowledges that training needs may vary based on the experience level of team members, team supervisors, team commander 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.

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404.4 MANAGEMENT AND SUPERVISION

The SOT consists of a minimum of 15 members who are regularly assigned to traditional units. Under the direction of the Sheriff, through the Chief Deputy, the SOT shall be managed by the appointed SOT Commander. The SOT Commander shall be selected by the Sheriff upon recommendation of command staff and without consideration of the rank of the commander. The Sheriff shall designate one SOT member as a Team Leader based upon recommendation of the Team Commander. The Team Commander and Team Leader shall be responsible for the coordination and supervision of the SOT. The Team Commander shall designate the chain of command within the SOT and shall provide for designation of a Team Leader or Assistant Team Leader to be an acting Team Commander in his/her absence. When ranking members of the SOT are unavailable, a non-ranking member may be temporarily assigned as Team Leader.

The SOT shall consist of the leadership section, 2 entry squads, and 2 marksman squads. The organization and standards for each squad or section will be governed by existing SOPs and training.

404.4.1 TEAM SUPERVISORS

The Sheriff and Team Commander will select additional SOT members to serve in the capacity of Assistant Team Leaders and Sniper Element Leaders. These members will constitute the team’s leadership section. In the event that a SOT member holds a rank higher than that of the Team Leader, they shall still remain under the command and supervision of the SOT leadership section for SOT operations and activities.

404.4.2 COMMAND RESPONSIBILITIES

The Saratoga County Sheriff's Office Special Operations Team believes in and supports the Incident Management System. The ranking officer on-scene becomes the Incident Commander and the SOT Commander becomes the Tactical Commander. However, in terms of tactical issues, the SOT Commander is responsible for deployment, decision making, and tactical resolution of the incident.

The Incident Commander establishes a Command Post (CP) in accordance with the Incident Command Systems policy. The SOT Commander operates out of a separate Tactical Operations Center (TOC). The SOT Commander will ensure adequate liaison occurs with the CP and with the Crisis Negotiations Unit. The ranking officer at the scene who has charge of other non-SOT members shall be advised of the SOT plan of action to assure that all members are aware of their duties.

If there are conflicting orders, the last standing order of the highest ranking sworn member in succession of tactical officers through to the Sheriff will be followed for a tactical operation

Sworn members who are not members of the SOT but who are assigned to assist the SOT in its operations (e.g. UAV Unit, K9 Unit) shall, for the duration of said operation, be subject to the SOT chain of command.

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In the case of an emergency deployment the senior SOT member on the scene will assume command of SOT operations until the arrival of a higher SOT authority**.**

404.5 READINESS

An operational readiness assessment should be conducted to determine the type and extent of SOT missions and operations appropriate to this Office. The assessment should consider the capabilities, training and limitations of the SOT and should be reviewed annually by the SOT Commander or the authorized designee.

404.5.1 EQUIPMENT INSPECTIONS

The SOT Commander shall appoint a team supervisor to perform operational readiness inspections of all SOT equipment at least quarterly. The result of the inspection will be forwarded to the SOT Commander in writing. The inspections will include personal equipment issued to members of the SOT, operational equipment maintained in the SOT facility and equipment maintained or used in SOT vehicles.

404.5.2 MULTIJURISDICTIONAL OPERATIONS

The SOT, including any relevant specialized teams and supporting resources, should develop protocols, agreements, memorandums of understanding (MOUs) or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional SOT operations will regularly be conducted, multi-agency and multidisciplinary joint training exercises should occur.

(b) Members of the Saratoga County Sheriff's Office SOT shall operate under the policies, procedures and command of the Saratoga County Sheriff's Office when working in a multi-agency situation.

404.6 OPERATIONAL GUIDELINES

The following are guidelines for the operational deployment of the SOT. Generally, the tactical 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 SOT shall be at the discretion of the SOT Commander.

404.6.1 APPROPRIATE USE

Incidents that may result in the activation of the SOT include:

(a) Barricaded suspects who refuse an order to surrender.

(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.

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(e) Any situation that could threaten or undermine the ability of the Office 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 lieutenant. Deployment of the Saratoga County Sheriff's Office SOT in response to requests by other agencies must be authorized by the Sheriff or his designee.

404.6.2 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 SOT is to respond to the scene. With input from the Incident Commander, final determination will be made by the Sheriff or his designee. The SOT Commander shall then be notified through the communications center. If the SOT Commander is unavailable, then a specialized team supervisor shall be notified.

The lieutenant should brief the SOT 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 SOT Commander or team supervisor shall then follow current callout procedures. A current mobilization list shall be maintained in the lieutenant's office and the Communication Center by the SOT Commander.

The lieutenant will notify the Chief Deputy as soon as practicable.

404.6.3 FIELD PERSONNEL RESPONSIBILITIES

While waiting for the SOT 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.

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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.

(g) Plan for, and stage, anticipated resources.

404.6.4 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SOT at the scene, the Incident Commander shall brief the SOT Commander and team supervisors. Upon review, it will be the SOT Commander's decision, with input from the Incident Commander, whether to deploy the SOT. Once the SOT Commander authorizes deployment, the SOT 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 SOT. The Incident Commander and SOT Commander or the authorized designee shall maintain direct communication at all times.

404.6.5 COMMUNICATIONS WITH SOT MEMBERS

All persons who are non-SOT members should refrain from any non-emergency contact or interference with any SOT member during active negotiations. SOT operations require the utmost in concentration by involved members and, as a result, no one should interrupt or communicate with SOT members directly. All non-emergency communications shall be channeled through the negotiation team or tactical team supervisor or the authorized designee.

404.7 EXPLOSIVE BREACHING

Tactical breaching charges are specialized tools which are deployed in the furtherance of legitimate law enforcement duties. Tactical explosive breaching/entry (i.e. the use of explosive materials to effect affect an entry) can be a useful tactical option. An explosive breaching charge is a forced entry tool. An effective breach is a design where the most efficient use of the minimum amount of explosives is used to achieve 100% successful penetration, 100% of the time. Effective breaching techniques allow immediate entry with minimal risk to victims, tactical officers, and the suspect(s). This technique enhances the speed and shock effect required of dynamic rescue or entry operations. Explosive breaching may also be useful to pre-detonate any emplaced booby-traps known to be present at the crisis site.

The utilization of explosive breaching charges can be a safe and viable tactic when supporting SOT personnel during the resolution of certain critical incidents and shall only be implemented by trained members of the SOT. This may include:

- Terrorist events

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- Hostage rescue operations
- Service of particularly high-risk search/arrest warrants
- Barricaded gunman scenarios
- Pre-detonate booby traps
- Civil disaster scenarios

Tactical breaching charges are specialized tools which are deployed in the furtherance of legitimate law enforcement duties. Tactical explosive breaching/entry, the use of explosive materials to affect an entry, can be a useful tactical option. An explosive breaching charge is a forced entry tool. An effective breach is a design where the most efficient use of the minimum amount of explosives is used to achieve 100% successful penetration, 100% of the time. Effective breaching techniques allow immediate entry with minimal risk to victims, tactical officers, and the suspect(s). This technique enhances the speed and shock effect required of dynamic rescue or entry operations. Explosive breaching may also be useful to pre-detonate any emplaced booby-traps known to be present at the crisis site.

404.7.1 CRITERIA FOR EXPLOSIVE BREACHING

The criteria for the use of explosive breaching may include situations where:

- Explosives are the only means capable of physically breaching the locations barriers/ fortifications.
- The suspect possesses or has demonstrated a propensity for violence.
- The breach point has an unusually risky configuration.
- Other breaching methods are deemed unsafe or impractical.
- A penetration/compromise of the structure is desired (regardless of whether entry is being made at that time, i.e. Breach and Delay).

404.8 NOISE FLASH DIVERSIONARY DEVICES (NFDD)

NFDD are items produced commercially which, when activated, produce a loud noise and an accompanying brilliant light. This combination of light and sound can cause confusion and disorientation to the occupants of a premise which is the target of a tactical entry. Additionally, these devices may be used to divert the attention of a suspect to a location away from law enforcement and/or citizens. NFDD should be viewed as a less lethal controlled level of force which, when used properly, may reduce the need for other types of force. This may also reduce the risk of injury to the law enforcement, suspects and innocent persons.

Because of the specialized nature of NFDD and the training required to deploy them, their use shall be restricted to trained members of the SOT. Only SOT members who have successfully completed a departmentally approved training course in the proper use and deployment of NFDD shall be authorized to deploy them during actual operations. In order to remain authorized to use the devices, SOT members shall successfully complete a refresher course on an annual basis. This refresher course shall be comprised of both classroom instruction and practical application.

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Except in an emergency situation (i.e. life threatening), NFDD shall not be utilized without prior authorization of the SOT Commander. In the absence of the SOT Commander, the SOT Team Leader or acting tactical team leader may authorize their use.

404.8.1 DEPLOYMENT CONSIDERATIONS AND PROCEDURES

(a) The specific procedures for deployment of NFDD shall be contained in the course content of the annual training and may change as opinion of experts and new and innovative procedures become available in the field of tactical operations

(b) The specific procedures for deployment shall at all times be directed toward the safest possible use of the devices with respect to law enforcement personnel, the general public and any dangerous subjects. Prior to deployment, SOT members shall consider available intelligence information and circumstances (e.g. the presence of children, elderly persons, etc.). Whenever possible, devices shall be deployed to an area visible to the deploying member

(c) Because NFDD have the potential to ignite flammable materials, a portable fire extinguisher should be accessible whenever devices are to be deployed. The fire department shall be advised and be requested to stage in the area when practical

(d) **Malfunctioning NFDD:** In the event of an NFDD malfunction, once the event or operation is complete and it is safe to do so the area around the NFDD shall be blocked off and a member who is trained in the use of NFDD should visually assess the non-functioning device and follow appropriate procedures for disposal of said device.

404.8.2 NFDD STORAGE

NFDD shall be kept in an appropriate storage unless they are being used, being transported for use, or have been issued to a member.

Appropriate storage shall consist of the Type 2 magazine.

404.9 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 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.

404.9.1 SELECTION OF TACTICAL MEMBERS

Interested members who are off probation and have a minimum of two years of law enforcement experience at the Saratoga County Sheriff's Office (or related experience at the discretion of the SOT leadership section) are eligible, Applicants must be volunteers.

Interested members should submit a request to their appropriate sergeant, a copy of which will be forwarded to the SOT Commander and other tactical team supervisors. Those qualifying applicants will then be invited to participate in the testing process as openings occur. The order

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of the tests will be at the discretion of the SOT 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 SOT 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 SOT, 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 test and scoring procedure will be established by the SOT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position. The physical agility test shall include, but not be limited to, a 1 ½ mile run, sit-ups, and push-ups. Applicants must score at the 70th percentile of the current Cooper Standards in effect at the time of test.

(c) Firearm qualification: Candidates will be invited to shoot the SOT basic drill for the handgun. The minimum qualifying score is the 90th percentile (225 out of 250) for the BMP pistol course of fire.

(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.

Additional testing may be conducted at the discretion of the SOT leadership section. All testing requirements shall be posted prior to the testing date.

The SOT leadership section shall be responsible for oversight of the selection process.

Removal of SOT members may be made unilaterally by either the Sheriff, the SOT Commander, or the individual member.

Following appointment to the SOT, applicants must successfully complete a special pre-service training program.

404.9.2 PROCEDURE FOR ACTIVATING SOT

The activation of the SOT shall take precedence over all other assignments within the Saratoga County Sheriff’s Office, manpower permitting.

The following persons are authorized to place the SOT in “active status”:

(a) The Sheriff, Undersheriff, Chief Deputy and captain's (or in their absence the senior on-duty sergeant may authorize the activation of the SOT;

(b) Upon the verification of a demonstrated need for the SOT, the supervisory officer responsible for the scene shall advise the SOT Commander of the nature and location

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of the situation. The SOT Commanded shall determine if a response is warranted under the circumstances presented. In the event the SOT Commander is not available, the SOT Team Leader shall be contacted; in his/her absence, the Assistant Team Leader(s) shall be contacted;

(c) The SOT Commander, Team Leader, or one of the Assistant Team Leaders shall then ensure that SOT members are recalled as rapidly as possible. The SOT has a system in place with the Saratoga County Reverse 911 system for the purposes of recall.

The Saratoga County Sheriff's Office SOT is available to any other requesting law enforcement agency, upon the approval by the Sheriff. When a request for the team is received it shall be immediately forwarded to the SOT Commander, or the next team leader in the chain of command if the Team Commander is unavailable, who will determine if the situation warrants the activation of the team. If the situation warrants the activation of the team, the Team Commander will contact the Sheriff and request the activation of the team. A Captain will respond to any SOT activation outside of Saratoga County to provide administrative assistance and oversight. Once permission is granted the activation will follow standard procedures.

404.10 SOT RESPONSE

On-duty members of the SOT shall assist the ranking officer at the scene of the incident in the establishment of an inner and outer perimeter in order to contain it to as narrow an area as possible. The SOT leader who recalls other members shall direct them to report to the station or to the area of the incident as circumstances dictate.

The SOT has the following direct capabilities:

(a) Entry Operations:
SOT entry element(s) will have the primary responsibility of completing the SWAT mission relative to hostage rescue, high-risk warrant service, high-risk suspect apprehension, and barricaded armed subjects. Entry element(s) will be responsible for the safety and security of the location including inside the location and the inner perimeter. To accomplish these tasks, the SOT is capable of using the following tactics, or a combination thereof: dynamic entry, controlled entry, surround and call-out, limited penetration, breach and hold, breach and fade, surveillance and take down away or deployment of chemical munitions.
SOT operations often involve hazardous and dangerous situations. The SOT will take reasonable steps to ensure the safety of all involved persons. However, these situations may require that decisions be made which will affect the life and safety of persons involved. To guide these decisions the following priority of life will be applied:

1. Hostages;
2. Innocent bystanders and civilians in the vicinity;
3. Law enforcement;
4. Hostage-takers/suspects.

In making decisions in a tactical situation the life and safety of the hostage-taker(s) or suspect(s) will be given serious consideration. However, the life and

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safety of hostages, other victims, innocent civilians, and officers will be the priority.

When tactical operations plans are part of a broader operations plan, the SOT Commander shall consult with other relevant Division and Unit Commanding Officers to ensure compatibility and completeness of all aspects of the broader operations plan.

Whether or not there is a written operations plan in place, the SOT Leader shall provide, or cause to be provided, a briefing of participants regarding the operation and their respective roles and responsibilities prior to commencing a tactical operation.

(b) Noise Flash Diversionary Devices:
Use of Noise Flash Diversionary Devices (NFDD) should be authorized in advance by the SOT Commander or in his absence, the SOT Team Leader. However, in exigent circumstances, such as life-threatening situations, in which there is no opportunity to consult with the SOT Commander, a NFDD may be utilized by authorized members in accordance with training and Saratoga County Sheriff's Office policies governing NFDD (404.7).

(c) Crisis Negotiators:
The use of the Saratoga County Sheriff's Office Crisis Negation Unit (CNU) by or in conjunction with the SOT is covered by section 404.10 of this policy manual.

(d) Tactical Medical Care:
The SOT utilizes an EMT attached to the team who has completed the MTPC SWAT Operator Course and is capable of administering medical care. Additionally, if available, a medical component shall be achieved by utilizing Albany Medical Center trauma physicians who shall be on scene for immediate life saving measures. They shall be equipped with a medical bag, helmet and level IV trauma vest prior to involvement in any operation. The SOT team leadership shall also plan what the emergency evacuation route will be and designate a vehicle for transporting injured if necessary. In major events, team leadership shall attempt to have a medical helicopter on stand-by. For lower grade incidents, local EMT and paramedics or an office member with appropriate certifications will be placed on stand-by or be requested to the staging area and participate in the tactical briefing.

(e) Breaching Capabilities:
When it appears that breaching will be necessary for a tactical entry to gain access to a building or vehicle, the SOT Commander may authorize and direct such breach. When breaching is anticipated, strategies for same shall be included in the operations plan. Breaching may be accomplished using mechanical (ram, Halligan Bar, sledgehammer, multi-function tool), explosive breaching or frangible breaching shotgun rounds, as the situation requires. Except in extreme emergencies (i.e., life threatening situations), explosive breaching and or/the breaching shotgun rounds shall not be used without prior authorization from the SOT Commander.In the absence of the SOT Commander, the Team Leader may authorize their use. Explosive breaching procedures will follow section 404.8 of this policy manual.

(f) Sniper/Observer Teams:

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When Sniper Teams are deployed operationally, they will generally be deployed in teams of two (2): (Sniper / Observer). Deployment directives will be provided to the Sniper Team by the SOT Commander or Team Leader. These directives will include the nature of the situation, call signs, area of responsibility, lethal force directives and entry team activities. Deployed Sniper Teams will notify TOC of their final operating position (clock and distance), weapon, field of fire and field of sight. The decision to engage a threat with precision fire shall ultimately rest with the individual sniper, based upon Article 35 of the New York State Penal Law.

(g) Robotic Equipment:
The SOT utilizes an iRobot 310. This robot is available in the SOT transport van to be utilized as needed at the discretion of the Team Leader. SOT members are familiar with its operation. The SOT also has the capabilities of a pole camera and Bounce Imaging throw camera to be utilized at the discretion of the team leader.

(h) Surveillance:
In the case of a staged event, where there is advanced notice, the SOT Commander or Team Leader shall assign one or more team members to conduct visual reconnaissance of the target location and intelligence gathering.This may include, but not be limited to consultation with the investigating officers, covert surveillance of the target location, a review of available police records associated with the target location and potential occupants and obtaining floor plans and keys. In emergency deployments, reconnaissance and intelligence gathering will commence once the situation is stabilized. The SOT Commander may request the Incident Commander assign other qualified personnel with this task.

(i) Chemical Agents/Less Lethal Munitions:
In situations involving the threatened use of Deadly Physical Force by a person, the SOT Team Commander and Team Leader shall ensure that less-than-lethal force options are deployed in conjunction with deadly physical force options. The Saratoga County Sheriff's Office policies governing the use of physical force and deadly physical force shall apply to SOT operations. Chemical munitions will be used only in situations where the use of said substances and munitions makes the most sense to bring a close to a dangerous conflict. Use of chemical agent munitions should be authorized in advance by the SOT Commander or in his absence, the SOT Team Leader. However, in exigent circumstances, such as life-threatening situations, in which there is no opportunity to consult with the SOT Commander, chemical agent munitions may be utilized by authorized members in accordance with training and the corresponding policies of the Saratoga County Sheriff's Office.

(j) Ability to Function within National Incident Management System (NIMS):
The Saratoga County Sheriff's Office and the Special Operations Team participate in the National Incident Management System (NIMS). The Saratoga County Sheriff's Office and the Special Operations Team utilize the Incident Command System (ICS). Each SOT Operator must successfully complete FEMA ICS 200.b for Single Resources and Initial Action Incidents and ICS 700 National Incident Management Systems courses (See 404.12.2 of this policy manual).

(k) Bomb Squad Accessibility:

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In the event of an incident involving an improvised explosive device (IED) of any type, incendiary device, explosives, explosive chemicals, pyrotechnics, or unexploded ordinance or any otherwise unspecified device that would necessitate the need for a Bomb Squad or Bomb Technician, the SOT Commander or his/her designee may call upon the NYSP Bomb Squad.

During any deployment of the SOT, when needed, additional resources, including the Saratoga County Sheriff's Office Crisis Negotiation Unit and the ATF or NYSP Bomb Squad shall be requested through the SOT Commander or his/her designee. The Saratoga County Sheriff's Office Crisis Negotiation Unit is a separate team and their directives as defined in the corresponding Saratoga County Sheriff's Office policy shall apply.

404.10.1 SOT RESPONSE PLANNING AND DEBRIEFING

When sufficient advance notice is given of an operation requiring the services of the SOT, the SOT Team Leader shall prepare a written tactical operations plan which shall be approved by the SOT Commander. For emergency activation of the SOT, the team leader will complete a written operations plan as soon as practicable.

The Operations Plan will have the following format:

- Location
- Key Terrain
- Time
- Situation
- Subject/Suspect(s)
- Threat Assessment Score
- Unknowns
- Agencies Involved and identifiers
- Negotiator Procedures
- Identification of Incident Commander
- Mission
- Personnel Assignments
- Written After Action

Debriefing:

As soon as practical following a tactical operation, all Special Operations Team members involved will participate in a debriefing. During this time, team members will analyze all aspects of the call including what went well and what areas need improvement in future operations. Team members will openly accept criticism as part of this process. Additionally, the Special Operations Team Leader shall prepare, or cause to be prepared, an after-action report.

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404.11 CRISIS NEGOTIATIONS UNIT (CNU)

The Saratoga County Sheriff's Office Crisis Negotiations Unit (CNU) is designed to support the Saratoga County Sheriff's Office and any other requesting law enforcement agency with trained Crisis Negotiators that are capable of responding to critical incidents. The CNU operates and supports the NIMS. Members of the CNU will operate with the goal of preserving and protecting human life through dialogue techniques.

The CNU shall consist of at least 6 members whose primary function is criminal investigations. The Sheriff will designate a CNU Commander. The CNU Commander will appoint an acting Commander in his absence. The CNU Commander is responsible for deployment of CNU negotiators and decision making related to the negotiation aspects of the critical incident. The CNU Commander shall be responsible for documenting training and deployments of CNU members.

The CNU shall operate in conjunction with the SOT or as a standalone unit depending upon the circumstances of the crisis.

The following procedures serve as directives for the administrative operation of the negotiation team.

404.11.1 ACTIVATION OF THE CNU

Activation of the CNU shall take precedence over other assignments for an investigator(s) assigned to the CNU, manpower permitting. The following persons are authorized to activate the CNU:

(a) The Sheriff, Undersheriff, Chief Deputy, or captain.

Upon activation of the SOT, the CNU shall be activated as well. Crisis Negotiators shall be activated in teams of 2 members. Upon verification of the need for the CNU, the supervisory member on scene shall advised the CNU Commander of the nature and location of the crisis.

404.11.2 SELECTION OF NEGOTIATION MEMBERS

Interested members who hold the rank of investigator or above, shall submit a request to their appropriate lieutenant, a copy of which will be forwarded to the SOT Commander and other tactical team supervisors. A copy will be forwarded to the SOT Commander and the CNU commander. Qualified applicants will then be invited to an oral interview. The oral interview board will consist of the SOT Commander, the negotiation team supervisor and a third person to be selected by the two. Interested members shall be evaluated by 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 SOT, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

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(f) Successful completion of a MPTC approved negotiator course or the FBI Crisis Negotiation Training course.

404.11.3 NEGOTIATION TRAINING
Each member of the CNU must successfully complete either the New York State MPTC Hostage Negotiator Course, the Federal Bureau of Investigation Hostage Negotiator Course, or an equivalent.

CNU members shall complete in-service training as scheduled by the CNU Commander. This training shall consist of, but is not limited to, seminars, situation debriefs, active role play negotiations, equipment usage, and joint training with the SOT.

404.11.4 CNU EQUIPMENT
The CNU shall have available for deployment a department issued wireless phone, a bullhorn, patrol vehicle, or armored vehicle loudspeaker system.

404.12 UNIFORMS AND EQUIPMENT
SOT specialized teams from this Office 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.

404.12.1 SPECIAL EQUIPMENT
SOT members and entry team shall wear or have on their persons, as applicable, the following items whenever engaged in tactical operations:

(a) An appropriate authorized department uniform;

(b) Tactical body armor;

(c) Ballistic helmet and eye protection;

(d) Fully loaded semi-automatic service firearm with tactical holster and at least two additional fully loaded magazines in a magazine pouch;

(e) Pouches to carry rifle magazines or shotgun shells.

(f) Prisoner restraints or handcuffs with pouch;

(g) Knife of such type as approved by the SOT Commander;

(h) Air purifying respirator and pouch with extra filter;

(i) Portable radio with earpiece or transducer;

(j) Flashlight;

(k) Individual gunshot wound kit which shall include, at a minimum:

1. Tactical tourniquet (SOF-T or CAT)
2. Tactical trauma bandage or "Z" or "S" folded gauze with a compression wrap
3. Occlusive dressing (Asherman, Bolin, Hyfin or vaso-gauze)
4. Combat gauze (Quick Clot or equivalent)

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5. Duct or 2 inch tape
6. Trauma shears
7. Nasal airway
8. 14 gauge 3.25 inch needle
9. Emergency medical data card

Sniper / Observer Teams and Tactical Operators who are assigned to surveillance, reconnaissance and intelligence gathering, may deviate from the above specialized equipment if carrying such equipment would compromise identity or mission. The SOT Commander shall maintain a list of special equipment assigned.

404.12.2 TEAM EQUIPMENT

The SOT Team Leader and Assistant Team Leader shall ensure that SOT equipment is properly maintained and available in such quantities as may reasonably be necessary to the operations of the team, including, without limitation, the following:

(a) Special Operations transport van
(b) Additional ammunition for all weapons
(c) NFDD
(d) Portable ladder
(e) Wired and wireless transmitting equipment for hostage negotiation
(f) Mechanical and shotgun breaching equipment
(g) Marksman rifle with optical sights
(h) Patrol rifle/sub machine guns with weapons lights
(i) Aerosol irritant with delivery system
(j) Less lethal weapons with delivery system
(k) Chemical Agent Munitions with delivery system
(l) Hand-held ballistic shields or mounted ballistic shield (MRAP Shield system)
(m) Explosive breaching devices and/or equipment
(n) Tactical Robot
(o) Pole Camera
(p) Radio capable of interoperability with outside agencies we regularly interact with.

SOT members are authorized to use special equipment and supplies provided by or previously authorized for use by the Sheriff. Only those firearms specifically authorized by the Sheriff may be used by the team. Equipment assigned for SOT use, or similar equipment personally owned by SOT members, shall be used only with authorization described above in operational situations or for training.

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404.12.3 FIREARMS
Weapons and equipment used by the SOT specialized teams and any supporting resources should be Office-issued or approved, including any modifications, additions or attachments.

404.13 TRAINING

The SOT Commander shall conduct an annual SOT training needs assessment to ensure that training correlates to the team's capabilities and Office policy.

404.13.1 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

404.13.2 INITIAL TRAINING
Prior to serving operationally, newly appointed SOT members must attend:

(a) New York State Municipal Police Training Council (MPTC) approved SWAT Operator Course; or "SWAT Operator Equivalency Course" (as prescribed by the New York State Division of Criminal Justice Services (DCJS)); and

(b) The following National Incident Management System (NIMS) courses established by the Federal Emergency Management Agency (FEMA):

1. ICS-200.b (Incident Command System (ICS) for Single Resources and Initial Action Incidents); and
2. IS-700.a (Introduction to National Incident Management System.

Snipers/designated marksmen are required to successfully complete a MPTC-approved sniper course or its equivalent for initial training and MPTC -approved annual in-service training for snipers.

404.13.3 UPDATE/REFRESHER TRAINING
In addition to the pre-service training, which all members must undergo at the time of appointment to SOT, each member shall be required to participate in and successfully complete the annual SWAT in-service course and such other training as may be prescribed by MPTC. The normal schedule for such training shall consist of 2 training days every month and any other training as determined by the Sheriff in conjunction with the SOT Commander. The SOT shall conduct periodic training with the New York State Hazardous Device Unit and the Saratoga County Sheriff's Office's Crisis Negotiation Unit to ensure interoperability.

All SOT members shall be trained in NIMS and ICS and receive annual training to maintain proficiency. All SOT members shall be trained and maintain proficiency in basic entry. SOT members who are assigned specialty tasks that are not covered in their required initial training shall complete such additional initial and annual in-service training, as may be required, in the particular specialty task.

In addition, special training programs, which become available through departmental or outside sources, will be used to assure that the SOT remains at peak condition and awareness. Each SOT member must be able to demonstrate his or her proficiency in the use of all special equipment

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provided for use for use by the team. Rehearsals involving simulated incidents are an integral part of this training

Any SOT member who, for any reason, is unable to successfully complete bi-weekly in-service training for a period of six or more consecutive months must first demonstrate firearms proficiency and must also be certified as physically fit for duty prior to participating in any active tactical operation.

Instructors providing training for both initial and in-service training courses must meet the applicable standards and qualifications provided for in Title 9 of the New York Code of Rules and Regulations, Parts 6023 and 6024 and only members who are certified as general topic or specific topic instructors (as the training necessitates) shall be utilized.

The SOT Commander shall ensure that required paperwork is filed with DCJS at least 45 days in advance (or such other time as may be required by MPTC) for all MPTC-approved SWAT-related courses to be provided by the Office for SOT member.

404.13.4 MANAGEMENT TRAINING

SOT members who are assigned supervisory and command responsibilities with respect to tactical operations must first successfully complete command and supervision training. If the SOT Commander has not completed SWAT Operator Training, he/she must complete a tactical command level training course. SOT members who will be designated as Team Leaders must first successfully complete leadership and supervision training. SOT members who conduct or plan SOT training exercises must first successfully complete FEMA course IS-120.a (An Introduction to Exercises) and FEMA course IS-130 (Exercise Evaluation and Improvement Planning Course).

404.13.5 SCENARIO-BASED TRAINING

SOT 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.

404.13.6 TRAINING DOCUMENTATION

The SOT Commander shall ensure that SOT training records are maintained according to The Official Compilation of Codes, Rules, and Regulations of the State of New York and reported in a timely fashion in accordance with the Records Retention Policy and as may be required by law, rule or regulation, including, without limitation: MPTC SWAT Team Standards. Said training records will be recorded and those records will be maintained as follows:

(a) The SOT Commander will maintain records to include lesson plans and course curriculum.

(b) The SOT Commander will maintain records to include class rosters that includes, dates of training, total hours, name of course, each student's name and the result of the training.

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The SOT Commander shall keep team specific training file for each team member. Copies of any formal training will be forwarded to the training manager for inclusion into the team member's departmental training file.

404.14 SOT POLICY AND PROCEDURE REVIEW

As industry best practices may change over time, it shall be the responsibility of the SOT Commander to create and maintain policies and procedures that utilize current best practices. It shall be the responsibility of the SOT Leadership to conduct an annual review of all SOT related policies and procedures to ensure they are in conformance with the M.P.T.C. SWAT Team Certification Standards and best practices.

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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 Saratoga County Sheriff's Office. The term "ride along" includes riding as a passenger with a member of the Saratoga County Sheriff's Office on patrol or observing the work day of members engaged in other functions of the Office.

405.2 POLICY

Ride-along opportunities will be provided to the members of the public including media, Sheriff's Explorer cadets, career exploration internship students, law enforcement, and any other person at the discretion of the Sheriff or the authorized designee.

405.3 ELIGIBILITY

Efforts will be made to accommodate all interested parties however the Sheriff shall have the sole discretion to disqualify any applicant without cause.

In general, applicants must be at least 18 years of age (although certain exceptions may be made for students, etc., who are younger than 18 years of age at the Sheriff's discretion and with written parental or guardian permission). Applicants must be of good moral character and are subject to a background check conducted by the Office.

405.4 AVAILABILITY

Ride-alongs will be made available on both the B and C lines as staffing levels permit. The ride-along should be for a period not to exceed 4 hours although exceptions may be made by the captain as they deem appropriate.

405.5 REQUESTS TO PARTICIPATE

Ride-along applications with the accompanying waiver will be available from the designated captain upon request. Completed applications should be submitted to the designated captain who will conduct an appropriate background check and either approve or deny the request. In the event of an approval, the captain will coordinate with the appropriate personnel to facilitate the ride-along. In the event the application is denied, the captain will contact the applicant and advise them of the reasons therefor. (Note: There are minor differences in each form depending on whom the applicant is, e.g., Explorer, Career Exploration Internship student, general public, etc.).

405.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. Exceptions may be made for cause by the captain.

The Office will endeavor to ensure that no more than one member of the public will participate in a ride-along during any given time period. Normally, no more than one ride-along participant will be allowed in Sheriff's Office vehicles at a given time.

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405.7 REGULATIONS

Assignment to a ride-along shall be on a voluntary basis on the part of the member. No member shall be mandated to participate in a ride-along. The selected member should be a certified field training officer.

Prior to commencing the ride-along, the member shall notify both communications and an on-duty sergeant that they have a ride-along participant present, the expected duration of the ride-along, and any other pertinent information.

No ride-along shall commence until such time as all required paperwork has been completed and approved by the designated captain. Authorization to proceed with the ride-along shall be communicated in writing by the designated captain to the shift lieutenant, who should then forward the approval to the shift sergeant.

The member assigned to a ride-along shall maintain control over the participant and shall instruct them about the conditions that necessarily limit their participation. Although there is no substitute for common sense and sound decision making, and no policy can cover every conceivable circumstance that may arise, at a minimum, the following topics should be discussed and adhered to by the relevant parties:

(a) The participant will strictly follow any directives given by the member.

(b) Non-law enforcement personnel shall not possess any kind of weapon.

(c) The participant is required to wear a ballistic vest provided by the Office at all times during the ride-along. An exception may be made for participants who are law enforcement who wish to utilize their own ballistic vest provided it is worn at all times during the ride-along.

(d) The use of cameras, recording devices, cell phones, and/or any similar devices by the participant is strictly prohibited. An exception may be made in the event a participant needs to make an emergency phone call at the discretion of the member. The foregoing shall not apply to members of the media engaged in a bona fide assignment for an accredited publication.

(e) The member's portable audio/video recorder will be activated at all times during the ride-along. Exceptions may be made as allowed for in the Portable Audio Video Recorders policy.

(f) The participant should not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading a person's criminal history or other protected information, or handling any Office equipment.

(g) Participants are not authorized to be at active crime scenes.

(h) Participation may be terminated by the member at any time if, in the sole discretion of the member, the participant interferes with the performance of the member's duties.

(i) In the event the ride-along is terminated pursuant to the foregoing paragraph, the participant should be returned to the ride-along's point of origin and an on-duty sergeant notified as soon as possible.

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(j) Participants may be allowed to continue a ride-along during the transportation and booking process provided it does not jeopardize their safety and provided they are not exposed to another person's criminal history or other protected information (e.g., from a separate room).

(k) Members shall 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.

(l) Participants who are not law enforcement officers shall not be permitted to accompany the 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.

(m) Members should not respond to a call while operating in an emergency mode at a time when a ride-along is in the vehicle.

405.8 SUITABLE ATTIRE

Any person approved to participate in a ride-along should 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. The participant should not bear any insignia that could reasonably infer that they are a member of law enforcement including patches, badges, etc., unless they are in fact a member of law enforcement.

Any supervisor of the rank of sergeant or above may refuse a ride-along to anyone who is not dressed appropriately.

405.9 TERMINATION OF RIDE-ALONG

Conduct by a participant in a ride-along that results in termination of the ride or is otherwise inappropriate should be reported immediately to an on-duty sergeant. The member should document the reasons for terminating the ride-along in the form of a memorandum directed to the notified on-duty sergeant. The sergeant should cause this memorandum to be delivered to the designated captain through the appropriate channels.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to Office 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 Saratoga County Sheriff's Office 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 the Communication 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

Office 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 incident report that shall be forwarded via chain of command to the shift lieutenant 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.

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.

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Hazardous Material Response

To ensure the safety of members, safety equipment is available from supervisors. Safety items not maintained by this Office 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 members have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the members 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 members 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. This includes persons in the company of a suspect who are not in a position to make a voluntary choice to leave a premises or location (e.g. children).

407.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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 members should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Members 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, Office-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.

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407.3.1 EMERGENCY COMMUNICATIONS

The following law and regulation apply to emergency interception and disconnection of phone services:

(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 members 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 member should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding member shall be in charge of the scene until relieved by a supervisor or a more qualified responder. The member shall continually evaluate the situation, including the level of risk to members, to the persons involved and to bystanders, and the resources currently available.

The handling member 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, members 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 a contact 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.

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(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access. Complete a sketch of the scene to include placement of personnel on site.

(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) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(j) Establish a command post.

407.4.2 HOSTAGE SITUATION

Members 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 members 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 a contact 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) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) 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.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) 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.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

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(k) 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.

(l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Sheriff or authorized designee.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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 Special Operations Team (SOT) response if appropriate and apprising the SOT 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 Office 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 County during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor.

(i) Identify a media staging area outside the outer perimeter as necessary and appropriate.

(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 SOT RESPONSIBILITIES

It will be the SOT Commander’s decision, with input from the Incident Commander, whether to deploy the SOT during a hostage or barricade situation. Once the SOT Commander authorizes deployment, the SOT Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command

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post operation, outer perimeter security, evacuation and media access, and will support the SOT. The Incident Commander and the SOT Commander or the authorized designees shall maintain direct communications at all times.

407.7 REPORTING

Unless otherwise directed by a supervisor or Incident Commander, the handling member at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Saratoga County Sheriff's Office 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.

408.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.3.1 SARATOGA COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Saratoga County Sheriff's Office facility, the shift lieutenant will direct and assign members as required for coordinating a general building search or evacuation of the Sheriff's Office, as he/she deems appropriate.

408.3.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Saratoga County Sheriff's Office that is not the property of this Office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the shift lieutenant deems appropriate.

408.3.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective 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.

408.4 PRIVATE FACILITY OR PROPERTY

Upon arrival at the location of a reported bomb threat the member should obtain and/or confirm as much information as reasonably possible from the notifying individual, including:

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(a) The location of the threat within the facility, if known.

(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 Sheriff's Office 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 Shift Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.4.1 ASSISTANCE

The Shift Supervisor should be notified when Office assistance is requested. The Shift Supervisor will make the decision as to what level the Office will render assistance. 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 the Sheriff's Office taking control of the facility.

Should the Shift Supervisor determine that the Office will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility after consulting with the person in charge of the private facility or property.

(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.

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Even though a facility does not request Sheriff's Office assistance to clear the interior of a building, based upon the circumstances and known threat, members 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.

408.5 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.

(i) Promptly relay available information to the Shift Supervisor 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.

408.6 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding members. 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.

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408.6.1 CONSIDERATIONS

Members 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.

408.6.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional Office personnel, such as investigators and forensic services
- Shift sergeant
- Shift lieutenant
- 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

408.7 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.

408.7.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Supervisor should assign members 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

409.1 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 a member to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

409.1.1 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.

409.2 POLICY

The Saratoga County Sheriff's Office 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 Office 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.

409.3 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

(k) Inappropriate clothing (e.g. shorts in the winter, heavy jackets in summer)

(l) Hoarding, accumulation of trash

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(m) Presence of feces or urine on floor

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.

409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Captain to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide Office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

409.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both 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 members; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a member’s authority to use reasonable force when interacting with a person in crisis.

Members 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.

A member 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 members 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 member.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all persons involved or potentially impacted by the incident.

(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.

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409.6 DE-ESCALATION

Members 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 members 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.

409.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the member should request that the Desk Officer/Desk Sergeant 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 Sheriff's Office response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

409.8 SUPERVISOR RESPONSIBILITIES

A supervisor should monitor all calls involving an interaction with a person in crisis and respond to the scene as needed. 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) If warranted, conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the shift lieutenant.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

409.9 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 Office reporting procedures or other official mental health or medical proceedings.

409.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Admissions Policy.

409.10 EVALUATION

The Captain designated to coordinate the crisis intervention strategy for this Office should ensure that a thorough review and analysis of the Office response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, members or incidents and will be submitted to the Sheriff through the chain of command.

409.11 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all Office members to enable them to effectively interact with persons in crisis.

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Emergency Admissions

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when members may place a person under an Emergency Admission (Mental Hygiene Law § 9.41).

410.1.1 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.

410.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to protect the public and individuals through legal and appropriate use of Emergency Admission Process.

410.3 AUTHORITY

Any member:

(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 to the person or others. The person shall be transported to a hospital, comprehensive psychiatric emergency program (CPEP), or crisis stabilization center as specified in Mental Hygiene Law § 9.41:

  (a) The member may also temporarily detain such person in a safe and comfortable place pending an examination or admission to a hospital or CPEP. 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.

  (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 member 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).

(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

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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).

410.3.1 VOLUNTARY EVALUATION

If a member encounters an individual who may qualify for emergency admission, the member should not inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility (Mental Hygiene Law § 9.41). If the person indicates a desire to seek a voluntary admission, the member should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.

(b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

(c) Contact the parent or appropriate guardian if the person is under 16 years of age prior to proceeding with a voluntary evaluation and/or admission (Mental Hygiene Law § 9.13).

If at any point the person changes the person's mind regarding voluntary evaluation, and the criteria for a § 9.41 admission exists, the member should proceed with the emergency admission.

410.3.2 CRISIS STABILIZATION CENTER SERVICES

In all cases, members should inform individuals of crisis stabilization center services where available (Mental Hygiene Law § 36.02).

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410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any member 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.

While these steps are encouraged, nothing in this section is intended to dissuade members from taking reasonable action to ensure the safety of the members 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.

410.5 TRANSPORTATION

When transporting any individual for an emergency admission or involuntary admission, the transporting member should have the Communication 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.

Members may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a member during the transport, Shift Supervisor approval is required before transport commences. Unless there are safety concerns or a medical reason outside of the mental health concern to request an ambulance, the transport will be made by the deputy in the deputy's vehicle. A supervisor should be advised of the circumstances prior to any involuntary transport.

410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the member will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the member should provide the staff member with any required paperwork for an emergency admission and remain present to provide clarification of the grounds for detention.

Absent exigent circumstances, the transporting member should not assist facility staff with the admission process, including restraint of the individual. Under normal circumstances, members will not apply facility-ordered restraints.However, if the individual is transported and delivered while restrained, the member may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested.

To make certain the examining physician(s) has all relevant information when a person is brought to Saratoga Hospital on either a Mental Hygiene Law § 9.41 Emergency Admission, pursuant

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to a pick-up order or voluntarily, the transporting member should also contact the on-call crisis evaluator at Saratoga Hospital at (518) 886-5592 to brief them on the specifics as to why the person is being brought in. The number is on 24/7. The particulars of this call should be documented in the report (e.g., name of person spoken to, brief description of information relayed). See below (Documentation).

410.7 DOCUMENTATION

The member should complete the New York State Office of Mental Health (OMH) Emergency or CPEP Emergency Admission Form, or other form approved by the Office, 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 member should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention. See attachment: 9.41 Form

The member will document their actions in an incident report.

410.8 CRIMINAL OFFENSES

Members investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody through an emergency admission should 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, the member 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) Consider an emergency admission if the person is released from custody.

(d) Facilitate the individual's transfer to jail if committed by a court and notify corrections staff of the circumstances that indicated the person may qualify for an emergency admission..

(e) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency admission.

(f) Thoroughly document the name and title of the corrections staff notified of the circumstances that indicated the person may qualify for an emergency admission, as well as the time of notification and substance of information conveyed.

410.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency admission, the handling members should seek to determine if the person owns or has access to any firearm or other deadly weapon. Members 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).

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Members 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 member should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

410.10 TRAINING

This Office will endeavor to provide Office-approved training on interaction with persons with a mental disability, an emergency admission, and crisis intervention.

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Appearance Tickets

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Saratoga County Sheriff's Office 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.

411.2 POLICY

The Saratoga County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on an appearance ticket, when authorized to do so.

411.3 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, a member 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).

411.3.1 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 member shall ensure fingerprints of the accused are taken prior to release on an appearance ticket (CPL § 160.10).

A member should take fingerprints of a person arrested for any offense, prior to release on an appearance ticket, if the member:

(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 and palm prints of the arrested person may be taken along with their fingerprints.

411.3.2 APPEARANCE TICKET RETURN DATE

Members 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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411.4 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, 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).

See the Domestic Violence Policy for release restrictions related to those investigations.

411.5 INITIAL CONSIDERATIONS

Members 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.

(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, members 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).

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411.5.1 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, members should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) 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.

(e) The individual’s ties to the area, such as residence, employment, or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

411.5.2 IMPAIRMENT

Members 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, members should consider arranging release to a responsible person. In such case members shall document the name and pedigree information of the person assuming responsibility for the suspected offended in the associated case report.

In the event of a DWI or DWAI alcohol or drugs arrest where the issuance of an appearance ticket is authorized by law, members should attempt to ensure that the arrestee is released to a sober third party. This could include use of Uber, Lyft, or a taxi. In such case members shall document the disposition and release status and, where possible, the name and pedigree information of the person assuming responsibility for the suspected offender in the associated case report.

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Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Saratoga County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The Saratoga County Sheriff's Office 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.

412.3 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.

412.4 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. However, the person may not be compelled to sign the citation.

(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

412.5 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.

412.6 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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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Saratoga County Sheriff's Office relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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 Office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 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.

413.4 DETENTIONS

A member should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

A member 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 member 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 member 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)).

A member should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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413.4.1 SUPERVISOR RESPONSIBILITIES

When notified that a member 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).

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, a member should not notify federal immigration officials when booking arrestees at a jail facility unless that member has reasonable suspicion that an arrestee already lawfully detained has committed a criminal violation of federal immigration law. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification unless the member has reasonable suspicion that that individual has committed a criminal violation of federal immigration law. In such case, the member 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))..

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this Office should be directed to a supervisor. The Office may provide available support services to ICE or other federal agencies as deemed appropriate by the supervisor.

413.7 INFORMATION SHARING

No member of this Office 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 Office records

(c) Exchanging such information with any other federal, state, or local government entity

413.7.1 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.

413.8 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)).

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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 Investigations Division Captain. The Investigations Division Captain 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.

(e) Nothing contained herein shall require that any member complete a certification or declaration form.

(f) The member completing a certification or declaration or any ranking member may withdraw a completed certification or declaration if it is determined that the victim has stopped cooperating with the investigation or prosecution upon which the original certification or declaration was based.

413.9 TRAINING

The Training Manager should ensure members 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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Aircraft Accidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Office 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.

414.1.1 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.

414.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.3 ARRIVAL AT SCENE

Members 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).

414.4 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 obviously deceased victims. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings. It is recommended that the scene be photographed as soon as possible to document the condition of the aircraft as well as the position of injured victims and the deceased.

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414.5 NOTIFICATIONS

When an aircraft accident is reported to this Office, 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)

(d) Sheriff and/or Undersheriff via the chain of command

(e) Saratoga County Director of Emergency Services

414.6 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 as necessary to mitigate any present danger and provide emergency medical treatment to the injured.

(c) Coroner.

(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 Office 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 Office supervisor should ensure the accident is still appropriately investigated and documented.

414.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

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- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

414.8 DOCUMENTATION

All aircraft accidents occurring within the County of Saratoga shall be documented in an incident report. At a minimum the documentation should include the date, time and location of the incident; name and pedigree information for pilot/operator and all passengers, witnesses and property owners; any witness statements, if taken; the names of SCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

414.8.1 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.

414.8.2 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.

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(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

414.9 MEDIA RELATIONS

The Sheriff or authorized designee 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 Sheriff or authorized designee should coordinate with other involved entities before the release of information.

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Field Training

415.1 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 Saratoga County Sheriff's Office. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO).

415.2 POLICY

It is the policy of the Saratoga County Sheriff's Office that all newly hired or appointed member trainees will participate in field training that is staffed and supervised by trained and qualified FTOs. In addition to FTO training, member trainees must successfully complete a one-year period of probation commencing on the date of appointment.

415.3 FIELD TRAINING

The Office shall establish minimum standards for field training, which should be of sufficient duration to prepare member trainees for law enforcement duties and be a minimum of 160 hours for recruit officers with no prior experience, in compliance with Municipal Police Training Council requirements. 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 Office. 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 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 member 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.

415.4 FTO COORDINATOR

The Sheriff shall delegate certain responsibilities to a sergeant to act as the FTO coordinator. The coordinator shall be appointed by and directly responsible to the Office of Professional Standards captain or the authorized designee.

The FTO coordinator may appoint a senior FTO or other designee 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 Office 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 Office of Professional Standards captain informed through the daily evaluation reports about the trainees' progress.

(i) Maintaining a liaison with FTO coordinators from other law enforcement agencies.

(j) Maintaining a liaison with Sheriff's academy staff on recruit member performance during academy attendance.

(k) Performing other activities as may be directed by supervisors.

If not previously certified, the FTO coordinator should successfully complete the Police Field Training Officer Course required by the Municipal Police Training Council within one year of appointment to this position.

415.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES

415.5.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Sheriff or the authorized designee. Selection will be based on the member's:

(a) Desire to be an FTO.

(b) Experience, which shall include a minimum of two years of patrol experience.

(c) Demonstrated ability as a positive role model.

(d) Successful completion of an internal oral interview process.

(e) Evaluation by supervisors and current FTOs.

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(f) Possession of, or ability to obtain, Office-approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

415.5.2 TRAINING

A member 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 should receive periodic FTO update courses approved by this Office.

415.5.3 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.

415.5.4 RESPONSIBILITIES

The responsibilities of the FTO include, but are not limited to:

(a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.

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 his/her 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 his/her assigned trainee to the FTO coordinator on a daily basis.

(e) Providing the shift supervisor with a verbal synopsis of the trainee's activities during any unusual occurrence needing guidance or clarification.

(f) Completing and submitting a written notification of any training deficiencies on the daily observation report (DOR).

(g) Completing and submitting a written evaluation summarizing the trainee's overall performance at the conclusion of training as directed by a supervisor. This evaluation shall specify whether the trainee is, in the opinion of the FTO, ready for solo patrol and, if not, the reasons therefor.

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Air Support

416.1 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.

416.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to members and the community.

416.3 REQUEST FOR AIR SUPPORT

If a supervisor or member in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made. All requests for air support for other than medical evacuation must be approved by the shift lieutenant. When operating under an implemented I.C.S. plan, requests for air support must be made through and approved by the Incident Commander/Unified Command as appropriate.

416.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

(a) When the safety of members 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 members 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 shift lieutenant or equivalent authority determines a reasonable need exists.

416.3.2 ALLIED AGENCY REQUEST

After consideration and approval of the request for air support, the Desk Sergeant or the authorized designee will be advised to contact 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

417.1 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.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a member 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 member 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 member's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by members 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 member, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a member has articulable facts that criminal activity may be at hand and a particular person is connected with that possible criminal activity.

Temporary detention - When a member 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 a member actually restrains a person’s freedom of movement.

417.2 POLICY

The Saratoga County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the member, the decision to temporarily detain a person and complete an FI, pat-down search or field photograph shall be left to the member based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

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417.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a member 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 member's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Saratoga County Sheriff's Office to strengthen community involvement, community awareness and problem identification.

417.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the member 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 member.

417.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the member's training and experience, a member may pat a suspect's outer clothing for weapons if the member 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 member 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 member.

(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.

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(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 member. A cover member should be positioned to ensure safety and should not be involved in the search.

417.4.1 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. Members should have a founded suspicion that the person is involved in criminal activity before asking for consent.

417.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the member shall carefully consider, among other things, the factors listed below.

417.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the member should have the individual read and sign the appropriate form accompanying the photograph.

417.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The member must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the member's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

417.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to a supervisor with documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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417.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

417.6 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, members 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. A written 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, members 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 statement. Such witnesses, if willing, may be transported by Office members.

1. A written 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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Mobile Data Terminal Use

418.1 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 Office members and the Communication Center. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

418.2 POLICY

Saratoga County Sheriff's Office 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.

418.3 PRIVACY EXPECTATION

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

418.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security 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.

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 Office. 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 their 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. 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.

418.4.1 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

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that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

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.

418.5 DOCUMENTATION OF ACTIVITY

All calls for service assigned by a Desk Officer/Desk Sergeant or initiated by a member should be communicated by voice over the Sheriff's radio or electronically via the MDT unless security or confidentiality prevents such broadcasting.

418.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the Sheriff's 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 may be made on the MDT.

418.5.2 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 member should respond in accordance with the Member Response to Calls Policy.

Members should ensure a field supervisor is notified of the incident without delay.

Members not responding to the emergency shall refrain from transmitting on the Sheriff's radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

418.6 EQUIPMENT CONSIDERATIONS

418.6.1 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 the Communication Center and their immediate supervisor.

418.6.2 BOMB CALLS

When investigating reports of possible bombs, members should power down 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

419.1 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 Office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

419.2 POLICY

The Saratoga County Sheriff's Office recognizes the right of persons to lawfully record members of this Office who are performing their official duties. Members of this Office 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.

Members 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.

419.3 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 members.
4. Being so close to the activity as to interfere with a member’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the member, him/herself, or others.

419.4 MEMBER RESPONSE

Members 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, members should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, members 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, a member 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, members shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

419.5 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 member 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 Office members, such as how and where to file a complaint.

419.6 SEIZING RECORDINGS AS EVIDENCE

Members 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.

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

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the evidence is to transmit a copy of the recording from a device to a Office-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Unit Policy.

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Bicycle Patrol

420.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Saratoga County Sheriff's Office to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

420.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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 member mobility and Office visibility in the community.

420.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase member 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 Office needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol members shall be coordinated through the chain of command to the shift lieutenant.

420.4 SELECTION

When an opening exists for a bicycle patrol position, interested members who are off probation shall submit a letter of interest to their shift sergeant unless otherwise directed by a superior. Qualified applicants will then be invited to an oral interview. The oral interview will be conducted by the Chief Deputy or the authorized designee.

Interested members 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

420.4.1 MEMBER RESPONSIBILITIES

Members 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).

Members may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety or tactical considerations. Members must use caution and care when operating bicycles without lighting equipment or when they are operating in violation of the rules of the road.

Members are exempt from the rules of the road under the following conditions (Vehicle and Traffic Law § 1104):

(a) In response to an emergency call

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(b) While engaged in rescue operations

(c) In the immediate pursuit of an actual or suspected violator of the law

420.5 PATROL BICYCLE

Bicycle patrol members will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Patrol bicycles shall be primarily black or white in color with a "Sheriff's" 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 and horn.

(c) At minimum, a steady or flashing red warning light that is visible from the front, sides and rear of the bicycle (Vehicle and Traffic Law § 1104).

(d) A rear rack and/or gear bag sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage and citations.

(e) A gear bag that shall include a first-aid kit, tire pump, repair tool, tire tube, security lock, high-visibility vest and equipment information and use manuals. These items are to remain with/on the patrol bicycle at all times.

Patrol bicycles shall be properly secured when not in the member's immediate presence.

420.5.1 TRANSPORTING THE PATROL BICYCLE

The patrol bicycle should be transported using a vehicle bicycle rack whenever possible. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a law enforcement vehicle push-bumper is discouraged.

420.5.2 MAINTENANCE

(a) Bicycle patrol members shall conduct an inspection of the patrol bicycle and equipment prior to and at the end of use to ensure proper working order of the equipment.

(b) Members are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

1. Each patrol bicycle will have scheduled maintenance annually to be performed by a repair shop or technician approved by the Office.

(c) Members shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of their immediate supervisor, or in the event of an emergency.

(d) If a needed repair is beyond the ability of the bicycle patrol member, a memorandum will be completed and forwarded to the appropriate sergeant for repair by a technician approved by the Office.

(e) Patrol bicycle rechargeable batteries, if so equipped, shall be rotated on the assigned charger at the end of each tour of duty.

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1. During prolonged periods of nonuse, each bicycle patrol member assigned a patrol bicycle shall periodically rotate the rechargeable batteries, if so equipped, 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.

420.6 UNIFORMS AND EQUIPMENT

Members shall wear uniforms and safety equipment in accordance with the Uniforms Policy.

The uniform consists of an Office-approved shirt, with Saratoga County Sheriff's Office badge and patches, and Office-approved bicycle patrol pants or shorts. 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 members 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, Office-approved helmet, a radio headset and microphone, riding gloves, protective eyewear and approved footwear. At a minimum, an approved helmet shall be worn at all times while operating a bicycle on patrol.

Members will be responsible for obtaining the necessary forms and other Office equipment needed while on bicycle patrol.

420.7 TRAINING

Members must complete an initial Office-approved bicycle-training course prior to assignment to bicycle patrol. Thereafter, bicycle patrol members should receive periodic in-service training to improve skills and refresh safety, health and operational procedures. 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 members will be required to train and qualify with their duty firearms while wearing bicycle safety equipment, including the helmet and riding gloves.

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Automated License Plate Readers (ALPRs)

421.1 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.

421.2 POLICY

The policy of the Saratoga County Sheriff's Office 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 Office. Because such data may contain confidential information, it is not open to public review.

421.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Saratoga County Sheriff's Office 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.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Special Services Unit Supervisor. The Special Services Unit Supervisor will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

421.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Office 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 may 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 Office shall operate ALPR equipment or access ALPR data without first completing Office-approved training.

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(e) No ALPR operator may access confidential Office, 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.

(g) If practicable, the member should verify an ALPR response through the eJusticeNY Integrated Justice Portal before taking enforcement action that is based solely on an ALPR alert.

421.5 DATA COLLECTION AND RETENTION

The Special Services Unit Supervisor 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 Office procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule. 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.

421.6 ACCOUNTABILITY AND SAFEGUARDS

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(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 Office-related civil or administrative action.

(c) ALPR system audits should be conducted by the Special Services Unit Supervisor on a regular basis.

421.7 RELEASING 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 a Captain or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

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(d) The sharing of ALPR data is subject to the terms of any existing sharing agreement with the regional Crime Analysis Center.

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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Medical Cannabis

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Office 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.).

422.1.1 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).

422.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to prioritize resources to avoid making arrests related to cannabis that the arresting member 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 Saratoga County Sheriff's Office 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 Office.

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422.3 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.

422.3.1 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 member 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 members should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

422.3.2 INVESTIGATIONS INVOLVING CERTIFIED PATIENTS

Members 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.

Members should not take enforcement action if the member can reasonably ascertain that the person is a certified patient or a designated caregiver. The member should document attempts to verify the existence and validity of a certification issued to the patient or designated caregiver in a written report.

422.3.3 ADDITIONAL CONSIDERATIONS

Members 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, members 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 Office resources and time constraints.

(b) Before proceeding with enforcement related to registered organizations or dispensing facilities that supply cannabis for patients, licensees, or permitees, members 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).

422.3.4 EXCEPTIONS

This policy does not apply to the following offenses. Members 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)

422.4 FEDERAL LAW ENFORCEMENT

Members 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).

422.5 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES

The Property and Evidence Unit Custodian 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 and Evidence Unit Custodian 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 and Evidence Unit Custodian should not destroy cannabis that was alleged to be for medical purposes except upon receipt of a court order.

The Property and Evidence Unit Custodian may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Administrative Services Captain.

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Medical Aid and Response

423.1 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.

423.2 POLICY

It is the policy of the Saratoga County Sheriff's Office that all members and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

423.3 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 the Communication 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 the Communication 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.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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423.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

423.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a member 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 member should consider proceeding with emergency admission in accordance with the Emergency Admissions Policy.

If a member believes that a person who is in custody requires EMS care and the person refuses, the member should encourage the person to receive medical treatment. The member 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 member should consult with a supervisor to determine the appropriate course of action.

Members shall not sign forms accepting financial responsibility for treatment. Members may sign as a witness for refusal-for-treatment forms when they witness the refusal and when requested to do so by EMS.

423.6 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.

423.7 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.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.

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- 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.

423.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

423.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in Office vehicles should check the AED monthly to ensure it is operational and ready for use. Any AED that is not functioning properly will be taken out of service and given to a shift supervisor who will facilitate its repair with the sergeant who is responsible for ensuring appropriate maintenance.

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 the Communication Center as soon as possible and request response by EMS. Communications should be advised of the time the AED was deployed.

Saratoga County Sheriff's Office Supplemental Manual: 401.4 AUTOMATIC EXTERNAL DEFIBRILLATORS

423.8.2 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.

423.8.3 AED TRAINING AND MAINTENANCE

Members who are issued AEDs for use in Office vehicles 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 designated sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

423.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Only members who maintain current training as established by the opioid overdose program director may administer opioid overdose medication (10 NYCRR § 80.138).

423.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check

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the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Office's Opioid Overdose Prevention Program Director who will provide a replacement therefor. The Program Director is the only authorized person to dispose of expired or otherwise unserviceable medication..

See Narcan procedures Saratoga County Sheriff's Office Supplemental Manual: 401.1 Administration of Intranasal Naloxone

423.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use on an appropriate form as specified by the NYS Department of Health (DOH) and forward it to the Office's Opioid Overdose Prevention Program Director.

The member shall report all responses to victims of suspected drug overdose on the current state-specified form and to the Office's Opioid Overdose Program Director or his/her designee (10 NYCRR § 80.138(c)(3)).

The Program Director shall ensure that all administrations of an opioid antagonist and the number of trained overdose responders are reported to the DOH quarterly (10 NYCRR § 80.138). The Program Director shall ensure the appropriate personnel has a current list of members trained as overdose responders.

423.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Program Manager should ensure initial training is provided and refresher training or competency verification occurs every two years for members authorized to administer opioid overdose medication as specified by the MPTC (10 NYCRR § 80.138).

423.9.4 SECOND CHANCE PROGRAM

The Office shall follow-up with victims of all overdoses and make a reasonable effort to refer them to services available in the community.

423.10 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 and a supervisor shall be notified.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the member 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. Members shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay a member from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems

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or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the member's training.

423.10.1 HOSPITAL SECURITY AND CONTROL

Members who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with Office protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Office should develop protocols related to the following:

(a) Providing security and control during an examination or treatment, including:
    1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
    2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)

(b) Responsibility for continuing security and control if the person in custody is admitted to the hospital
    1. This should include transferring custody of the person to an appropriate agency.

423.11 FIRST-AID TRAINING

Subject to available resources, the Training Manager should ensure members receive periodic first-aid training appropriate for their position.

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First Amendment Assemblies

424.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

424.2 POLICY

The Saratoga County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this Office 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.

424.3 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, members 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 (potentially 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 members 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. Members 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 a member is placing a person under lawful arrest. After processing, cameras, cell phones or materials should be returned to the person arrested unless there is a legitimate reason to seize a recording as evidence pursuant to the Public Recording of Law Enforcement Activity policy (Civil Rights Law §79-p).

Supervisors should continually observe Office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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424.3.1 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, assistance in evaluating Office 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.

424.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding member 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 the Communication Center, and the response 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.

424.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

424.5.1 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.

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- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

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).

424.5.2 OPERATIONAL PLANS

Supervisory and/or command staff should develop an operational plan for the event as needed.

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 County 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.

(t) Parameters for the use of portable recording devices.

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424.5.3 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).

424.6 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.

424.7 USE OF FORCE

Use of force is governed by current Office 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 members, 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.

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Any use of force by a member of this Office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

424.8 ARRESTS

The Saratoga County Sheriff's Office 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 members and arrestees.

(b) Dedicated arrest, booking, and report writing teams.

(c) Timely access to medical care.

(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).

424.9 MEDIA RELATIONS

The Sheriff or authorized designee 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).

424.10 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.

424.11 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.

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(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, and the Communication Center records/tapes.

(g) Media accounts (print and broadcast media).

424.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event and explain 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.

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts, or circumstances.

424.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

425.1 PURPOSE AND SCOPE

This policy provides members of the Saratoga County Sheriff's Office 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.

425.2 POLICY

The Saratoga County Sheriff's Office 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 Office 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.

425.3 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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425.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a member 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 member 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 member 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 submitted to the Records Unit as part of the incident report when available.

425.4.1 STANDBY REQUESTS

Members responding to a call for standby assistance to retrieve property should request the Communication Center to check for orders of protection that may be in effect involving the parties reasonably believed to be involved in the standby prior to meeting with the requesting party but in any event prior to proceeding to the location of the standby.

If there is an order of protection, restraining or similar order against the person requesting standby assistance forbidding them to be at the place where the standby is to occur or from being in the presence of a person reasonably believed to be at the standby location, the member shall notify the person requesting assistance of same. 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 no such authorization is evident, the member shall not provide standby assistance and advise the person requesting the standby assistance that they are subject to arrest for violating the order should they decide to ignore its conditions. Such admonishment should be documented in an incident report.

In the event no orders of protection are found, members 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.

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. Members should not order the other party to allow entry or the removal of any items.

All activity relating to property retrievals and requests for same shall be documented in an appropriate report.

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425.5 VEHICLES AND PERSONAL PROPERTY

Members may be faced with disputes regarding possession or ownership of vehicles or other personal property. Members may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, members 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.

425.6 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 may refer the complainant to the New York State Attorney General’s Office.

425.7 TRAINING

Landlord tenant issues are complex and the Office should develop and implement basic and ongoing training for members on landlord and tenant rights.

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Suspicious Activity Reporting

426.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

426.1.1 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.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

426.2 POLICY

The Saratoga County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information to the appropriate members and organizations regarding suspicious activities, while safeguarding civil liberties and privacy protections.

426.3 RESPONSIBILITIES

The Investigations Captain or the authorized designees will manage SAR activities.

The responsibilities of the Investigations Division include but are not limited to:

(a) Remaining familiar with those databases available to the Office 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 Office.

(e) Ensuring that SAR 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, specifically the New York State Intelligence Center (NYSIC).

(h) Ensuring that, as resources are available, the Office 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).

426.4 REPORTING AND INVESTIGATION

Any Office 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.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about the involved parties and the circumstances of the incident. If, during any investigation a member becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the additional incident report as a cross reference. A SAR should be processed as any other incident report. Notification of a SAR should be made to the reporting member’s immediate supervisor who shall in turn notify the Investigations Division Captain prior to the end of shift on the date the report was taken or sooner as circumstances dictate.

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Active Shooter Response

427.1 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 members in situations that call for rapid response and deployment.

427.1.1 DEFINITIONS

Active shooter - An individual actively engaged in killing or attempting to kill people in a confined and populated area.

Casualty Collection Point (CCP) - A location in the “Strong Hold” either warm or cold zone where EMS can receive and treat victims brought by Law Enforcement or Rescue Task Force personnel. This area should remain the primary treatment area for life threatening injuries until transport is available or the scene is determined to be “cold.”

Contact Deputy/Team - A single deputy or team of deputies who while on scene of an active shooter situation have “real time intelligence” and enter the area or structure with the intent to immediately close with and stop the threat**.**

Cold (Green) Zone - An operational (geographic) area surrounding the warm zone where first responders can operate with minimal threat to personal safety or health. In this zone, personnel can provide treatment to victims.

Force Protection (FP) - Are preventative measures taken to mitigate hostile actions in specific areas or against specific population, those protected by FP can include civilians and unarmed responders.

Hot (Red) Zone - Is an operation (geographic) area, consisting of the immediate incident location with a direct and immediate threat to personal safety and health (not a secure area). Only Law Enforcement personnel should be in this area.

Incident Command Post - A single location which encompasses all functions that assist with the unified command structure. Police, fire, and EMS will be at the same incident command post when responding to an active shooter incident.

Rapid Response Kits - First responder kits are medical supply bags designed primarily for mass casualty response where survivors can be expected to have sustained hemorrhagic injuries. Law Enforcement should attempt to deploy with these kits when entering an area or scene with numerous victims in order to provide fast treatment and hemorrhage control. Each kit contains tourniquets, combat gauze, trauma dressings, and chest seals.

Real time intelligence - Deputy’s personal observation of people fleeing, gunfire, etc. that provides active intelligence from the location of an on-going active shooter situation.

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Rescue Task Force (RTF) - A minimum of three Law Enforcement and four EMS personnel that can deploy into a warm (yellow) zone in order to provide immediate treatment and evacuation of victims in a mass casualty incident. Deputies will provide force protection around rescue personnel in order to bring them into an area that has not been deemed “cold.” The “warm” zone into which deputies can deploy RTFs is an indirect threat area created once the immediate threat is neutralized, or there is no real time intelligence and deputies have a strong hold on a certain area to treat victims.

Strong hold - An area of the scene, typically inside a structure that serves as a defensible area with relative security. Examples can be a portion of the interior of a structure that has doorways and access covered by armed protection.

T.H.R.E.A.T. - An acronym that stands for **T**hreat Suppression, **H**emorrhage Control, **and R**apid Extrication to Safety, **A**ssessment by Medical Providers, and **T**ransport to Definitive Care.

Unified command - Is the integration of command personnel from each responding agency to a multi-jurisdictional or multi-agency operational event to enhance communication, planning and logistics for all responding agencies by the utilization shared resources, knowledge, and expertise.

427.2 POLICY

The Saratoga County Sheriff's Office recognizes the increasing threat of active shooter situations and 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. These events can yield a large number of victims in a short time frame and survivors often suffer from severe hemorrhagic injuries. For these reasons, accelerated deputy response as well as an expedited hemorrhage treatment is necessary.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

427.3 RESPONSE

The primary goal of an active shooter response is to provide rapid threat mitigation through an expedited deployment of contact team deputies as well as a faster response by emergency medical personnel through the introduction of the Rescue Task Force component. Accelerated response, triage, treatment, and evacuation is vital for increasing victim survivability in these events**.**

Active Shooter incidents must be managed with coordination between the police, fire, and EMS Incident Command to ensure scene control, victim treatment/transportation, and evidence preservation while maintaining the safety of all personnel involved. For seamless and effective emergency operations response, these events require that all police, fire and EMS personnel use common tactics, terminology and unified command while fully implementing the National Incident Management System (NIMS).

(a) Active Shooter situations unfold rapidly and require a dynamic response from responding police personnel. Upon learning of an active shooter event all pertinent

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information should be communicated via the radio. Only emergency radio traffic shall be transmitted by responding units.

(b) Responding deputies should advise the Communication Center to immediately notify the SOT team commander and the administration.

(c) If real time intelligence exists the sole deputy or team of deputies shall enter the area and/or structure to preserve life and they will be referred to as the contact deputy/team.

(d) The contact deputy/team will continue to deploy and advance until one of these objectives is met:

1. The subject has been forced into a surrender
2. The subject has been forced into a barricade
3. The subject has been stopped with an appropriate level of force
4. The contact deputy/team has been relieved by SOT personnel
5. An order to retreat has been issued by Incident Command

(e) If the situation becomes a barricade or hostage situation the response team will contain, isolate, communicate, and wait for the SOT.

(f) Once the immediate threat has been addressed and there is no real time intelligence of any further active threats the Incident Commander will focus on deploying Rescue Task Force components into “warm zone” areas to treat victims.

(g) A secondary sweep of the “warm zone” areas should be completed by responding deputies before deploying RTF’s

(h) The Rescue Task Force components will be deployed from the Police, Fire, and EMS Incident Command post near the incident location.

(i) After RTFs provide initial treatment they will focus on evacuating victims to the Casualty Collection Point (CCP) for further treatment and transport.

(j) Once victims are treated and transported and the scene is stabilized the focus will be on evidence preservation.

Deputies 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.

427.4 RESPONSIBILITIES

The responding Contact Deputy/Team shall:

(a) Respond immediately to the scene

(b) Make rapid entry for life preservation when real time intelligence exists

(c) Address any Active Shooter threat with the appropriate force

(d) Communicate all pertinent information via the radio (if feasible)

(e) Direct responding units/resources until relieved by Incident Commander

(f) Provide emergency medical treatment to victims once the threat is addressed

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The Supervisor/Incident Commander should:

(a) Establish a perimeter around the scene

(b) Establish a joint Police, Fire and EMS Incident Command Post

(c) Assign a deputy liaison to assist with radio communication

(d) Ensure proper notifications are made to command personnel and outside assets (aviation/mutual aid).

(e) Coordinate Rescue Task Force Teams to deploy into “warm zone” areas for rapid treatment/movement of victims

427.5 DEBRIEF

The Incident Commander will be responsible for conducting a debriefing of all the personnel involved in an active shooter situation in a timely manner to learn of the successes of the response and identify any areas of improvement.

The Incident Commander will complete an after-action report in addition to ensuring the submission of the required incident report and supplements by all involved personnel.

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Specialized Units Policy

428.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Saratoga County Sheriff's Office to safely and effectively deploy specialized units for the purpose of enhancing field patrol efforts in the community.

428.2 POLICY

It is the policy of the Saratoga County Sheriff's Office that specialized units are necessary to meet certain patrol needs in different environments due to varying geographic and weather conditions which may limit the normal patrol response. Specialized Units with properly trained members may also provide additional investigative capabilities utilizing specialized equipment to provide access to scenes, evidence and victims that are not accessible to members utilizing conventional patrol equipment and tactics.

428.3 SELECTION

Whenever a specialized unit has a vacancy, members will be notified through intra-agency memoranda. Each specialized unit may have its own unique qualifications which will be included in the notice of vacancy. To be considered for assignment, interested members must submit a written request through their chain of command. Vacancies for each unit will be made from the interested members who meet the position qualifications based upon an interview and overall review of the member's job performance. Physical and/or skills testing may also be required depending upon the specialized unit.

428.4 TRAINING

A member who applies for any vacant specialized unit position does so with the understanding that the position may require specialized training and is willing to make a good faith effort to successfully complete the training. Interested members also acknowledge by their submission of interest that any training may:

- require travel
- be scheduled strictly based upon when the training is available
- involve after-hours work or study by the member.

Only those members who have successfully completed all required training and/or certification programs may use the equipment specific to the function of the specialized unit.

428.5 SNOWMOBILE PATROL UNIT

The purpose of the Snowmobile Patrol Unit is to patrol trails and areas not accessible by conventional vehicles during times of the year in which there is snow on the ground. It is used to monitor the safety of recreational snowmobile trails within the County.

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428.5.1 OPERATION AND DEPLOYMENT

Duties of the Snowmobile Patrol will include patrolling, conducting search and rescue missions, and providing support for stranded or disabled snowmobilers. The Snowmobile Unit can be deployed and utilized at the direction of the Sheriff or the authorized designee. Operation on frozen bodies of water is prohibited without permission from the Sheriff or the authorized designee.

428.5.2 EQUIPMENT

The members assigned to the Snowmobile Patrol Unit shall have the following equipment:

- Helmet
- Gloves
- Proper clothing with reflective strips
- First aid kit
- Blanket
- Drive belt
- Map
- Flares
- Tow strap
- Flashlight

428.6 MARINE PATROL UNIT

The purpose of the Marine Patrol Unit is to patrol the waterways located in Saratoga County. Marine safety is a major goal of the Marine Patrol Unit. The unit supervisor is responsible for ensuring that vessel operators do not conduct vessel operations beyond safe limits. In addition, the marine patrol will conduct safe boating exams and issue citations on boats operated by to promote safe boating.

428.6.1 OPERATION AND DEPLOYMENT

Duties of the marine patrol will include patrolling the local waterways, conducting search and rescue missions, and providing vessel support for the Dive Team, Special Operations Team, and other special unit teams.

Due to the nature of marine patrol work, all missions require the vessels to be manned with at least two (2) members. At least one member must be marine patrol certified (Marine Law Enforcement (MLE) and Marine Patrol Vessel Operators Course (MPVOC)) any time the vessel is in use. The vessel commander is responsible for the safe accomplishment of the mission and the use of professional reasoned judgment in the operation of his vessel. The vessel commander may terminate or modify operational plans as needed after giving due consideration to the mission goals. The vessel commander may deviate from any rule or Procedure stated in this policy during emergencies or life threatening situations.

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The authority of the vessel commander exists from the time he takes control of the vessel until the vessel is secured from the mission. Vessel commanders will ensure that the vessel is properly inspected and sea worthy, and that all crew members and passengers have been briefed and are familiar with operational and emergency equipment and are wearing approved life jackets.

The vessel commander must exercise sound judgment in permitting other operators of limited experience or ability to control the vessel during adverse or potentially hazardous operations. Less experienced operators should be afforded adequate opportunity to gain actual control experience under the direct supervision of the vessel commander. Vessel commanders are responsible for checking current and forecast weather conditions.

It will be the responsibility of all vessel operators to report any accident or incident to the marine patrol supervisor. This will include but not limited to, collisions with fixed or floating objects, groundings, fires, injury to personnel and pollution discharges. Vessel commanders and crew members will ensure that all Office vessels are equipped with the required Coast Guard approved safety equipment. All deficiencies will be immediately reported to the marine patrol supervisor.

A Personal Water Craft (PWC) operator must have current certification through Office of Parks, Recreation and Historic Preservation (OPRHP). PWCs will either be operated in teams of least two PWCs or in conjunction with a larger patrol vessel. It is not necessary for 2 members to be on an individual PWC. No PWC shall be operated between sunset and sunrise prior approval from Sheriff or the authorized designee.

428.6.2 EQUIPMENT

Any operational vessel, based on the mission requirements, will be equipped with basic operational equipment such as communications equipment, compass, depth sounder, radar, GPS, and charts along with any other equipment needed to support the mission.

In addition, the following safety equipment will be required, at a minimum, on all operational Office vessels except PWCs:

- Life jackets for all occupants and at least one throwable safety device
- Anchor and line
- Dock lines
- Navigation equipment
- Flares
- Fire extinguisher
- Spot light
- First aid kit

PWCs must have the following equipment:

- Fire extinguisher

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- distress flag or flares
- line and anchor
- whistle or sound producing device
- Impact-rated PFD.

428.7 DIVE TEAM

The purpose of the Dive Team is to perform underwater search, recovery and rescue operations within Saratoga County, as well as in coordination with and assistance to other law enforcement agencies as directed by the Sheriff.

The Dive Team will be equipped as necessary to fulfill their mission as determined by the Sheriff or the authorized designee in consultation with the members of the Dive Team.

428.7.1 OPERATION AND RESPONSIBILITY

Due to the inherent nature of water emergencies, the first responding rescue divers to a scene will often be local fire department personnel. The fire department shall be in charge of the scene of the water emergency until such time as it is determined that rescue of any victims is no longer possible. At this time, the operation will become a recovery, and the Saratoga County Sheriff's Office Dive Team shall become primarily responsible for the scene. Fire department divers may be utilized for support and as safety divers.

Responsibility of a water emergency scene will be with the senior ranking supervisor until the senior Dive Team member arrives. Given the inherent risks and dangers of underwater search and recovery, the decision to dive rests with the individual Dive Team members.

The senior ranking supervisor may overrule the senior Dive Team member only when they feel the techniques being used are in contradiction with Office Policy, Local, State or Federal Law, or create a risk to public safety or damage to property. In such an instance, the senior ranking supervisor may require alternative investigative techniques or tactics be utilized.

428.7.2 ACTIVATION OF THE DIVE TEAM

The criteria for activating the Dive Team include:

- Any drowning or suspected drowning
- Underwater evidence search and recovery
- Submerged vehicle
- Other water emergencies

The call-in procedure for the Dive Team is as follows:

- When a water emergency occurs, the shift supervisor shall be responsible for requesting the services of the Dive Team through the chain of command
- All members of the Dive Team shall be called in and requested to respond, with team members on duty being responsible for retrieving the Dive Team equipment from

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Milton Station. Additional responding team members may respond directly to the scene of the water emergency.

No Dive Team members shall respond to any water emergency after consuming alcohol, or while under the influence of any mind altering drugs

428.8 ALL TERRAIN VEHICLES (ATV'S)

ATV's are intended to provide protection and law enforcement deployment in locations that are not accessible to normal patrol vehicles. Also, these special units provide emergency access to otherwise inaccessible areas of Saratoga County. These units are used at the discretion and by the direction of the Sheriff or the authorized designee.At no time will these units be assigned to a detail without the authorization of the Sheriff, or in his absence the next available supervisor in the chain of command.

428.8.1 OPERATION AND DEPLOYMENT

Operation of these units will only be done by those persons trained in and authorized by the Sheriff or the authorized designee. A list of authorized operators and their training will be maintained by the Chief Deputy.

All equipment specified by law will be carried by these vehicles. All logs and maintenance records will be filed in the Sheriff's office. All maintenance will be performed by authorized personnel designated by the Sheriff or the authorized designee.

All safety equipment required by law will be used. Minimum equipment will consist of approved helmet, boots, and gloves.

Operation on frozen bodies of water is prohibited without permission from the Sheriff or the authorized designee.

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Mobile Audio/Video System and Portable Audio/ Video Recorders

429.1 PURPOSE AND SCOPE

This policy provides guidance for both the use of portable audio/video (PAV) recording devices and mobile audio/video (MAV) systems by members of this Office while in the performance of their duties.

This policy does not apply to Special Operations Team (SOT) members while engaged in SOT activities or lawful surreptitious audio/video recording or interception of communications or authorized investigative purposes (see the Investigation and Prosecution policy).

429.1.1 DEFINITIONS

Definitions related to this policy include:

PAV Recorder – A recorder that captures, stores, and transmits audio and video signals, that is worn on the body of the member. This term is synonymous with the terms "Body Camera" and "Body Worn Camera."

MAV System – Any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes, at a minimum, a camera, microphone, recorder, and monitor. This term is synonymous with "in car camera," "dash cam[era]", and "rear facing camera" and may represent these terms individually or collectively.

Activate – Any process that causes the MAV system or PAV recorder to transmit or store video or audio data in an active mode.

Record – The act of collecting audio and/or video signals or footage.

429.2 POLICY

The Office may provide members with access to portable and/or mobile recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public. Further, it is the policy of the Office to ensure these systems are used securely and efficiently.

429.3 PRIVACY

All recordings made by members acting in an official capacity of this Office shall remain the property of the Office regardless of whether those recordings were made with Office-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

429.4 MEMBER RESPONSIBILITIES

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429.4.1 PAV RECORDER

Prior to going into service, each uniformed member will be responsible for making sure they are equipped with a PAV recorder, issued by the Office, and that the PAV recorder is in good working order. Members of the rank of lieutenant or higher shall have discretion whether to wear a PAV recorder unless they are assigned to a patrol function as a primary responder. Members are responsible for ensuring that their PAV recorder is appropriately charged so that it is functional for the duration of their shifts.

If the PAV recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to their supervisor and obtain a properly functioning device as soon as practicable. Uniformed members should wear the PAV recorder in a conspicuous manner (generally on their upper torsos) on an agency-provided mounting device.

During arrest processing in sub-stations without interior camera systems, members shall keep their PAV recorders activated but may place the PAV recorder in a static position to record the arrestee. Recording with a PAV recorder will not be required within the booking area of the Public Safety Facility.

Any member assigned to a non-uniformed position may carry an approved PAV recorder 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 should wear the PAV recorder in a conspicuous manner.

Members should document any instance where the recorder malfunctioned or the member de-activated the recording and the reason(s) for the deactivation. Members should complete an Evidence.com supplemental case report advising of the existence of a recording for that incident and each time additional recording(s) are added to that case. Members should include the reason for de-activation.

While on an authorized meal break at their residence, members may leave the portable camera in their vehicle. Members are not required to notify others that they are being recorded, however shall acknowledge that an incident is being recorded if asked.

429.4.2 MAV SYSTEM

Prior to going into service, each uniformed member should properly equip themselves to record audio and video in the field by means of the MAV system. At the beginning of each shift, members shall test the MAV system's operation in accordance with manufacturer specifications and Office operating procedures and training.

If the MAV system is not in working order or malfunctions at any time, the member shall promptly report the failure to their supervisor who will determine if the vehicle containing the inoperable or malfunctioning MAV system should be placed into service.

Members should document any instance where the system malfunctioned or the member de-activated the recording and the reason(s) for the deactivation. Members should complete an

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Evidence.com supplemental case report advising of the existence of a recording for that incident and each time additional recording(s) are added to that case.

Members are not required to notify others that they are being recorded, however should acknowledge that an incident is being recorded if asked.

429.5 ACTIVATION OF THE PAV RECORDER

This policy is not intended to describe every possible situation in which the PAV recorder should be used, although there are many situations where its use is appropriate. Members should activate the PAV recorder any time the member believes it would be appropriate or valuable to record an incident.

The PAV recorder should be activated in any of the following situations:

(a) All routine complaints, and enforcement and investigative contacts including stops and field interview situations.

(b) Traffic stops, including but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops.

(c) Self-initiated activity in which a member would normally notify the Communications Center.

(d) Members taking walk-in complaints in the Public Safety Facility lobby or at any Office sub-station.

(e) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

(f) When physically escorting an inmate or other person in custody (e.g., from a a patrol vehicle to a court and vice-versa, from a patrol vehicle to a medical facility and vice-versa).

Members are not required to record routine, non-law enforcement related encounters such as providing directions, casual contact with the public, or friendly interactions with children.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

While not engaged in law enforcement activities, members should deactivate PAV recorders prior to entering a public or Office owned restroom or locker room. Upon entering the Public Safety Facility, all PAV recorders are to be docked with the exception of the booking room where PAV recorders may be worn but must be deactivated. Upon leaving the booking area and entering the main Public Safety Facility, all PAV recorders should be placed in the nearest available docking station. Alternatively, members may leave their PAV recorder in their patrol vehicle upon arrival at the Public Safety Facility unless otherwise required.

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At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder. However, the recorder should be activated in situations described above as soon as practicable.

429.6 ACTIVATION OF THE MAV SYSTEM

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A member may activate the MAV system any time they believe it would be appropriate or valuable to record an incident.

In some circumstances, it is not possible to capture images of the incident being recorded due to conditions or the location of the camera. However, the audio portion of the incident can be valuable evidence and is subject to the same activation requirements as the MAV system. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (including but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops).
2. Priority responses.
3. Vehicle pursuits.
4. Transporting any person other than another Office member.
5. Suspicious vehicles.
6. Arrests.
7. Vehicle searches or inventories.
8. Physical or verbal confrontations or use of force.
9. Pedestrian checks.
10. Driving while intoxicated or ability impaired by drugs investigations including field sobriety tests.
11. Crimes in progress.
12. Responding to an in-progress call.

(b) All self-initiated activity in a which a member would normally notify the Communications Center.

(c) Any call for service involving a crime where the MAV system may aid in the apprehension and/or prosecution of a suspect, including:

1. Domestic violence.
2. Disturbance of the peace.
3. Offenses involving violence of weapons.

(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.

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(e) Any other circumstance where the member believes that a recording of an incident would be appropriate.

Activation of the MAV system is not required when exchanging information with other members, during meal or other break periods, when not in service, or not actively on patrol.

429.7 CESSATION OF RECORDING

429.7.1 PAV RECORDERS

Once activated, the PAV recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident or when directed by a supervisor. Recording may also be muted:

(a) While engaged in tactical operational briefings that could reveal criminal investigative techniques or procedures (except for routine techniques and procedures).

(b) When otherwise directed by a supervisor.

Many portable recorders, including PAV recorders, and the MAV system, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

Members are reminded that interviews and depositions with sexual assault victims may be video recorded but that no audio of the interview should be secured.

429.7.2 MAV SYSTEM

Once activated, the MAV system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and victims have been interviewed. The MAV system's use may also cease if a member is simply waiting for a tow truck or family member to arrive, or in other similar situations.

Many portable recorders, including PAV recorders, and the MAV system, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

429.8 SURREPTITIOUS RECORDING

New York law permits an individual to surreptitiously record any conversation in which one party to the conversation has given their permission. Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

No member of this Office shall surreptitiously record another member of this Office in any manner, including but not limited to, PAV recorders and/or the MAV system, except pursuant to a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

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429.9 PROHIBITED USE

Members are prohibited from using Office-issued PAV recorder or the MAV system for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, regardless of whether the recording was created with Office-issued or personally owned recorders.

Members shall not duplicate or distribute such recordings, except for authorized legitimate Office business purposes and with permission from the Sheriff or authorized designee. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of a member of the rank of lieutenant or higher. Any member who uses a personally owned recorder for Office-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

No member shall modify, attempt to repair, disable, or otherwise alter either the PAV or the MAV system unless they are a designated technician or other person authorized to do so by the Sheriff or the authorized designee.

Generally, members with permissions that allow them to do so should not "remote view" another member's PAV recorder or MAV system. Valid exceptions to this provision arise if circumstances exist necessitating remote viewing of another member's PAV recorder or MAV system for operational or member safety, when the member whose PAV recorder or MAV system is to be viewed consents to such viewing, or when approved by the Sheriff or the authorized designee.

429.10 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related call for service number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report in an Evidence.com supplemental report. Transfers should occur at the end of the member's shift, or any time the storage capacity is nearing its limit.

Members should ensure that all recordings are labeled with the appropriate call for service number in Evidence.com no later than the end of their shift.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), or a claim against the member, the Office, or both, the member should promptly notify a supervisor of the existence of the recording.

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Accidental recordings which do not fall under the activation criteria of this policy may be deleted by a member of the rank of lieutenant or higher who was not involved with the incident.

429.10.1 RETENTION REQUIREMENTS
All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 180 days.

429.11 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members may review their recordings. Members reviewing their recordings should only view them as a resource. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance. Supervisors will also conduct random audits of videos utilizing the Axon random video review feature of the software to ensure compliance with agency policies and procedures.

Minor technical violations found during random audits should be used to identify training concerns. Except for significant policy violations or violations of law, information gleaned from random audits should not be the sole basis for disciplinary action against a member.

Recordings may also be reviewed in any of the following situations:

(a) By qualified personnel to assess proper functioning of systems.

(b) By Office investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation, or pursuant to the Officer Involved Shootings and Death Policy.

(c) Upon approval by a member of the Office of the rank of lieutenant or higher, by any member of the Office participating in an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation, or pursuant to the Officer Involved Shootings and Death Policy.

(d) By members who request to review their own recordings.

(e) By a member who is captured on or referenced in a recording who requests to review and use such recording for any official purpose relating to their employment.

(f) Pursuant to a lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(g) By Records Division personnel for official purposes.

(h) By media personnel with permission of the Sheriff or the authorized designee.

(i) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

(j) To assess possible training value.

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(k) For training purposes. If an involved member objects to the use of a recording they are involved in, their objection will be submitted to the command staff who will determine if the training value outweighs the member's objection.

(l) As may be directed by the Sheriff or the authorized designee.

All recordings should be reviewed by the records access officer prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court (Public Officers Law § 89).

Recordings may be released to other law enforcement agencies at their request with permission from the Sheriff or the authorized designee.

429.12 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with inoperable or malfunctioning MAV systems should be placed into service. In such a vehicle is placed into service, the appropriate documentation should be made.

Supervisors should also adhere to the parameters of the Axon random video review feature to periodically review the performances of the members under their command.

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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 Saratoga County Sheriff's Office to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Office 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 Office 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, by enforcement activities.

Several factors will be considered in the development of deployment schedules for Office 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 (Target areas).
- Construction zones.
- School zones.
- Special events.

Office 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 Office may use speed measuring devices in traffic enforcement operations. Members must be properly trained in the use and operation of such devices. The Office will ensure that all such

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equipment is properly calibrated at least annually and that all necessary records are maintained so as to ensure that speed measurements are legally admissible.

500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This Office does not establish ticket quotas. The number 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.

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

Members 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 a member contacts a traffic violator who is also driving on a suspended or revoked license, the member should issue a traffic ticket or make an arrest as appropriate.

500.6 TRAFFIC PROCEDURES MANUAL

The Special Services Unit Sergeant is responsible for developing, maintaining and reviewing detailed procedures for the enforcement of traffic laws. Traffic procedures shall include, but are not limited to:

- Roadside safety checks (policy on road checks).
- Stopping and approaching vehicles.
- Required information provided to violators.
- High- and unknown-risk traffic stops.

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- procedures for traffic law violations committed by, but not limited to:
    - Non-residents of the jurisdiction.
    - Juveniles (see the Temporary Detention of Juveniles Policy).
    - Foreign diplomats and consular representatives (see the Foreign Diplomatic and Consular Representatives Policy).

See procedures for:

- Stopping Violators
- High Risk Vehicle Stops

500.7 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to Office members to increase their visibility when they 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 Office member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating 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 shall be issued to every member and will be available for use at all times while on patrol.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The shift lieutenant should be promptly notified through the chain of command whenever the supply of vests needs replenishing.

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Traffic Crashes

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic crashes.

501.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to respond to traffic crashes and render or summon aid to injured victims as needed. The Office will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of crashes by attempting to identify the cause of the crash and through enforcing applicable laws. Unless restricted by law, traffic crash reports will be made available to the public upon request via BuyCrash.com.

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 Office and there is:
    1. A life-threatening injury.
    2. A fatality.
    3. A County vehicle involved.
    4. A County official or employee involved.
    5. Involvement of an on- or off-duty member of this Office
    6. Another police agency's vehicle is involved.

(b) Is within another jurisdiction and there is:
    1. An Office vehicle is involved.
    2. Involvement of an on-duty member of this Office.

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.

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(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).

(f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic crash involves a life-threatening injury or fatality, the responding member shall notify a supervisor. The supervisor may request through channels an investigator or other appropriate personnel to investigate the incident. The shift lieutenant will ensure notification is made in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Coroner, 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 crash should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

A crash 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) A crash involves a commercial vehicle that has been towed (Vehicle and Traffic Law § 603).

(c) An on-duty member of the County of Saratoga is involved.

(d) The crash results in any damage to any County-owned or leased vehicle.

(e) The crash 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 crash 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.

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501.5.2 COUNTY VEHICLE INVOLVED

A traffic crash report shall be taken when any County vehicle is involved in a traffic crash that results in property damage or injury. Any time a County vehicle is involved in a collision where at least one other vehicle or person is involved, collision reconstruction will be performed regardless of whether there is any reported injury.

A general information report may be taken in lieu of a traffic crash report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a County vehicle, a vehicle damage report shall be completed and forwarded to the appropriate lieutenant. The investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

Members will not investigate acrash in which he/she is involved.

501.5.3 INJURED AND KILLED ANIMALS

Office members should refer to the Animal Control Policy when a traffic crash 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 a member 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 crash, 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 crash 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.

(f) A member may request the operator of every motor vehicle that has been involved in an accident or which was operated in violation of Section 1192 of the Vehicle and Traffic Law to submit to a Portable Breath Test (PBT) administered by the member. If such test indicates that the operator has consumed alcohol, the member may request the operator to submit to a chemical test in the manner set forth in subdivision two of section 1194 of the Vehicle and Traffic Law

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Saratoga County Sheriff's Office Supplemental Manual: 501.1 COLLISION RECONSTRUCTION UNIT PROCEDURE

501.6.1 SERIOUS OR FATAL CRASHES INVOLVING ON OR OFF DUTY MEMBERS

The sergeant, lieutenant,or on-duty lieutenant shall notify the Sheriff or his designee without delay and activate the Collision Reconstruction Unit when a serious personal injury or fatal traffic crash occurs within the jurisdiction of the Saratoga County Sheriff's Office and involves:

(a) An on- or off-duty member of the Office.

    1. Criminal investigations involving a fatal incident should be coordinated with the Office of Special Investigations (see the Officer-Involved Shootings and Deaths Policy).

Office members shall promptly notify a supervisor when any Office vehicle is involved in a traffic crash. The crash investigation and report shall be completed by the Collision Reconstruction Unit.

501.6.2 CRASHES INVOLVING SERIOUS INJURY OR DEATH

An member investigating a crash involving a serious injury or death should request a preliminary breath test from any driver involved in the crash 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, members shall proceed as provided in the Impaired Driving Policy.

The Collision Reconstruction Unit shall respond to all crashes involving serious injury or death.

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 crash, authorized members should issue a traffic summons or arrest the offending driver, as appropriate.

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

Office 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 crashes. All such reports shall be forwarded to a supervisor for approval and filing.

For all crashes involving a fatality, the Early Notification of a Fatal Accident form (MV-104EN) and the Report for Motor Vehicle Accident form (MV-104D) should be submitted to the DMV.

Members shall advise persons involved in crashes that they must file a citizen crash report on the appropriate state form with the DMV if there has been an injury, death, or property damage

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in excess of $1,000 to any vehicle and that the report must be filed within 10 days of occurrence (Vehicle and Traffic Law § 605).

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 SERGEANT RESPONSIBILITIES

The responsibilities of the Sergeant include, but are not limited to, approving the crash report or contacting the reporting member in circumstances where there are inaccuracies or where moe information is necessary prior to clearing the report.

Investigation reports should be forwarded via TraCS 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. Nothing in this policy shall require a member of this Office to tow a vehicle.

502.2 POLICY

The Saratoga County Sheriff's Office will tow vehicles when appropriate and in accordance with the law.

502.3 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. Office members may assist by communicating requests through the Communication Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the Office member (Vehicle and Traffic Law § 1204).

Vehicles that are not the property of the County should not be driven by Office 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.

502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting member should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked on private property 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.

Members 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, members should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Office will not be responsible for theft or damages.

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502.4.1 TOWING AFTER ARREST FOR SUSPENDED OR REVOKED LICENSES

A member shall tow a vehicle after making an arrest 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 of the motor vehicle, the Office is required to notify the owner (Vehicle and Traffic Law § 511-c).

502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Members 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. Members should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

502.6 RECORDS

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 in the first or second degree shall be entered into the eJusticeNY system (Vehicle and Traffic Law § 511-b).

502.6.1 VEHICLE STORAGE REPORT

Office members towing a vehicle shall document same in the case report or call for service related to the tow.

502.6.2 REPORT OF VEHICLES TO EJUSTICENY

If the vehicle has been reported stolen, the member ordering the tow shall cause the theft, recovery or impound to be reported to eJusticeNY. 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.

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502.7 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Office.

Tow Lists- The Sheriff or the authorized designee shall determine the number of tow agencies necessary to provide towing services and respond to tow service calls by use of an active list. A rotation or other system established by the Office for tow services shall be followed.

Towing Services

Miscellaneous Tow Provisions- Nothing in this policy shall preclude a vehicle owner or operator from requesting a specific tow agency to tow their vehicle. Such requests will be honored as long as they can be reasonably accommodated regardless of whether the requested tow agency is on the active list.

502.8 VEHICLE INVENTORY

Members shall use the SCSO Vehicle Inventory form whenever a vehicle is towed and the agency is in control of the vehicle tow (any time the operator is no longer in control of the vehicle and does not have the opportunity to go with the vehicle e.g, the operator is under arrest; the operator is transported in an ambulance). If the vehicle is towed or turned over to a third party at the operator's request and the operator has the option of going with the vehicle, the inventory form will not be completed. When reasonably practicable, photographs may be taken to assist in the inventory.

(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

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property for safekeeping, in accordance with the Property and Evidence Unit Policy. A copy of the Property and Evidence 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 Office members and protecting the Office 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.

502.9 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 Office member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

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 Office in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle. Any requests for a "hold" on a vehicle that has been towed must be made with supervisory approval.

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those Office members who play a role in the detection and investigation of driving while impaired (DWI).

503.2 POLICY

The Saratoga County Sheriff's Office 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

Members should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All members are expected to enforce these laws with due diligence.

Deputies may utilize the New York State DWI Investigative Notes card to assist in documenting relevant information and maximizing efficiency. The New York State DWI Bill of Particulars and CPL 710.30 form shall be completed by the arresting deputy and should be prepared utilizing the TraCS system. Information documented on these forms 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 member's observations that indicate impairment on the part of the individual, and the member'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

Deputies trained in standardized field sobriety testing (SFST) shall at a minimum administer this battery of tests when investigating violations of DWI laws unless circumstances (e.g., physical impairment, injury) make doing so impractical or unsafe. Other field sobriety tests may be administered at the deputy's discretion.

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A portable breath test (PBT) should be administered only after conducting SFST and should not be used as the basis for an arrest.

Deputies not trained in SFST should request a member so trained to respond to the scene to administer the battery of tests.

503.4.1 DRUG RECOGNITION EXPERTS

Drug Recognition Experts (DRE) who are certified by the State of New York may be used to investigate cases in which impairment due to drugs is suspected.

If a Office DRE is not available, New York State Police may be contacted with permission of the lieutenant to conduct an evaluation.

All evaluations will be documented on authorized DRE forms.

For additional guidance, see the DRE PROCEDURE

503.5 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 member 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 member 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 member should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

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.

503.5.1 STATUTORY NOTIFICATIONS

Members 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).

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503.5.2 BREATH SAMPLES

A designated sergeant shall 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.

Members 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 their immediate supervisor.

503.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples. The blood draw should be witnessed by the assigned member. No member, 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.

See SCSO blood draw procedures: PROCEDURE

503.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The member shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a member 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.

503.5.5 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.

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503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, members shall:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle and Traffic Law § 1194). The DWI warning should be read three times in ten minute increments before processing them as a refusal.

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

(d) Contact a judge from the court of jurisdiction and request an arraignment. In the event a judge from the town, city or village of jurisdiction is not available, contact a judge of an adjoining town, city or village for misdemeanor cases or a judge from any town, city or village in the county for felony cases and request an arraignment.

(e) In the event a judge declines to conduct the arraignment, document the declination and contact a supervisor prior to releasing the arrestee.

(f) Provide the refusal report to the court upon arraignment (15 NYCRR § 139.3).

503.6.1 MEMBER 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 member 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 member 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).

503.6.2 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).

For additional guidance on blood draw procedures, see:

- PROCEDURE for blood draws
- 1194 affidavit

503.6.3 FORCED SAMPLES

If an arrestee indicates by word or action that he/she will physically resist a court-ordered test, the member 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.

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(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another member), 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.

503.7 ARREST AND INVESTIGATION

503.7.1 ARREST AUTHORITY

In addition to arrest authority under CPL § 140.10, a member may arrest for a DWI offense coupled within an accident regardless of whether the DWI offense occurred in the member'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).

503.7.2 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 member 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. Members shall not intentionally prevent an arrestee from communication with an attorney. Members who are aware that an attorney is attempting to communicate with an arrestee shall inform the arrestee of that fact. Members should document all of the above information in the related case report.

503.7.3 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 member shall contact the statewide central register for the Office of Children and Family Services, Child Protective Services

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(CPS) and file an appropriate report (Vehicle and Traffic Law § 1192). Members shall also make other such reports as required by the Child Abuse Policy.

503.8 RECORDS UNIT RESPONSIBILITIES

The Identification 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.

503.9 ADMINISTRATIVE HEARINGS

The Identification Officer will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any member who receives notice of required attendance at a DWI refusal hearing or an administrative license suspension hearing should promptly notify the prosecuting attorney.

A member 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 Saratoga County Sheriff's Office to enforce traffic laws fairly and equally. Authorized members may issue a traffic ticket, parking ticket, or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

504.3 VERBAL WARNINGS

Verbal warnings may be issued when the Office member believes it is appropriate.

504.4 TRAFFIC TICKETS

The NYSP Traffic and Criminal Software (TraCS) should be utilized when issuing Uniform Traffic Tickets. Handwritten Uniform Traffic Tickets may be issued only in the event of a computer or printer malfunction preventing the use of TraCS or the absence of a computer in the patrol vehicle at the time of offense. Uniform Traffic Tickets books are no longer issued by the Office. Parking tickets will be provided to members by the Office and will be in paper, handwritten format.

504.4.1 CORRECTION

When a traffic or parking ticket is issued but is in need of correction, the member issuing the ticket shall notify the prosecutor for the court of jurisdiction of the error and request that ticket in question be dismissed. The deputy should then reissue the ticket with the correction(s) needed and either serve or make arrangements to have it served upon the defendant personally prior to the scheduled appearance date.

504.4.2 VOIDING

Voiding a traffic ticket may occur when the ticket has not been completed or when it is completed but not issued. Any voiding of traffic tickets must be completed by a supervisor and documented in TrACS with the reason therefore.

504.4.3 DISMISSAL

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 that the prosecutor to motion the court to dismiss the ticket.

504.4.4 DISPOSITION

Upon separation from appointment or employment with this Office, all members who were issued traffic ticket books shall return any unused tickets to the Records Unit.

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504.4.5 DATA COLLECTION

The Saratoga County Sheriff's Office shall submit a report to the commissioner of the New York State Department of Motor Vehicles on June 30th and December 31st of every year. This report shall contain a summary as to the status of all traffic tickets issued by the Saratoga County Sheriff's Office for the preceding six months (15 NYCRR § 91.10).

Any lost tickets or ticket packets that are listed in the above report must be supported with a written report by the member who lost the ticket or ticket packet (15 NYCRR § 91.11).

504.5 ELECTRONIC TICKET SYSTEM PROCEDURES

504.5.1 TRACS ADMINISTRATOR

The Information Technology Deputy shall be responsible for oversight of the TraCS system.

504.5.2 DUTIES OF THE TRACS ADMINISTRATOR

The TraCS 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 Saratoga County Sheriff's Office servers, to the courts of jurisdiction for the issued ticket and to any state-mandated receiver. This includes the timely transmittal of the data.
- 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.

504.5.3 VOIDING AN ELECTRONIC TICKET

Once an electronic ticket is generated it may not be deleted from the system or device. If a member generates a ticket in error, the member will contact his/her immediate supervisor and request that the ticket be voided. The supervisor may then void the ticket and shall document the reasons therefore in the TraCS software.

504.5.4 INOPERABLE TICKETING DEVICE

At the beginning of every tour of duty, every member who is issued a ticketing device should run a system check to validate that the device functions properly. A replacement ticketing device or alternative should be obtained for any malfunctioning device. Members will not use a malfunctioning ticketing device.

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Office members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Saratoga County Sheriff's Office.

505.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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 Office sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the Communications Center should be advised of the location of the disabled vehicle and the need for assistance. The Communications Center should then assign another Office 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 Office members will be contingent on the time of day, the location, the availability of Office resources and the vulnerability of the disabled motorist.

505.4.1 MECHANICAL REPAIRS

Office 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 Office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle. Members shall not utilize a department vehicle to push another vehicle unless the patrol vehicle is fitted with a push bumper and no other reasonable alternatives exist.

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 Office member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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Sobriety Checkpoints

506.1 PURPOSE AND SCOPE

To establish perimeters by which members can conduct a safe, legal, and effective motor vehicle sobriety checkpoint program that is within the limits established by our federal and state constitutions, and pertinent case law.

(a) A sobriety checkpoint is a non-routine traffic stop bound by narrowly drawn rules which require the police to adhere to specific guidelines to protect the rights of motorists.

(b) All documents produced and maintained are legal records subject to disclosure in both criminal and civil proceedings.

506.2 POLICY

(a) It shall be the policy of this department to conduct sobriety checkpoints to:

1. Identify and arrest intoxicated drivers or drivers under the influence of drugs.
2. Increase the likelihood of apprehension for alcohol or drug impaired drivers.
3. Deter motorists from driving while intoxicated or impaired by drugs through an increased perception among all drivers of the likelihood of apprehension of alcohol or drug impaired drivers.

(b) All sobriety checkpoints will be run in accordance with **Vehicle Checkpoint Guidelines,**which specify the procedures to be followed.

(c) Close judicial examination of arrests arising from sobriety checkpoints should be anticipated and every effort should be made to safeguard the validity of such arrests by strict compliance with the legal standards set forth in the following procedures.

506.3 VEHICLE CHECKPOINT GUIDELINES

(a) The selection of vehicles to be stopped at a sobriety checkpoint cannot be random or without reason and must follow a uniform method by which vehicles are stopped.

1. Stop vehicles using a designated pattern such as every vehicle, every other or third vehicle, etc.
2. The method used must be uniformly followed without modification by the checkpoint members.

(b) Only the commanding officer or supervisor is authorized to modify the procedure of an ongoing checkpoint.

1. Such modifications may not permit the random stopping of vehicles, nor the stopping of only those vehicles believed to be most likely to contain drivers intoxicated or under the influence of drugs.
2. Modifications such as changing from the stopping of every vehicle to every second or third vehicle are permissible.

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3. Modifications to relieve traffic congestion and other risk factors may also be considered by the commanding officer or supervisor(s).

(c) The sobriety checkpoint must not be intrusive, and its function and purpose will be made obvious to the motoring public through appropriate signage and other appropriate measures.

(d) The prohibition against intrusiveness means that the checkpoint must not be frightening, alarming, or unduly inconvenient.

1. It must not give the individual motorist the impression that he or she is being singled out.

2. Uniformed police officers and marked police cars must be clearly evident.

506.4 PURPOSE OF CHECKPOINT

(a) Members will be advised of the purpose and function of a checkpoint prior to being assigned to this operation.

(b) The primary purpose of the sobriety checkpoint is to deter driving while intoxicated or under the influence of drugs and the apprehension of drivers in violation of Section 1192 of the Vehicle and Traffic Law.

(c) The sobriety checkpoint is a far more effective means of deterring drunk or drug impaired driving than the arrest of individuals and is designed to inform the public of law enforcement's concern with individuals driving while intoxicated or under the influence of drugs and the determination of the police to apprehend such people.

(d) The Court of Appeals of the State of New York recognizes deterrence as being a legitimate function of a checkpoint.

(e) Public relations are a primary consideration in the conduct of a sobriety checkpoint, officers should be advised that their purpose is to make an impression upon the public and that they should conduct themselves accordingly.

1. Members' demeanor should be friendly and informative.

2. Traffic should not be allowed to back up and delays of more than a few minutes should be rigorously avoided.

(f) One of the goals of the checkpoint is to inform the motoring public and stimulate support for law enforcement's efforts to remove drunk and drug impaired drivers from our highways.

506.5 SITE SELECTION

(a) Checkpoint sites will be selected by command personnel based upon availability of members to run the checkpoint, public and officer safety, accident and DWI /DWAI Drugs incidents, as well as public relations considerations.

(b) Locations for checkpoints will be selected with the safety of members and the public in mind:

1. Avoid areas where local residents will become a distracting or disturbing factor.

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2. Select a location that is highly visible and which offers adequate off-road space for interviews and field sobriety tests.

(c) Generally, checkpoints will be operated during the late evening and early morning hours, including weekends, when the most frequent occurrence of social drinking or illicit drug use and driving occur.

(d) The supervisor will determine the number of police officers required for the safe and efficient checkpoint operation.

506.6 CHECKPOINT OPERATIONS

(a) Give advance notice to the public, such as posting highly visible signs at the approach to the checkpoint area to reduce fear and inconvenience.

(b) A checkpoint system will be established so that each vehicle on a roadway will be funneled into the checkpoint. As motorists pass through the checkpoint, they will be advised of the purpose of the roadblock. Members will look for signs of intoxication or drug impairment.

(c) The manner and method in which a checkpoint is set up will be determined by the supervisor based upon the location and personnel available to run the operation.

(d) Each checkpoint should have a process area designated for the purpose of conducting screening or field sobriety tests of those motorists exhibiting signs of intoxication or drug impairment.

(e) A police vehicle may be positioned to intercept vehicles that refuse to stop or "run" the checkpoint.

(f) A chase vehicle may be positioned to observe vehicles entering the checkpoint area.

1. The function of this vehicle is to apprehend and/or stop vehicles which make illegal U-turns to avoid the checkpoint.

2. No action should be taken against a motorist that legally turns around or legally turns off the roadway before the checkpoint.

3. No action should be taken against a motorist solely upon the basis of a refusal to answer a question.

4. Members should, however, carefully observe such vehicles to determine if they are being operated competently, or if there is otherwise a legal basis to take action with respect to that vehicle.

(g) Transport vehicles should be available for the purpose of transporting persons arrested to the arrest facility for chemical testing and processing.

(h) A block vehicle (unoccupied marked patrol vehicle) may be used for the purpose of protecting the members at the checkpoint and in the process area.

(i) Cones should be used at the checkpoint as necessary to ensure approaching vehicles will be merged into a single file at the checkpoint.

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506.7 ON-SITE PROCEDURES

The following procedures will be adhered to, consistent with good judgment, before and during the conduct of sobriety checkpoints.

(a) At least one supervisor will be assigned to each sobriety checkpoint to supervise the operation.

(b) Each site will be manned by a sufficient number of uniformed members to maintain a safe and effective operation.

The checkpoint should have:

(a) Appropriate warning signs clearly indicating the checkpoint.

(b) Sufficient illumination to give conspicuous advance notice of the impending stop ahead and its nature.

(c) Police vehicles with activated emergency lights.

(d) Members wearing highly visible clothing and using barricades, traffic cones and other equipment to protect them from traffic.

(e) All motorists must be treated in a uniform, courteous, and non-discriminating manner.

(f) The contacting member will approach each motorist and advise them of the purpose of the checkpoint. If there is no immediate evidence of intoxication, or other apparent violation, motorists will be directed to proceed through the checkpoint.

(g) Point out minor traffic violations to the driver. These are not a priority.

(h) Direct seatbelt and child safety seat violators to take immediate corrective action.

(i) Take enforcement action on minor traffic violations as directed by the supervisor.

(j) The sobriety checkpoint will be maintained for the designated period unless dangerous traffic congestion occurs, or circumstances arise that warrant the cancellation of the remainder of the detail.

506.8 MOTORIST SELECTION/INVESTIGATION

(a) The checkpoint is designed to apprehend drunk or drug impaired drivers, as well as to serve as a deterrence. A verbal response should be elicited from the motorist to assist the contacting member in determining whether an operator should be pulled over for further investigation or allowed to pass.

(b) Members conducting the motorist interview shall:

1. Look at the driver for signs of impairment such as glassy or bloodshot eyes and/or verbal responses to the officer with slow or slurred speech.
2. Smell to detect the presence of an odor of alcoholic beverages or drugs.
3. Look for alcoholic beverage containers, drug paraphernalia, contraband, or other evidence of alcohol/drug use.

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(c) A combination of these symptoms and the member's experience should dictate whether a motorist should be asked to pull over to the process area for further investigation.

(d) If reasonable grounds exist for further investigation, the observing member shall:

1. Cause the vehicle to be moved to the process area for further investigation.
2. If it is unsafe to have the operator pull to the side of the road, secure the operator and arrange to have the vehicle moved.
3. Ask for and obtain the operator's license and the registration certificate.
4. Conduct further investigation as necessary, to determine if the operator is under the influence of alcohol or drugs.

(e) At the designated location, evaluate the condition of the driver and conduct field sobriety tests if appropriate.

(f) If there is reasonable cause to believe that the operator is intoxicated or impaired, arrest the operator.

506.9 SUPERVISION

506.9.1 COMMANDING OFFICER RESPONSIBILITIES

(a) Confer with supervisory and other staff members who have knowledge of current traffic and alcoholic beverage consumption patterns within the city when planning the checkpoint.

(b) Confer with and coordinate sobriety checkpoints as necessary with adjoining law enforcement agencies.

(c) Determine locations that are suitable for establishment of a sobriety checkpoint.

(d) Designate a supervisor to conduct the sobriety checkpoint.

(e) Handle pre and post checkpoint media relations involved with the sobriety checkpoint as necessary.

506.9.2 SUPERVISOR RESPONSIBILITIES

(a) Pre-Checkpoint Briefing: the supervisor should instruct personnel assigned to the detail about this directive, including but not limited to:

1. The purpose of the checkpoint.
2. The designated pattern for stopping vehicles.
3. The procedure for interacting with motorists.
4. What to do when a motorist is suspected of being impaired or intoxicated.
5. How to answer inquiries or complaints from the public.
6. The form in section 506.10 herein should be used for the purposes of the pre-checkpoint briefing.

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(b) Assemble a detail of personnel to conduct the checkpoint. Use sufficient personnel to minimize traffic delays and to assure safety.

1. To the extent possible, a standardized field sobriety test (SFST) instructor and/or a drug recognition expert (DRE) should be assigned to the detail.

(c) Inspect the members assigned to the checkpoint to ensure they are fully uniformed and equipped. Members standing near traffic should wear safety vests and carry flashlights during darkness.

(d) Ensure there are an adequate number of marked patrol vehicles, signs, traffic cones, barriers, and flares in place to warn approaching motorists and protect those at the checkpoint.

(e) Maintain compliance with these procedures to prevent unreasonable traffic delays or unsafe traffic conditions.

(f) Maintain, or cause to be maintained, a Final Written Report as outlined in section 506.11 herein.

506.10 SOBRIETY CHECKPOINT MEETING CHECKLIST AND WRITTEN PLAN

Supervisors should use the PRE CHECKPOINT LIST AND WRITTEN PLAN for the planning and execution of the checkpoint.

506.11 SOBRIETY CHECKPOINT: FINAL WRITTEN REPORT

The supervisor is responsible for completing and submitting the activity report to the commanding officer.The Final Written Report **s**hould be completed in a timely and accurate manner. These documents are legal records that are often referenced in both criminal and civil proceedings. The report should include:

- Type of Detail: DWI / DWAI: Fixed Sobriety Checkpoint
- Date of Detail:
- Supervisor:
- Location:
- Hours:
- Reporting Officer:
- # of Safety Belt
- # of Child Restraint
- # Other V&T
- # DWI
- # DWAI (Drugs only)
- # Vehicle through check
- # Vehicles Detained

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Sobriety Checkpoints

- DRE Assigned
- SFST Instructor Assigned

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Traffic Procedures

507.1 PURPOSE AND SCOPE

This procedure provides guidance to members in the use of Office-approved traffic management methods.

507.1.1 DEFINITIONS

Definitions related to this procedure include:

High-risk traffic stop - A traffic stop that is conducted under circumstances in which the member is or becomes aware that any occupant poses a serious safety risk (e.g., the vehicle may contain an occupant who is known to be armed and dangerous).

Unknown-risk traffic stop - A traffic stop that is conducted under circumstances in which the member is not previously aware of a threat to the member's safety posed by the vehicle's occupants (e.g., the vehicle is stopped for a traffic violation only).

507.2 TRAFFIC STOPS

507.2.1 UNKNOWN-RISK TRAFFIC STOPS

While every unknown-risk traffic stop is based on a unique set of circumstances which must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting an unknown-risk traffic stop include:

(a) The member should consider existing conditions, including but not limited to road design and conditions, weather, lighting, and current traffic flow, to establish a safe environment for the traffic stop.

(b) The member should use the patrol vehicle's emergency lighting and other equipment, if necessary, to initiate the stop. Upon stopping, the patrol vehicle should be positioned in a way that affords protection to the member and to the violator's vehicle during the stop.

(c) Generally, the violator should be directed to pull to the far-right side of the roadway to stop. However, the member should be prepared to deal with other situations.

(d) Upon initiating a traffic stop, the member should notify Communications via radio (and CAD when practicable) of the location of the stop and the vehicle's registration state and number. The member should not approach the violator's vehicle until Communications has acknowledged the message via radio.

(e) The member should approach with caution and take a position that allows effective communication with the driver, a view of any other occupant, and an avenue of tactical retreat if necessary.

(f) Upon contacting the violator, the member should remain courteous and professional, providing the violator with verbal identification and the reason for the stop. The member should request the motorist's documentation.

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(g) The member should provide the violator with information on how to respond to the chosen enforcement action, if applicable.

(h) The member should end the contact once appropriate law enforcement action has been taken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.

(i) The member should assist the violator in pulling safely back into traffic.

507.2.2 HIGH-RISK TRAFFIC STOPS

While every high-risk traffic stop is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting a high-risk traffic stop include:

(a) When planning a high-risk traffic stop, the member shall notify Communications via radio and describe the nature or reason for the stop. The member shall provide Communications with relevant information via radio (e.g., vehicle description, registration number and state, number of occupants, location and direction of travel) and request adequate assistance to conduct the stop.

(b) A member should not individually initiate a high-risk traffic stop unless backup members are not available in an appropriate amount of time or the urgency of the situation demands immediate action.

(c) After selecting an appropriate location for the stop and with adequate backup members in position, the member should signal the suspect to stop.

(d) Members should position their vehicles at a distance behind the suspect vehicle that provides opportunities for cover. In low-light situations, positioning should allow for illumination of the suspect vehicle's interior.

(e) The member initiating the stop, or the member with the best view, should issue verbal commands through the vehicle's public address system, if available. Only one member should issue commands to the suspect vehicle's occupants.

(f) Once the suspect vehicle has stopped, members should exit their vehicles quickly and assume positions of cover.

(g) Commands should be announced to the suspect vehicle operator to:

1. Lower the window.
2. Remove ignition keys with the vehicle operator's left hand.
3. Drop the keys on the ground.
4. Open the door from the outside.
5. Step out of the vehicle.
6. Turn completely around.
7. Face away from the members.
8. Walk backward until commanded to stop and lie face down on the ground with hands stretched far to the sides.

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(h) Using contact and cover, members should handcuff, search, and secure the suspect. Other occupants should be similarly and separately commanded until all are handcuffed, searched, and secured.

(i) With appropriate cover, members should approach and inspect the suspect vehicle for additional occupants and/or threats before declaring the scene secure.

507.3 TRAFFIC DIRECTION AND CONTROL

507.3.1 MANUAL TRAFFIC DIRECTION

High-visibility vest should be worn in accordance with the Traffic Policy.

Office members assigned or authorized to control traffic should use the following uniform hand gestures to perform manual traffic direction:

(a) Stopping traffic: The member should extend the arm and index finger toward and look directly at the driver to be stopped until that driver is or appears to be aware of the member's gesture. The member should then raise the pointing hand at the wrist so that the palm is toward the person to be stopped, and hold the palm in this position until the person stops. To stop traffic from both directions, the member should repeat the procedure for traffic coming from the other direction and continue to maintain the raised arm and palm toward the previously stopped traffic.

(b) Starting traffic: The member should stand with the member's shoulder and side toward the traffic to be started, extend the arm and index finger toward, and look directly at the driver to be started until that driver is or appears to be aware of the member's gesture. The member should then swing the pointing arm, with palm up, from the elbow through a vertical semicircle until the hand is adjacent to the chin. If necessary, the member should repeat until traffic begins to move. To start traffic from both directions, the member should repeat the procedure for traffic coming from the other direction.

(c) Right or left turn: The member's extended arm, index finger, and gaze should first be directed toward the driver. The member should then swing the extended arm and index finger in the direction of the driver's intended turn.

(d) Use of flashlight: A flashlight may be used to stop traffic. To stop traffic, the member should slowly swing the beam of light across the path of oncoming traffic. The beam should strike the pavement as an elongated spot of light. After the driver has stopped, the member should use hand gestures with the vehicle headlights to provide illumination.

The member should stop all traffic and address the dangerous condition with all traffic stopped.

507.3.2 ACCIDENT SCENES

Members should refer to the Traffic Accidents Policy for additional guidance.

Additional guidelines should include as appropriate:

(a) If a traffic accident results in traffic congestion, a member may request additional assistance, if available, to help with traffic control. Incidents occurring during heavy traffic periods on major streets resulting from a traffic accident and/or adverse road and

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weather conditions may also require the use or operation of temporary traffic control devices (e.g., barriers, cones, flares, traffic signals).

1. Members should use uniform hand gestures for manual traffic direction to assist in the efficient and safe movement of vehicle and pedestrian traffic.
2. Members should coordinate traffic direction with other members at the scene, if appropriate.

(b) Traffic may be stopped, rerouted, or restricted as necessary to ensure the safety of members, victims, and uninvolved motorists.

507.3.3 CRITICAL INCIDENT SCENES

(a) Members providing traffic direction and control at critical incident scenes (e.g., fires, utility emergencies) should prevent unauthorized vehicles and pedestrians from entering the area and provide a safe arrival route for emergency vehicles.

(b) The Office should coordinate its efforts with other emergency service agencies at fires, utility emergencies, or other scenes to provide crowd control and adequate safety measures for vehicle and pedestrian traffic.

(c) Members should use temporary traffic control devices as necessary and should manually direct and control the flow of all traffic in accordance with this policy.

(d) Members should contact a supervisor if additional assistance is needed at a location for any reason.

507.3.4 HAZARDOUS ROAD CONDITIONS

Hazardous road conditions due to weather, road damage, or other emergencies should be addressed as soon as practicable.

(a) A member who locates or is assigned to investigate a hazardous road condition should use temporary traffic control devices if necessary to identify the hazard to the public, isolate it, and limit the public's ability to come into contact with or access the area.

(b) A member who locates or is assigned to investigate a hazardous condition should assess the condition and request through Communications that notifications be made to appropriate authorities responsible for correcting the hazard. Communications should document the condition and all notifications that are made.

(c) If a member needs assistance with isolating a hazard, the member may request additional members to the location.

(d) If there are any questions regarding the proper isolation of a roadway hazard, members should contact their supervisor.

1. Members should only use road flares when there is no risk of fire or explosion. Road flares should not be left unattended while burning. Any remnants left after a flare has been exhausted and allowed time to cool should be collected and disposed of properly.

(e) A member should only clear from the location under one of the following circumstances:

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1. The hazardous condition has been corrected.
2. The member is relieved by an appropriate authority who will conduct the repair, and traffic direction and control services are no longer needed.
3. The member is properly relieved by another member.
4. When authorized by a supervisor.

507.3.5 MANUAL OPERATION OF TRAFFIC CONTROL DEVICES

On occasion, members may have to manually operate traffic lights or set traffic lights to flash. Only authorized members should manually operate traffic control devices with the approval of a supervisor and for the following purposes:

(a) To correct a traffic light malfunction

(b) To facilitate movement at traffic accidents or other emergencies

(c) To provide passage for a motorcade or funeral procession

(d) To alleviate congestion, particularly during planned special events

507.3.6 TEMPORARY TRAFFIC CONTROL DEVICES

Temporary traffic control devices (e.g., cones, signs, barricades) should be deployed using the procedures set forth in the most recent edition of the National Manual on Uniform Traffic Control Devices (MUTCD).

507.4 ESCORTS

Law enforcement escorts require the advanced approval of a sergeant. Unless approved by the sergeant, members shall not conduct emergency escorts.

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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 Saratoga County Sheriff's Office 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 MEMBER RESPONSIBILITIES

A member 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 member 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. 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, interview and take written statements from all available victims, complainants, witnesses and suspects. Exceptions to this would include child victims of certain offenses.
    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 a member from completing a preliminary investigation, this shall be indicated in the appropriate report and a supervisor shall be notified. The

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supervisor will then direct the member to complete the preliminary investigation when he/she is available to do so, or assign it to another member for completion.

(e) Any required follow-up investigation shall be assigned by the Investigations Division 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 Office-provided or authorized equipment for:

- Scene photography.
- Scene sketch.
- Video or digital recording of a scene.
- The collecting, documenting, tagging, cataloging and safekeeping of evidence.
- Processing of latent fingerprint evidence.

Members shall use the appropriate forms for documentation of scene/incident processing, including:

- Evidence log sheet.
- State Police Lab and/or DCJS latent prints forms
- Documentation detailing the scene under investigation, the nature of the evidence processing work conducted, and other notable observations that are not otherwise reflected in other reports or log sheets prepared by the investigating member.

When handling and preserving items of evidence, members will ensure that items are properly marked or labeled, including:

- 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.
- The date, time and location where the item was obtained or seized.
- The name of the member collecting the item.

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.

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- Any examinations performed.

Members processing the scene of an incident for evidence must have proper training commensurate to the special duties performed.

Saratoga County Sheriff's Office Supplemental Manual: 600.1 CRIME SCENE TECHNICIANS

600.4 FOLLOW UP INVESTIGATIONS

600.4.1 FOLLOW UP BY PATROL DIVISION

It will be the responsibility of the reporting Member to promptly complete all follow-ups on any case in which they are the primary officer or otherwise assigned by a superior. If the case is such that it will be assigned by the Investigations Division Captain to the Criminal Investigation Unit or Narcotics Unit, the reporting member is still responsible to complete all preliminary investigation-related follow-ups in a timely manner.

Although a member may be assisted with certain follow-ups (e.g., completing a photo array) by an Investigator, any additional follow-ups or investigative efforts will still be the responsibility of the reporting Member unless the case is assigned by the Investigations Division Captain to the Criminal Investigation Unit or Narcotics Unit or the follow-ups are otherwise assigned to another Patrol Division member by a superior.

600.4.2 FOLLOW UP BY INVESTIGATION DIVISION

Once a case has been assigned by the Investigations Division Captain to the Criminal Investigation Unitor the Narcotics Unit, responsibility for any additional follow-ups or investigative efforts, with the exception of the preliminary investigation, will now be the responsibility of the lead investigator unless otherwise assigned by the Investigations Division Captain. Once a case has been assigned to the Criminal Investigation Unit, supervision of that case will be the responsibility of Investigations Division Captain. Once a case has been assigned to the Narcotics Unit, supervision of that case will be the responsibility of the Narcotics Unit supervisor. Although a member of the Patrol Division may assist an Investigator with certain follow-ups, it will be the Investigator's responsibility to complete all follow-ups beyond the preliminary investigation.

600.4.3 CASE MANAGEMENT AND TRACKING

The Saratoga County Sheriff's Office shall use a case management and tracking system that, at a minimum, includes:

(a) The lead investigator.

(b) The date of assignment.

(c) The date 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).

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600.4.4 DETECTING DECEPTION

The Investigations Division has a polygraph to assist in criminal investigations. Permission to conduct an exam must be obtained from a lieutenant.

Only trained polygraph technicians may conduct an exam.

600.5 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.

600.5.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed a qualifying class A-1 felony, a qualifying predatory sexual assault, or a qualifying class B violent felony shall be recorded (audio and video) in its entirety (including the administration of Miranda rights) when the interrogation takes place at any Saratoga County Sheriff's Office facility unless (CPL § 60.45):

(a) The individual requests that the interrogation not be recorded.

    1. The request must be made in writing or at the beginning of the recording.

(b) The recording equipment fails.

(c) Recording equipment is unavailable due to damage or other extraordinary circumstances.

(d) 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.

(e) Recording would jeopardize the safety of any person or reveal the identity of a confidential informant.

(f) Exigent circumstances prevent the recording of the interrogation.

If any interrogation involving a qualifying felony is not recorded, the reason for not making a video recording should be documented.

Any custodial interrogation of an individual who is suspected of having committed any other violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the 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.

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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).

600.6 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.

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) Further investigation is not necessary because the prosecutor has declined to prosecute the case.

(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.

600.7 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, members should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, members may take reasonable steps to prepare for such seizure and use the resources that are available.

600.7.1 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

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connection with a criminal investigation (CPL § 245.55) which cannot be timely reviewed and provided to the prosecutor. The notification should be retained in the case file.

600.8 TECHNICAL AIDS FOR DETECTION OF DECEPTION

Technical aids for the detection of deception, owned by the Office or another entity, may be used as investigative tools in criminal investigations. The Office shall only use the services of equipment operators, internally or externally, who are certified to conduct such examinations. If a technical aid for the detection of deception is used, a copy of the examiner's certification should be included in the case file.

Services provided by an external entity shall be approved by the Investigations Division supervisor. A written report of the results by the certified examiner will be required and maintained in the original investigative file.

600.9 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 Office. 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 Office equipment.

Information obtained via the internet should not be archived or stored in any manner other than Office-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.9.1 ACCESS RESTRICTIONS

Information that can be accessed from any Office 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 a fictional 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.

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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.

600.9.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Members should seek legal counsel before any such interception.

600.10 IDENTITY THEFT

A report should be taken any time a person living within the jurisdiction of the Saratoga County Sheriff's Office 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 Office or has not been determined.

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Office 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 Office jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Saratoga to facilitate the crime) (CPL § 20.40; CPL § 20.50).

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 Office 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 Office use and are specific to this type of investigation.

600.11 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).

600.12 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 Captain or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor. This would not apply to making a correction to a previously filed accusatory instrument.

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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.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic medical examiners (SAFEs) and/or sexual assault nurse examiners (SANEs), if possible; forensic laboratory personnel; and prosecutors.

601.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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 SART or other multidisciplinary investigative teams as applicable.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written, a preliminary investigation completed 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 the Communication Center, should be the health and safety of the victim, the preservation of 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.

When possible, interviews of juvenile victims should be conducted at a 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 (STATE)

Prior to the initial victim interview, or at the time a sexual offense evidence kit is collected, whichever is sooner, members 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

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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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.

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 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).

601.6.2 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).

601.6.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). 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 Saratoga County Sheriff's Office 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.

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601.6.4 REPORTING REQUIREMENTS
The Investigations Division Captain 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 Office's possession that have not been submitted for testing.

601.6.5 ELECTRONIC TRACKING OF SEXUAL OFFENSE KITS
The Investigations Division supervisor shall establish procedures for the timely submission, tracking, and updating of sexual offense kits in the statewide electronic tracking system according to the rules and guidelines developed by the Division of Criminal Justice Services (Public Health Law § 2805-i).

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 the Investigations Division Captain.

Classification of a sexual assault case as unfounded requires the Investigations Division Captain 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 CASE REVIEW
The Investigations Division Captain should ensure cases are reviewed on a periodic basis, at least annually. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates may be considered for involvement in this audit.

601.9 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. The Investigations Division Captain 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.

601.10 TRAINING
Subject to available resources, periodic training will be provided to:

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(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. SART or 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:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Saratoga County Sheriff's Office seizes property for forfeiture or when the Saratoga County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

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 Saratoga County Sheriff's Office 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 Saratoga County Sheriff's Office 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.

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A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure as evidence.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the member making the seizure should ensure compliance with the following:

(a) Complete an incident report and a general receipt and present a copy of the receipt 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. When property is seized and no one claims an interest in the property, the member must leave the copy in the place where the property was found, if it is reasonable to do so.

The member will book seized property as evidence with the notation in the misc/remarks section of the property section of the case report, “Seized Subject to Forfeiture.”

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Members who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere; the whereabouts of the property is unknown; it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the Investigation's Division Captain.

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Unit Custodian is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine whether the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

(e) Forfeitable property is retained until such time as its use as evidence is no longer required.

602.6 INVESTIGATION'S DIVISION CAPTAIN

The responsibilities of the Investigations Division Captain 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.

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(b) Serving as the liaison between the Office and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Serving as claiming agent under the forfeiture laws of CPLR § 1310 et seq.

(d) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(e) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The Investigations Division Captain should contact federal authorities when appropriate.

(f) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(g) Ensuring that members 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 developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) 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 deposited with the fiscal agent.
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 members.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan is available that enables the Sheriff to address any extended absence of the Investigations Division Captain, thereby ensuring that contact information for other law enforcement personnel and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to Office inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.

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(k) Upon completion of any forfeiture process, ensuring that no property is retained by the Saratoga County Sheriff's Office unless the Sheriff 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 County financial directives.

Prior to assuming duties, or as soon as practicable thereafter, the Investigations Division Captain should attend a course approved by the Office on asset forfeiture.

602.7 DISPOSITION OF FORFEITED PROPERTY

No member of this Office may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use. No Office 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 Saratoga County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Saratoga County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Saratoga County Sheriff's Office 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 this Office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

The Investigations Division will generally be the only division that is authorized to use informants subject to the following:

Before using an individual as an informant, a member must receive approval from his/her supervisor. The member shall compile sufficient information through a background investigation and 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.

Members of this Office should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older but under 18 years of age may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The Sheriff or the authorized designee

A person 18 years of age or older may be used as an informant with written consent of each of the following:

(a) The person's attorney, if any

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(b) The Sheriff or the authorized designee

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated Office informant agreement. The member using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

CI agreement 2

603.4 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 Sheriff, Captain, Narcotics Unit supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as Sheriff's members, employees or agents of the Saratoga County Sheriff's Office, and that they shall not represent themselves as such.

(d) The relationship between Office 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 Narcotics Unit supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Members shall not meet with informants in a private place unless accompanied by at least one additional member or with prior approval of the Narcotics Unit supervisor.

1. Members may meet informants alone in an occupied public place, such as a restaurant.
2. Members should not meet with informants of the opposite gender unless accompanied by a member of the same gender as the informant, unless otherwise approved by the Narcotics Unit supervisor.

(f) When contacting informants for the purpose of making payments, members shall arrange for the presence of another member.

(g) In all instances when Office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

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(h) Since the decision rests with the appropriate prosecutor, members shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 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 Office 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 a member.

(c) The informant reveals to suspects the identity of a member or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this Office 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 members or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 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 Office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Narcotics Unit. The Narcotics Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Captain, Narcotics Unit supervisor or their authorized designees.

The Investigations Division Captain 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

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Narcotics 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.

603.5.1 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

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the member initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant’s personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

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The Narcotics Unit supervisor will discuss the above factors with the Investigations Division Captain and recommend the type and level of payment, subject to approval by the Sheriff.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Narcotics Unit buy/expense fund.

1. The Narcotics Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the member who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. Authorization signatures from the Sheriff and the County Administrator are required for disbursement of the funds.

(c) To complete the payment process for any amount, the member delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include:
   (a) Date.
   (b) Payment amount.
   (c) Saratoga County Sheriff's Office case number.
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant’s file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of members or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

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In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.6.3 AUDIT OF PAYMENTS

The Narcotics Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this Office 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 - 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.

Photo array: A collection of photographs that are shown to a witness to determine if the witness can recognize a person involved with the crime.

Line-up: A collection of individuals who are shown to a witness to determine if the witness can recognize a person involved with the crime.

Suspect: Person the police believe has committed the crime.

Filler: A person, other than the suspect, who is used in either a live line-up or a photo array.

Administrator: The person who is conducting the identification procedure.

Blind Procedure: An identification procedure where the administrator does not know the identity of the suspect.

Blinded Procedure: An identification procedure where the administrator may know who the suspect is, but by virtue of the procedure’s administration, the administrator does not know where the suspect is in the array viewed by the witness. This procedure is designed to prevent the administrator from being able to inadvertently provide cues to the witness.

Confidence Statement: A statement from an eyewitness immediately following their identification regarding their confidence or certainty about their identification. The witness should be asked to provide their level of certainty in their own words as opposed to using a numerical scale.

604.2 POLICY

The Saratoga County Sheriff's Office 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.

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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 Investigations Division Captain 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.

(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.

See Photo Array Procedure: Saratoga County Sheriff's Office Supplemental Manual: 602.1.1 Photo Arrays

See attachment: Photo Array form: SCSO Photo array form.pdf

For a PDF version of Photo Array and Live Lineup procedures see:

See attachment: SCSO Identification Procedures.pdf

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See attachment: SCSO Line up form.pdf

604.4.1 STATE PROTOCOL
The Investigations Division Captain 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 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 may do so sequentially (i.e., show the witness one person at a time) or simultaneously in an array for a minimum of six photos. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. The investigating member should contact the appropriate prosecuting attorney before proceeding with a live 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

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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.

(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.

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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.

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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 Saratoga County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Saratoga County Sheriff's Office 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 Saratoga County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Members 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. If a member learns of potentially incriminating or exculpatory information any time after submission of a case, the member 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.

If information is believed to be privileged or confidential (e.g., informant, attorney-client information, attorney work product), the member 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 a member is unsure, the member 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 to an appropriate prosecutor. A copy of the memo should be retained in the Office case file.

605.4 BRADY PROCESS

The Chief Deputy or the authorized designee shall coordinate requests for *Brady* information.

The responsibilities of the Chief Deputy or the authorized designee include, but are not limited to:

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(a) Working with the appropriate prosecutors' offices and the County Attorney'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 Office member becomes known to the Office 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 Chief Deputy or the authorized designeeshould notify the prosecuting attorney and Office member whose file contains the potential *Brady* information.

(b) The Chief Deputy or the authorized designee 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 Chief Deputy or the authorized designee 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).

(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 Chief Deputy or the authorized designeeshould notify the prosecutor of that fact in all future cases involving that member.

(d) If no court review is requested or pending, the Chief Deputy or the authorized designee should work with the appropriate counsel to determine which records should be disclosed to the prosecutor.

(e) Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

605.6 INVESTIGATING BRADY ISSUES

If the Office 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

Office 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.

Remote Pilot in Charge (RPIC) – Shall mean the pilot actually flying the UAS or charged with flying the UAS.

Chief Pilot – The UAS Program Coordinator, to be named by the Sheriff.

606.2 POLICY

A UAS may be utilized to enhance the Office'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.

The Office will regularly review data sharing agreements or policies, data use policies, and record management policies applicable to UAS to ensure they conform to applicable laws, regulations, and policies.

The Office will ensure that the UAS policy is posted online on the Sheriff's Office's website and will endeavor to provide public notice when UAS operations are to be conducted. The latter may be accomplished by media release, social media, posting on the Sheriff's Office's website, or any other method that would serve to sufficiently inform the public about the agency's UAS program as well as changes that would significantly affect privacy, civil rights, or civil liberties.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observes shall adhere to FAA altitude regulations and 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 devices away from such areas or persons during UAS operations.

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UAS-recorded data will not be collected, disseminated, or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, or assembly, and redress of grievances (e.g., protests, demonstrations)

Collection, use, dissemination, or retention of UAS-recorded data should not be based solely on individual characteristics (e.g. race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender) which is a violation of law.

UAS-collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside of the agency unless dissemination is required by law or fulfills and authorized purpose and complies with agency requirements.

606.4 PROGRAM COORDINATOR / CHIEF PILOT

The Sheriff will appoint a program coordinator or Chief Pilot who will be responsible for the management of the UAS program. The program coordinator/Chief Pilot will ensure that oversight procedures for the agencies' UAS use, including audits or assessments, comply with existing agency policies and regulations; and enforce policies and procedures, or confirm that policies and procedures are in place, which provide meaningful oversight of individuals who have access to sensitive information including and Personally Identifiable Information (PII) collected using UAS: and will have the following additional responsibilities:

(a) 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 Office operations.

(b) Ensuring that all authorized operators and required observers have completed all required FAA and Office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.

(c) Coordinating the completion of the FAA Emergency Operation Request Form if applicable involving a UAS, including documentation of time spent monitoring a subject.

(d) Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require the authorization of the Sheriff or the authorized designee, depending on the type of mission. Such designees shall include the Sheriff's Office Command Staff.

(e) Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

(f) Developing an operational protocol 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.

(g) Developing a protocol for fully documenting all missions.

(h) 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 where applicable.

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(i) 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.

(j) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

(k) Facilitating law enforcement access to images and data captured by the UAS.

(l) Recommending program enhancements, particularly regarding safety and information security.

(m) Ensuring that protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.

(n) Conducting an annual collaboration on and review of UAS policy and procedures involving pilots and the Training Coordinator.

(o) Compiling an annual report of UAS missions for release to the public.

1. It shall be the responsibility of the Sheriff or his designee to publish an annual report to be posted on the department webpage and any other means available to the public.
2. Oversight and audit procedures of UAS missions conducted. Such procedure shall include:
    i. Ensuring that oversight procedures for agencies UAS use, including audits or assessments, comply with existing agency policies and regulations and ensure policies and procedures, in place, are followed to provide meaningful oversight of individuals who have access to sensitive information including any PII collected using UAS.
    ii. At least bi-monthy evaluations by the Sheriff or his designee (non-pilot).
    iii. Spot check of UAS video data.
    iv. Check other provided mission data to ensure compliance with policy procedure and FAA regulations.

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.

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UAS operations should only be conducted during daylight and a UAS should not be flown over populated areas without FAA approval. UAS operations should only be conducted during night time hours with FAA approval.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- 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.

606.7 AUTHORIZED MISSIONS

UAS missions may be conducted:

(a) Where there are specific and articulable grounds to believe that the drone will collect evidence relating to a specific instance of criminal wrongdoing or if the drone will intrude upon reasonable expectations of privacy, where the Sheriff's Office has obtained a warrant based on probable cause, or where the Sheriff's Office has obtained the consent of an appropriate party, considering residency, ownership and privacy interests.

(b) Where there is a geographically confined, time-limited emergency situation in which particular individuals lives are at risk, including but not limited to a fire, hostage crisis, or person lost in the wilderness.

(c) For reasonable non-law enforcement purposes where privacy will not be substantially affected such as geological inspections, environmental surveys, infrastructure inspections, and where the data will not be used for secondary law enforcement purposes.

(d) For training purposes.

(e) UAS will monitor and assess critical infrastructure and provide emergency incident situational awareness.

606.8 APPROVALS

UAS missions may be initiated with approval of the Shift Supervisor. In the event that the UAS team will be comprised of one or more members currently working, the approval of the Shift Supervisor is also necessary in determining what resources will be assigned to the mission. The shift supervisor will have discretion to call in members who are not currently working for the purposes of completing the mission.

All UAS missions involving an investigation into suspected criminal activity or UAS missions conducted out of county shall require at a least two-person team, one PRIC and one spotter or

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observer with the understanding that said responsibilities may reverse as an incident becomes prolonged. For this reason, every effort should be made to have two pilots comprise the team. However, with approval of the Shift Supervisor or Chief Pilot a non-pilot member may perform as the observer as practicable.

UAS missions that appear non-criminal in nature should be conducted by at least a two person team but may be flown by a single pilot with the approval of the Shift Supervisor or Chief Pilot.

Any RPIC may refuse to fly for any reason and shall not be countermanded by a supervisor or commanding officer. Reasons for refusing flight may include but are not limited to weather conditions, safety concerns, manpower limitations or FAA regulations and possible violations.

It is a goal of the Sheriff's Office to provide UAS Mutual Aid to outside agencies when requested and practicable. The Sheriff shall establish policies or procedures to authorize the use of UAS assistance in support of Federal, State, local tribal or territorial government operations. Certain Mutual Aid Agreements or Memorandums of Agreement or other protocols may become established which may eliminate the need for approval of certain individual requests. Any mutual aid request from an outside agency will be deferred to a Shift Supervisor who will confirm the approval of the Sheriff or his designee before authorizing any such mission. Once approved, Mutual Aid missions will be conducted in accordance with Federal and State law.

606.9 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure manner with access restricted to authorized persons. A recording needed as evidence shall be copied into Evidence.com and logged 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 or photographic surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. Recordings or photographic evidence related to a criminal investigation shall be retained al least until the disposition of any criminal case and/or as long as the possibility of civil litigation relative to the matter exists. Video or photographic data not related to a criminal matter shall be maintained for a minimum of 180 days.

Information collected using UAS that may contain PII shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of the retaining agency, is maintained in a system of records covered by the Privacy Act or is required to be retained for a longer period by any other applicable law or regulation.

606.10 EVIDENTIARY INTEGRITY

All downloaded and retained media relative to a criminal investigation 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. Electronic trails, including encryption, digital masking, of innocent or uninvolved persons to preserve anonymity, authenticity certificates, and date and time stamping shall be used as appropriate to preserve individual rights and ensure authenticity and maintenance of a secure evidentiary chain of command.

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606.11 PERSONNEL COMPLAINTS

Allegations of misconduct will be administratively investigated following the Sheriff's Office Policy 1008 (Personnel Complaints).

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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 Office. 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 Saratoga County Sheriff's Office to balance the safety needs of the public, the safety of Office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The Chief Deputy or the authorized designee (see the Operations Planning and Deconfliction Policy) shall serve as the operations director, who 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

The drafting and execution of a search warrant will be the responsibility of the Investigations Division or the Crash Reconstruction Unit. The investigator will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will submit the warrant affidavit to the appropriate supervisor for review.

607.5 ARREST WARRANTS

If a member reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the member should complete the risk assessment form and submit it to the appropriate supervisor for review and classification of risk prior to execution (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Chief Deputy or the authorized designee. 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

A member 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 DUE DILIGENCE

Members 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 service is not initially successful, members 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.

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607.8 HIGH-RISK WARRANT SERVICE

The Chief Deputy 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 members 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) 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.

(c) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(d) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(e) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(f) 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.

(g) A copy of the search warrant is left at the location.

(h) The condition of the property is documented with video recording or photographs after the search.

607.9 DETENTIONS DURING WARRANT SERVICE

Members 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, members must be mindful that only reasonable force may be used and weapons should be displayed no longer than the member 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.

Members should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

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607.10 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.

607.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Chief Deputy or the authorized designee 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
- 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 shift supervisor. The shift supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Saratoga County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Saratoga County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the shift supervisor is unavailable, the lieutenant should assume this role.

If members intend to serve a warrant outside Saratoga County Sheriff's Office jurisdiction, the Chief Deputy or the authorized designee 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.

Members will remain subject to the policies of the Saratoga County Sheriff's Office when assisting outside agencies or serving a warrant outside Saratoga County Sheriff's Office jurisdiction.

607.12 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.13 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 member's presence would create an imminent threat of physical violence to the member or another person.

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607.14 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 members 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 Saratoga County Sheriff's Office 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 OPERATIONS DIRECTOR

The Chief Deputy shall be the operations director.

The operations director 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 operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 THREAT ASSESSMENT MATRIX PREPARATION

Members assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a threat assessment matrix.

When preparing the matrix, the member 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 member should also submit information to these resources.

The member should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(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 members and others (e.g., making an off-site arrest or detention of the subject of investigation).

(i) If the operation is for a high-risk warrant service, the member 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.

608.4.2 THREAT ASSESSMENT MATRIX REVIEW

Members will present the threat assessment matrix and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director 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 operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director 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:

1. Special Operations Team (SOT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment

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5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Property and Evidence Unit or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate Office 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 member who is the operations lead 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 member 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 operations director 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)

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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, 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 threat assessment matrix by attaching a completed copy in the operational plan.

(a) The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the threat assessment matrix to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed members 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.

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.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should review a copy of the operations plan and search warrant, if applicable. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

    (a) Exceptions may be made by the operations director for members 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.

    1. It is the responsibility of the operations director to ensure that the Communication Center is notified of the time and location of the operation.

    2. If the radio channel needs to be monitored by the Communication Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable.

    3. A communications check should be performed to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 SOT PARTICIPATION

If the operations director determines that SOT participation is appropriate, the director and the SOT commander shall work together to develop a written plan. The SOT commander 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 SOT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the members present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Sheriff. 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 participants as possible. This debrief may be separate from any SOT debriefing.

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Forensic Genetic Genealogy

609.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

609.1.1 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.

609.2 POLICY

The Saratoga County Sheriff's Office's use of FGG will be in coordination with prosecutors, the Coroner, 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.

609.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the Investigations Captain 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.

609.4 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 Coroner.

609.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Office 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 Office.

609.6 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.

609.7 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.

609.8 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 Coroner for an amendment to a certificate of death.

609.9 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 Office 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 Office.

609.10 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 and evidence unit custodian and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Unit Policy for guidelines regarding biological evidence, including DNA samples.

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Chapter 7 - Equipment

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Office-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of Office-owned property and the role of the Office when personal property, the property of another person or Office-owned property is damaged or lost.

700.2 POLICY

Members of the Saratoga County Sheriff's Office shall properly care for Office property assigned or entrusted to them. Office-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties may be reimbursed in accordance with this policy.

700.3 OFFICE-ISSUED PROPERTY

The Sheriff shall approve all authorized Office property and may delegate responsibility for the issuance, management and accountability for Office property to the respective Captain.

All property and equipment issued by the Office 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 Office, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use and replacement of Office property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of Office 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 Office-issued property or equipment.

1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Captain, 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.

(c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, Office 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.

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(d) Office 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.

700.3.2 OFFICE OWNED LOCKERS AND OTHER STORAGE EQUIPMENT

All lockers, desks, file cabinets and other Office owned storage equipment is provided for official use by its members. Office owned storage equipment is provided to allow members to perform their official functions efficiently while providing for convenient access to necessary supplies and/or information. Members forfeit any expectation of privacy with regard to anything contained or stored within any Office issued locker, desk, file cabinet or other storage area.

Any Office issued storage equipment is subject to examination by Office supervisors for access to needed equipment and/or files and also for periodic inspection purposes.

Only Office issued locks may be used on Office issued lockers, desks, file cabinets or other storage equipment. Members should keep their lockers closed and locked whenever they are not within the locker room. Members who are assigned or have access to desks, file cabinets or other storage equipment containing sensitive or protected information should be locked whenever the member is not in the immediate vicinity.

700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Sheriff or appropriate Captain. 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. Personal property of the type routinely carried by police officers (e.g., flashlights, tourniquets, etc.) that are not weapons are excluded from this requirement.

The Office will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as part of work.

700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made via written memorandum through the chain of command to the member's immediate supervisor. The supervisor may require a separate written report.

The supervisor receiving such a report shall investigate and direct a memo to the appropriate Captain, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff, who will then forward the claim to the County department responsible for issuing payments.

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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 complete a case report and advise the appropriate Captain, 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 County of Saratoga or of another person while performing their duties within the jurisdiction of this Office. It shall be the responsibility of the Office 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 complete a case report and advise the appropriate Captain, 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 by the Office 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 Saratoga County Sheriff's Office allows members to utilize Office-issued 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 Office 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 Office 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 Office-related business or when the use reasonably implicates work-related misconduct.

701.4 OFFICE-ISSUED PCD

Depending on a member’s assignment and the needs of the position, the Office may, at its discretion, issue a PCD for the member’s use to facilitate on-duty performance. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be

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subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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 Office 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) 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 Office business-related communication.

(e) The device shall not be utilized to record or disclose any Office 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 Office, without the express authorization of the Sheriff or the authorized designee. Members may install and use Axon Capture on their PCD with supervisory approval.

(f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Office 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 Saratoga County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

(h) Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.

(i) Searches of a personally owned PCD by the Office should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

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 Office business:

(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.

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(b) 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 to authorized break times unless an emergency exists.

(c) 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.

(d) 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 Office business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.

(e) Members will not access social networking sites for any purpose that is not official Office business. This restriction does not apply to a personally owned PCD used during authorized break times.

(f) 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.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

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 Office 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. Members 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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Hands-free use should be restricted to business-related calls or calls of an urgent nature.

At no time will members review, send or reply to text messages, review, send or reply to email, or participate in other text-based activities on a PCD while operating any vehicle unless such activity can be accomplished solely by voice control.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that Office vehicles are appropriately maintained.

702.2 POLICY

The Saratoga County Sheriff's Office will service Office vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining Office vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

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 prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all Office vehicles.

702.5.1 PATROL VEHICLES

Members shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 20 emergency road flares
- 1 roll crime scene barricade tape

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- 1 first-aid kit and CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 bloodborne pathogen kit, including protective gloves and a National Institute for Occupational Safety and Health (NIOSH) particulate respirator mask
- 1 hazardous waste disposal bag
- Tire replacement or repair kit, depending upon how the vehicle came equipped
- Ballistic helmet
- Ballistic shield
- Ballistic plates/carriers

702.5.2 UNMARKED VEHICLES
Members driving unmarked Office vehicles shall ensure that the following equipment, at a minimum, is in the vehicle:

- 20 emergency road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask
- 1 blanket
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- Tire replacement or repair kit, depending upon how the vehicle came equipped

702.6 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than a full tank of fuel. Patrol vehicles should not be retired at the end of shift with less than a full tank of fuel without supervisory approval. Vehicles shall only be refueled at authorized locations.

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 Office.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material shall not be disposed of in public garbage receptacles.

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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 Office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of Office vehicles and shall not be construed to create or imply any contractual obligation by the County of Saratoga to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

703.2 POLICY

The Saratoga County Sheriff's Office provides vehicles for Office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations. Vehicles assigned to general patrol duties should be equipped with emergency lighting and be conspicuously marked with the Office name.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The shift sergeant shall ensure a copy of the shift assignment roster indicating member assignments, is completed for each shift and provided to the Communications Division.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the shift sergeant.

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 Office 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.

All Office 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.

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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). Members 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 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 Communication Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, 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.

Members shall not disable or 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 Captain approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members who are assigned a specific vehicle should be provided access to keys for that vehicle at the beginning of their shift and all keys shall be returned to the designated key storage area at the end of the shift.

The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 AUTHORIZED PASSENGERS

Members operating Office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle.

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703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any Office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING

Except when responding to an emergency or when urgent Office-related business requires otherwise, members driving Office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to Office 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.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned fleet manager.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Take-home vehicles are an essential resource for maintaining a high level of service to the community. Members assigned to specialized or supervisory roles must often respond without delay to major incidents, conduct after-hours investigations, or provide immediate oversight and decision-making. Eliminating the need for these personnel to travel to headquarters before deploying allows for faster mobilization, improved incident management, and greater public safety. Additionally, take-home vehicles promote accountability for agency-issued equipment and provide visible law enforcement presence in the community, thereby deterring criminal activity and reinforcing public trust. The goal is to ensure operational readiness, improve emergency response capabilities, and enhance the overall effectiveness and efficiency of the agency in fulfilling its public safety mission.

The assignment of take-home vehicles is a strategic operational decision intended to maximize responsiveness, reduce delays during critical incidents, and ensure the timely availability of key personnel. Vehicles may be assigned to members whose duties require frequent, unpredictable, or urgent responses outside of standard working hours; who are subject to rapid recall during emergencies; or who hold roles necessary to maintaining the continuous and effective operation of the Sheriff's Office.

Members assigned to the following units are eligible for take home vehicle assignments due to the nature of their responsibilities, the likelihood of recall, and the importance of operational continuity and efficiency:

- Command Staff
- Lieutenants (Shift/Detail Commander)
- Criminal Investigations Division

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- School Resource Officers
- K-9 Unit
- Office of Professional Standards
- Information Technology

Assignment of take-home vehicles must be approved by the Sheriff or an authorized designee. All assignments are subject to periodic review and may be modified or revoked based on operational needs, policy compliance, or changes in 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 Office members at the discretion of the Sheriff or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where Office vehicles must be used by members to commute to and from a work assignment. Members may take home Office vehicles only with prior approval of a member with the rank of lieutenant or above and shall meet the following criteria:

(a) The circumstances were created by the needs of the Office.

(b) Other reasonable transportation options are not available.

(c) Off-street parking will be available at the member’s residence.

(d) The vehicle will be locked when not attended.

(e) All firearms, weapons, uniforms 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. Residence in the County of Saratoga is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Saratoga may be required to secure the vehicle at a designated location or the Office at the discretion of the Sheriff.

Administrator take-home vehicle use is governed by the Sheriff or the authorized designee.

Criteria for use of take-home vehicles include the following:

(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 Sheriff or a Captain gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

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(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Sheriff or Captains 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 Sheriff or authorized designee.
4. 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 Office 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 Sheriff 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 Office facility, at the discretion of the Office, 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 Office shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.

(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 Saratoga County Sheriff's Office or while off-duty, a member shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see

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the Off-Duty Law Enforcement Actions, Law Enforcement Authority for Police Officers and Law Enforcement Authority for Peace Officers policies).

Members may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Members driving take-home vehicles shall be armed and appropriately attired and shall carry their Office-issued identification. Members should also ensure that Office 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 Office. 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.

(d) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair. The card should be left in the designated area or if the garage is not open, on the seat or dash.

(e) All weapons shall be removed from any vehicle left for maintenance.

(f) 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 SPECIAL PURPOSE VEHICLES

The Sheriff 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:

- Special Operations Team
- Rescue Vehicle (MRAP) (see procedures for Rescue Vehicle)
- Mobile Command
- All terrain or off-road access

The procedures document should minimally include, for each vehicle:

- The purpose of use
- Who may authorize use
- Operation instructions

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- 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

703.6 DAMAGE, ABUSE AND MISUSE

When any Office 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 Office 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 lieutenant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are not exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating Office vehicles on a toll road shall adhere to the following:

(a) Members operating Office 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 County 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 Captain within five working days explaining the circumstances.

703.8 ATTIRE AND APPEARANCE

When operating any Office 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 Office.

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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 Office and to ensure Office members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence Unit and Informants policies.

704.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of Office operations and ensure the public trust.

704.3 FISCAL MANAGEMENT

704.3.1 SHERIFF RESPONSIBILITIES

The Sheriff is responsible for directing the position or person responsible for managing fiscal issues for the agency, who shall be the Undersheriff, which shall include managing the Office budget; overseeing revenues, disbursements and balances of accounts; and conducting and/or directing regular and unscheduled audits.

704.3.2 FISCAL MANAGEMENT SYSTEM

The Office's fiscal management system tracks all budget lines for all accounts and finances of the agency, including confidential funds. The Undersheriff will ensure that the following reports are prepared on a quarterly basis in order to provide the Sheriff 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 Undersheriff has been designated 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 Undersheriff.

704.5 PETTY CASH TRANSACTIONS

The Undersheriff shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to

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the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.6 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties (e.g., property and evidence unit custodians, the Narcotics Unit supervisor, those who accept payment for Office services) will discharge those duties in accordance with the procedures established for those tasks (see the Property and Evidence 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 and Evidence 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 Undersheriff shall monitor fiscal activities and the budget using a procedure and forms approved by the Sheriff. Internal control procedures shall be established and shall include evaluation of staff members' fiscal management functions. Any discrepancies shall be immediately reported to the Sheriff.

The Undersheriff shall ensure that an annual independent audit is conducted of the accounts and finances of the Office. All Office funds shall be open for inspection and audit by auditors at any time. Members of the Office shall cooperate fully and provide assistance in support of any audit.

A separate audit of each fund or other fiscal area of responsibility should be completed on a random date, approximately once each year, by the Undersheriff and the results reported to the Sheriff.

Audits shall include a review of procedures in place to manage the funds.

704.8.1 PETTY CASH AUDITS

The Undersheriff shall oversee the petty cash fund and shall perform an audit no less than once every six months. This audit requires that the Undersheriff and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The Undersheriff and the administrative staff member appointed by the Sheriff to maintain the fund on a day-to-day basis shall sign or otherwise validate the ledger, attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires

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documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member or administrative staff 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 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 Sheriff.

(b) Appropriate documentation in compliance with a process authorized by the Sheriff and inclusion in inventory of items purchased or obtained for use by the Office.

(c) Appropriate documentation and deletion from inventory of items properly authorized for disposal by the Undersheriff or the Sheriff.

(d) Reporting and disposition of damaged, excess and surplus property in compliance with a process authorized by the Undersheriff.

(e) Maintenance of complete records for all Office property, equipment and other assets.

704.10 PURCHASING

All purchasing of Office supplies and equipment will be in compliance with the County purchasing manual and in compliance with a process authorized by the Sheriff.

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 Sheriff or the Undersheriff or the authorized designee.

All purchases for the County 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 Sheriff or the Undersheriff.

704.11 PROPERTY DISPOSAL

The Undersheriff is responsible for prompt deposit of revenue from:

(a) Property sold under court order with the clerk of the court issuing the order.

(b) The sale of bicycles or other items of lost or found, or unclaimed non-evidentiary items into the appropriate funds.

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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 Office 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 Saratoga County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 MEMBER 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.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Sheriff or the authorized designee 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 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; 12 NYCRR § 800.3; Labor Law § 27-a):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per Office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 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 irritant causing 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.

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705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 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.

705.7.6 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.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Training Manager is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

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(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the Office 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 Saratoga County Sheriff's Office. 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.

800.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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 Office.

Members are responsible for knowing and sharing with the community the crime prevention role and community relations objectives of the Office as well as the Office’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 the Communication Center.
- New York State Division of Criminal Justice Services' Regional Crime Analysis Centers

800.4 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

800.5 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

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specific line members should be sent directly to them. Information relevant to the development of Office strategic plans should be provided to the appropriate command staff members.

Members should only share information with, and disseminate information from, the Regional 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.

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Property and Evidence Unit

801.1 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.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property and Evidence 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 Office or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Office 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.

801.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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.

801.3 PROPERTY AND EVIDENCE UNIT SECURITY

The Property and Evidence Unit shall maintain secure storage and control of all property in the custody of this Office. A property and evidence unit custodian shall be appointed by and will be directly responsible to the designated Captain or the authorized designee. The property and evidence unit custodian is responsible for the security of the Property and Evidence Unit and will have the authority to accept, reject or release property submitted or requested by a member of any rank.

801.3.1 REFUSAL OF PROPERTY

The property and evidence unit custodian has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the property and evidence unit custodian 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 of the reason for refusal and the action required for acceptance into the Property and Evidence Unit.

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801.3.2 KEY CONTROL
Property and Evidence Unit keys should be maintained by the property and evidence unit custodian and members assigned to the Property and Evidence Unit. Property and Evidence Unit keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Property and Evidence Unit key is lost, all access points shall be re-keyed and new keys issued as necessary.

801.3.3 ACCESS
Only authorized members assigned to the Property and Evidence 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 designated Captain and accompanied by the property and evidence unit custodian or authorized designee. Each individual must sign the Property and Evidence Unit access log and indicate:

(a) The date and time of entry and exit.

(b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying Office member.

801.4 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 and evidence unit custodian 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.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the Office. A copy of the property receipt form shall be given to the individual from whom the property was taken.

801.4.1 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 label shall be completed and placed on each item or package with a description of each item into the property database. List all known information, including:

1. The serial number.
2. The owner’s name.
3. The finder’s name.
4. The date and time of seizure.
5. The incident type.
6. Other identifying information or markings.

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(b) Each item label 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. When possible, evidence should be packaged in a manner to prevent it from being tampered with, contaminated or allowed to contaminate other evidence.

(d) A property tag 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) A firearms surrender form shall be completed any time a member takes custody of a firearm, A copy of this form shall be submitted with the case report.

801.4.2 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 property form.

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 property form.

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. In such case 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 Sheriff's 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 and evidence unit custodian is responsible for ensuring the safe destruction and/or transport to the appropriate location for destruction of any fireworks or signaling devices that are not retained as evidence. This shall occur on a regular basis.

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Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives. Firearms shall be further secured within a separate evidence room with double-locking door entry.

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.

County property that is of no evidentiary value should be released directly to the appropriate County department. No formal property processing is required.

If no responsible County personnel can be located, the property should be held for safekeeping.

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.

801.4.3 CONTROLLED SUBSTANCES

(a) Controlled substances shall not be packaged with other property, but shall be processed separately using a separate property form.

(b) The member processing controlled substances shall retain such property in the member's possession until it is weighed, packaged, tagged and placed in the designated controlled substances locker, accompanied by the property control card and lab copy of the property form.

(c) Prior to packaging and if the quantity allows, a presumptive test may be made on all suspected controlled substances. If conducted, the result of the test shall be included in the crime report. No such testing will be conducted unless an appropriate environment can be secured.

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 and evidence unit custodian, the quantity shall be photographed and weighed.

(a) 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.

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(b) Excess quantities should be stored or disposed of as required by law or directed by court order.

(c) 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 and evidence unit custodian 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.

801.4.4 ITEMS REQUIRING ADDED PROTECTION

All items that require added protection shall be logged separately using a separate property record.

(a) Property items that require added protection are stored in separate locked areas within the Property/Evidence Storage Room. These items may include, but not necessarily be limited to:

(a) Currency

(b) Precious metals, jewelry and gemstones

(c) Firearms

(d) Narcotics and other dangerous drugs

The officer seizing items that require added protection shall place them in the designated locker accompanied by two copies of the form. The remaining copy will be detached and retained by the submitting officer.

801.4.5 BALLISTICS PROCESSING

The property and evidence unit custodian shall coordinate with the 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 and evidence unit custodian should complete reporting and data-sharing requirements required by Executive Law § 230.

801.5 RECORDING OF PROPERTY

The property and evidence unit custodian receiving custody of property shall ensure a property control log entry for each item or group of items is created. The property control log will be the permanent record of the property in the Property and Evidence Unit. The property and evidence unit custodian will record on the property control log their signature, GPW if the package contains controlled substances, the date and time the property was received and where the property will be stored.

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A unique property number shall be obtained for each item or group of items from the property log. This number shall be created within the property control system and inclduded on the bar code label. The property log shall document the following:

(a) Property number

(b) Case number

(c) Item description

(d) Item storage location

(e) Receipt, release and disposal dates

Any change in the location of property held by the Saratoga County Sheriff's Office shall be noted in the property log.

801.6 PROPERTY CONTROL

The property and evidence unit custodian temporarily relinquishing custody of property to another person shall record on the property log his/her signature, the date and time the property was released, the name and signature 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 and Evidence Unit or released to another authorized person or entity.

The return of the property to the Property and Evidence Unit should be recorded on the property log, indicating the date, the time, the name and the signature of the person who returned the property and the name and signature of the person to whom the property was returned.

801.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry on the property log shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from either the Investigations Division Captain or investigator, a Captain, or prosecutor, depending on where the case is assigned.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted on the property log, 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 and evidence unit custodian 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 property and evidence unit custodian. This request may be submitted any time after the property has been processed.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The property and evidence unit custodian releasing items of evidence for laboratory analysis must complete the required information on the property log including the time it was released from the property and evidence unit.. The lab form will be transported with the evidence to the

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examining laboratory. Upon delivering the item, the member will record or cause to be recorded the delivery time on the lab form, and document the name 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.

801.6.3 CONTROLLED SUBSTANCES
The Evidence Custodian will be responsible for the storage, control and destruction of all controlled substances coming into the custody of this Office. The GPW will be verified every time controlled substances are checked in or out of the Property and Evidence Unit and any discrepancies noted on the outside of the package. Any change in weight should be immediately reported to the designated Captain.

801.6.4 PRESCRIPTION DRUG "TAKE BACK" PROGRAM
The evidence custodian shall be responsible for the secure prescription drug collection box maintained in the front lobby. Residents may deposit unused and unwanted prescription drugs in the collection box 24 hours a day, 7 days week. The evidence custodian and a witness shall check the box on a regular basis and retrieve any deposited drugs. The drugs will be secured within the boxes provided by the Drug Enforcement Administration (DEA) for this purpose and secured and sealed with evidence tape. The boxes will be stored in a place designated by the assigned Captain.

The boxes shall be delivered to the DEA as frequently as the DEA will accept them. The delivery shall be made by the evidence custodian and a witness. The number of boxes shall be recorded along with the date and time of the delivery and the name of the receiving member of the DEA.

801.6.5 UNCLAIMED MONEY
The property and evidence unit custodian shall submit an annual report, or more frequently as directed, regarding money that is presumed to have been abandoned to the Sheriff. The property and evidence unit custodian may deposit such money in compliance with existing laws upon receipt of proper authorization from the Sheriff.

801.7 RELEASE OF PROPERTY
The designated Captain shall authorize the evidence custodian to release property coming into the care and custody of the Office.

When a request by a crime victim is made to return stolen property owned by the victim, Property and Evidence Unit members shall notify the prosecutor and defendant or his/her counsel as soon as practicable. Property and Evidence Unit members will make the property available to the defense counsel and/or the prosecutor for examination (Penal Law § 450.10).

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

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Found property and property held for safekeeping shall be retained for the period of time required by law. (Personal Property Law §253) During such period, Property and Evidence 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 on the property log.

A property and evidence unit custodian shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded on the property log.

A record of all property and evidence and its disposition shall be maintained by the evidence unit custodian in electronic format (e.g., computerized case report) at all times.

801.7.1 DISCREPANCIES

The appropriate lieutenant shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The lieutenant will interview the person claiming the shortage. The lieutenant shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

801.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this Office, 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 Office should be contacted.

801.7.3 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)).

801.7.4 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).

In addition to the aforementioned court order, the Office should only release a prohibited item to a person upon demonstration that ownership has been legally transferred to the person and that he/she is not precluded by federal and state law from owning or possessing the item.

Any prohibited items secured by this agency pursuant to an extreme risk protection order shall only be released by the property and evidence unit custodian.

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801.7.5 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.

801.8 DESTRUCTION OR DISPOSAL OF PROPERTY

An authorized Captain shall approve the destruction or disposal of all property held by this Office.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the case report and property log.

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 Office (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)
- Found property (Personal Property Law §253)

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).

The evidence custodian will be responsible for coordinating property auctions with county officials.Property which may be disposed of at auctions include; unclaimed property; non-contraband evidence, after all court proceedings related to the evidence have been completed; and found property, providing the finder does not wish to receive the property.

The evidence custodian shall be responsible for destruction procedures necessary to dispose of property as the need arises. Controlled substances will be incinerated at least once per year with the approval of the designated captain. The evidence custodian and a witness shall personally observe the destruction of the controlled substances.

Property should not be auctioned or destroyed until every reasonable attempt has been made to identify the owner of the property.

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For the disposition of items in evidence which are disposed, returned to owner, auctioned or transferred to other law enforcement agencies, the following items must be documented and placed with the evidence folder and/or in RMS:

- Property Retention Schedule
- Witness information
- Means of destruction

801.8.1 BIOLOGICAL EVIDENCE

The property and evidence unit custodian shall ensure that no biological evidence held by this Office is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant’s attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Investigations Captain

Biological evidence shall be retained for a minimum period established by 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 Office 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 Investigations Captain.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff 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 Investigations Captain should be consulted and the sexual assault victim should be notified.

801.8.2 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 Saratoga County Sheriff's Office has possession of the sexual assault evidence, then the Property and Evidence Unit Custodian, 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.

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(b) The victim’s clothes and personal effects will be returned to the victim upon request.

801.8.3 CANNABIS

At the first sign of mold growth, stored cannabis shall be photographed showing the mold growth. As soon as practicable, the property and evidence unit custodian shall make efforts to lawfully destroy the contaminated cannabis, in compliance with this policy. The property and evidence unit custodian should consult with the member 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.

801.8.4 MEDICAL CANNABIS

The investigating member should advise the property and evidence unit custodian 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 and evidence unit custodian 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.

801.9 INSPECTION OF THE PROPERTY AND EVIDENCE UNIT

The designated Captain shall ensure that periodic, unannounced inspections of the Property and Evidence Unit operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The designated Captain also shall ensure that an audit is conducted annually, or as directed by the Sheriff. Inspections and audits shall be conducted by a member of this Office who is not routinely or directly connected with the Property and Evidence Unit operations.

Whenever there is a change of assignment for any member with authorized access to the Property and Evidence Unit, an audit of all property shall be conducted by a person who is not associated with the Property and Evidence Unit or its function. This is to ensure that all property is accounted for and the records are correct.

801.9.1 STATE-SPECIFIC AUDIT AND INVENTORY REQUIREMENTS

Audits shall minimally include five percent of the total Property and Evidence Unit inventory or 50 items, whichever is less.

An inventory shall minimally include ten percent of the total Property and Evidence Unit inventory or 100 items, whichever is less.

All audits and inventories in the Property and Evidence Unitshall include a sampling of money, firearms, controlled substances and high-value items.

A report shall be completed identifying the items that were inventoried or audited.

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801.9.2 AUDIT AND INVENTORY MANAGEMENT
The inventory and the audit shall not be conducted within four months of each other and should not include the same items unless the total available sample size dictates otherwise.

801.10 TRAINING

All members assigned the duties of a property and evidence unit custodian shall successfully complete a course in Property and Evidence Unit management within one year of being assigned such duties.

The Training Manager is responsible for scheduling the training and maintaining records of the training.

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Records Unit

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Saratoga County Sheriff's Office Records Unit. The policy addresses Office file access and internal requests for case reports.

802.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to maintain Office records securely, professionally and efficiently.

802.3 RESPONSIBILITIES

802.3.1 IDENTIFICATION OFFICER

The Sheriff shall appoint and delegate certain responsibilities to a civilian Identification Officer. The Identification Officer shall be directly responsible to the Undersheriff or the authorized designee.

The responsibilities of the Identification Officer 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 Office members or public officials.
3. Any case where restricted access is prudent.
4. Juvenile records

(h) When the Office 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 members.
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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802.3.2 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.

(b) Providing members of the Office with access to case reports when needed for investigation or court proceedings.

(c) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(d) Identifying missing case reports and notifying the responsible member's supervisor.

(e) Complying with records requests from post-secondary educational institutions pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

802.4 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 Sheriff's Office case, including 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 Saratoga County Sheriff's Office maintains and has access to an up-to-date record system for warrants that is available at all times.

The Civil Clerk's are responsible for maintaining a record of all legal process handled by the Office. Information to be maintained for each item of legal process includes:

- Date and time received
- Type of legal process
- Nature of document
- Source of document
- Name of plaintiff, complainant, defendant or respondent
- Name of member 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 Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

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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 Identification Officer is responsible for the collection, dissemination and retention of juvenile records.

802.4.1 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 Office member shall first obtain authorization from the Identification Officer. 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.

802.5 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.

802.6 RECORDS STORAGE AND DISASTER RECOVERY

Where possible, records will be stored electronically on the agency servers.Agency servers are located in the secure, controlled access server room of the Sheriff’s Office with redundant copies of all files stored on disaster recovery servers located off-site at the back-up Communications Center server room located in the Office of Emergency Services.

Certain hard-copy files (e.g. pistol permits) are stored locally with copies filed with the County Clerk of Saratoga County.

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Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Office records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Saratoga County Sheriff's Office 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.) and the law pertaining to motor vehicle accident reports (Public Officers Law § 66-a).

803.3 RECORDS ACCESS OFFICER

The civilian Identification Officer shall also serve as the Records Access Officer. The responsibilities of the Records Access Officer include, but are not limited to:

(a) Managing the records management system for the Office, including the retention, archiving, release and destruction of Office public records.

(b) Maintaining and updating, and ensuring compliance with the Office records retention schedule in accordance with Schedule LGS-1 for city, town, village and county agencies, including:

  (a) Identifying the minimum length of time the Office must keep records.

  (b) Identifying the Office division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of Office 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. All requests pertaining to Freedom of Information Law (FOIL) requests are handled by the County Public Access Officer.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Office member who receives a request for records shall route the request to the Records Access Officer or the authorized designee unless the requesting person is a party to the record requested and the case is no longer active. In any event, should a question arise as to the legality

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of releasing any record, an opinion may be sought from the County Attorney’s Office prior to doing so.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for records 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.

    (a) Requests requested pursuant to FOIL will be referred or forwarded to the County Public Records Access Officer.

    (b) Requests by victims, reporting persons or other law enforcement agencies may be processed by the Office Records Access Officer.

(b) 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.

    (a) 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 office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(c) Records shall be provided on the medium requested by the requester if the Office can reasonably make a copy or a copy can be made by engaging an outside professional service.

(d) Upon request, certification shall be provided in the following circumstances:

    1. The Office ensures that the copy of the record is correct.

    2. The Office does not have possession of the record.

    3. The record cannot be found after a diligent search.

803.4.2 APPEAL OF DENIALS

When a record request is denied, the requester may appeal the determination to the Sheriff within 30 days. The notice of the appeal shall be routed to the Records Access Officer and the Sheriff. The Office 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)).

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803.4.3 REQUESTS FOR ACCIDENT REPORTS

Persons requesting copies of accident reports will be referred to the internet service provider buycrash.com where reports can be downloaded for a fee. Persons requesting copies of an accident report may also acquire it in person at the Records Office or through U.S. Mail for a fee. A member of the rank of captain or higher may authorize an accident report to be released outside the foregoing methods.

803.5 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 Office record, are restricted except as authorized by the Office, 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.
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 Office 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.

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(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.

803.6 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, County Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

803.7 SEALED RECORDS

Sealed records orders received by the Office 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 however these records shall be provided to any state or local officer or agency with responsibility for the issuance of licenses to possess guns, when the accused has made application for such a license (Criminal Procedure Law 160.50 (1)(d)(iii)).

803.8 SECURITY BREACHES

Members who become aware that any Saratoga County Sheriff's Office system containing private information may have been breached should notify the Identification Officer and their immediate supervisor as soon as practicable. The Identification Officer shall promptly notify the Sheriff through the chain of command.

The Identification Officer 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.

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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 Office 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 Identification Officer should promptly notify the Sheriff through the chain of command and the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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Protected Information

804.1 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 Saratoga County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Saratoga County Sheriff's Office 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.

804.2 POLICY

Members of the Saratoga County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

(a) 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.

(b) Developing procedures to ensure training and certification requirements are met.

(c) Resolving specific questions that arise regarding authorized recipients of protected information.

(d) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Saratoga County Sheriff's Office 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 and or criminal prosecution.

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804.5 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 immediately notify their immediate supervisor.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office 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 members, other Office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of the this position include but are not limited to:

(a) Developing and maintaining security practices 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.

(d) Tracking, documenting, and reporting all breach of security incidents to the Sheriff and appropriate authorities.

804.6.1 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).

804.7 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

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authorized access and use of protected information, as well as its proper handling and dissemination.

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Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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.

805.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

(a) Animal-related matters during periods when Animal Control is available.

(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) Animal Control officers that are peace officers are subject to the training requirements of CPL § 2.30.

805.4 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.

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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.
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.

805.5 ANIMAL CRUELTY COMPLAINTS

When a complaint for animal cruelty is received, the following should occur:

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

(c) Laws relating to the cruelty to animals should be enforced, including but not limited to:

(a) Animal fighting (Agriculture and Markets Law § 351)

(b) Overdriving, torturing, and injuring animals (Agriculture and Markets Law § 353)

(c) Aggravated cruelty (Agriculture and Markets Law § 353-a)

805.6 ANIMAL BITE REPORTS

Members 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 in conjunction with Animal Control to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.7 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. Members may also contact the local or County animal control officer for on-going issues or if additional assistance is necessary.Except in an emergency, dogs shall not be taken into custody, or transported to a shelter/holding pen by members. Transport of a dog by members requires supervisory approval.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the member will request the assistance of animal control services from an allied agency.

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805.9 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.

805.10 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.

For deceased domestic animals, members should make every reasonable effort to locate and notify the owner of such animal for removal provided that the death of the animal does not appear to be the result of a criminal act. Deceased animals on public property should be reported to the appropriate municipal entity through the Communications Division for removal.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

805.11 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 local municipal or county animal control officer should be contacted.

805.12 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 domesticated animal shall only be euthanized with the approval of a supervisor. Domestic animals and livestock should only be euthanized as a last resort. A report explaining the circumstances should be completed by the member who used the firearm, including the name of the lieutenant or other supervisor who approved or was notified of the firearm discharge.

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).

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CJIS Access, Maintenance, and Security

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of Office systems that access, process, store, or transmit Criminal Justice Information.

806.1.1 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 Office systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

806.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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.

806.3 CJIS COORDINATOR

The Sheriff shall appoint a CJIS coordinator, who shall be responsible for the Saratoga County Sheriff's Office's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the Office's use, maintenance, and security of systems that access CJI as described in this policy.

806.3.1 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 Office 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).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or Office requirements, including:

1. Maintaining a list of organizations and personnel approved by the Sheriff 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 Sheriff 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 Office 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 Office facilities
2. Physical security of hardware within Office facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(g) Implementing and carrying out the Office Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Directing annual testing of the Office's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Office (see the Records Maintenance and Release Policy for additional guidance).

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4. 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 Office 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 Sheriff.

806.4 MEMBER RESPONSIBILITIES

All members of the Office 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.

806.5 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.

806.6 MEMBER ACCOUNTS

Office accounts used to access CJI shall only be created upon approval of the Sheriff 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.

806.6.1 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 Office 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.

806.6.2 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 Office mission and law enforcement needs.

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806.7 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 Office 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.

806.7.1 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 Office 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.

806.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of Office 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.

806.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

806.10 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.

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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.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The Office'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.

806.11 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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Temporary Custody of Adults

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 Saratoga County Sheriff's Office for processing or testing 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.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Booking area – The area used for the processing of arrestees. This area may contain the Datamaster, Biometrics booking system, and seating to which persons in custody may be handcuffed. The primary purpose of the booking area is to process a person in custody prior to arraignment, release on an appearance ticket, or release on their own recognizance.

Arrest processing - This situation arises when the sole purpose for bringing an arrestee into the secure booking area is to use the equipment within, or to walk an arrestee directly through the room for access to other areas of the station. During processing the arrestee may be secured to a seat with direct supervision.

Temporary custody - The period an adult is in custody at the Saratoga County Sheriff's Office prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Saratoga County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Office. 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

No adult should be in temporary custody for longer than required to process the person and release on an appearance ticket or arrange an arraignment.

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 Saratoga County Sheriff's Office but should be transported to 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).

    (a) If the member taking custody of an individual believes that he/she may be a suicide risk, the member shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.

(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 claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

Members 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 Office 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 Office member capable of supervising the person in temporary custody shall be present at all times when an individual is held in temporary custody. The member responsible for supervising the person in temporary custody 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.

Whenever possible, a female Office member should be present when a female adult is in temporary custody.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 BOOKING AREA 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 a supervisor.

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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 member responsible for an individual in temporary custody should attempt to ascertain whether the person has 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 member should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

In the event a person in temporary custody is transferred from one deputy to another (e.g for transport, etc.) the receiving member should ask the arresting member 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.

The member should promptly notify their immediate supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The supervisor shall determine the appropriate course of action to be taken.

900.4.1 SCREENING

The member responsible for an individual in custody shall:

(a) Advise their supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) When at all practicable, ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

(c) When at all practicable, ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) When at all practicable, 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 BOOKING

Adults who are arrested and taken into temporary custody should be processed in a designated area. Processing should include fingerprinting and photographing. The Office participates in the State Automated Biometric Identification System (SABIS) and shall use Livescan or Cardscan for the automated submission of fingerprints.

900.4.3 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Sheriff or the authorized designee will ensure that the U.S. Department of State’s list of countries and jurisdictions that require mandatory notification is readily available to Office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for

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documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Office 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.
        (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Individuals in custody are 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.

(b) There is reasonable access to toilets and wash basins.

(c) There is reasonable access to a drinking fountain or water.

(d) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(e) There is privacy during attorney visits.

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(f) 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.

(g) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(h) Adequate furnishings are available, including suitable chairs or benches.

900.5.2 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to Office members.

Should a person in custody be injured or become ill, 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 a member.

Those who require medication while in temporary custody should not be at the Saratoga County Sheriff's Office. They should be released or transferred to another facility as appropriate. No medications shall be provided to a person in temporary custody by any member of this agency.

900.5.3 ADDITIONAL REQUIREMENTS

Members shall provide attention to the medical and mental health needs of a person in custody and obtain assistance and treatment of such needs for the person that are reasonable and provided in good faith under the circumstances.

900.5.4 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, a supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 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 made on an Office phone to a phone number located anywhere in the United States or Puerto Rico for the purpose of obtaining counsel and informing a friend that he/she has been arrested. A member does not have to allow the individual to make a call if the member believes it could compromise an ongoing investigation or the prosecution of the individual. (NY CPL §120.90, §140.20)

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1. The arrestee should also be allowed to make 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.

900.5.6 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.

900.5.7 OTHER SECURITY MEASURES

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.

900.5.8 EMERGENCY ALARMS

Members should have reasonable access to emergency alarms (i.e., duress/panic alarms), either as part of an installed system or as a function on members' portable radios. Members entering a secured area not equipped with an installed emergency alarm system shall carry portable radios when a person in temporary custody is present.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy.

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The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Saratoga County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in temporary custody should only be secured to a fixed object if the object is designed and intended for such use.

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 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.

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. 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 Office shall maintain a copy of the property receipt.

A supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The supervisor shall attempt to prove or disprove the claim.

900.8 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Sheriff or the authorized designee will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Saratoga County Sheriff's Office. The procedures should include:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification to the Sheriff via the chain of command.

(c) Notification to the spouse, next of kin or other appropriate person.

(d) Notification to the appropriate prosecutor.

(e) Notification to the County Attorney.

(f) Notification to the Coroner.

(g) Evidence preservation.

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(h) Reporting the death of a person in custody to the New York State Division of Criminal Justice Services.

900.9 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.

(e) All pertinent documentation accompanies the individual being transported to another facility.

(f) The individual is not permitted in any nonpublic areas of the Saratoga County Sheriff's Office unless escorted by a member of the Office.

(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 the individual is being sent to another facility.

(h) 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 to assist with the person's personal needs as reasonable.

900.9.1 ESCAPE FROM CUSTODY

In the event a prisoner escapes from custody, the member will immediately notify the Communication Center and the shift supervisor. The member should relay all pertinent information concerning the escape from custody in order to facilitate recapture of the subject while simultaneously relaying all safety concerns.

900.10 TRAINING

Training for Office members should include initial and annual review, including but not limited to:

(a) A review of this policy and any related procedures.

(b) Appropriate training on procedures related to using processing/testing areas.

(c) In-service training as required by the Office.

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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 Saratoga County Sheriff's Office (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 a member or other Office 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 Office 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 Saratoga County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Office. 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 Saratoga County Sheriff's Office. 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 member taking custody of a juvenile believes that he/she may be a suicide risk, the member 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) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Members 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 their supervisor of the situation. These juveniles should not be held at the Office unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.4 CUSTODY OF JUVENILES

Members should take custody of a juvenile and temporarily hold the juvenile at the Saratoga County Sheriff's Office 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.

Members will ensure that any juvenile in temporary custody is under direct physical observation at all times except as prescribed herein.

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 Office (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 Saratoga County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

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, members 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 (42 USC § 5633).

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901.4.3 CUSTODY OF JUVENILES - STATE REQUIREMENTS

Juveniles should be held in non-secure custody while at the Saratoga County Sheriff's Office 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).

Members 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 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Saratoga County Sheriff's Office (34 USC § 11133; 28 CFR § 115.114). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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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 Office 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 via the chain of command to the shift lieutenant and a record made for reporting to the New York State Commission of Correction (reportable incident and annual reporting as required by Commission guidelines).

901.6 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Saratoga County Sheriff's Office shall ensure:

(a) Their immediate supervisor is notified if it is anticipated that a juvenile may need to remain at the Office more than four hours. This will enable that supervisor to facilitate the juvenile's release or transfer from the Office as soon as practical.

(b) That significant incidents/activities are documented.

(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.

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 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) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(l) Adequate furnishings are available, including suitable chairs or benches.

(m) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).

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(n) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

901.6.1 COURT APPROVAL

The Sheriff or the authorized designee 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).

901.7 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

901.8 USE OF RESTRAINT DEVICES

Juveniles may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile may be handcuffed at the Saratoga County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the lieutenant. 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.

901.8.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.9 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).

901.10 SECURE CUSTODY

Only juveniles 14 years of age or older may be placed in secure custody. lieutenant 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 Office 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

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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.

901.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

TheSheriff or the authorized designee will ensure procedures are in place to address any suicide attempt, death or serious injury of any juvenile held at the Saratoga County Sheriff's Office. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification to the Sheriff via the chain of command.

(c) Notification to the parent, guardian or person standing in loco parentis of the juvenile

(d) Notification to the appropriate prosecutor

(e) Notification to the County Attorney

(f) Notification to the Coroner

(g) Notification to 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.

901.12 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 Office-approved *Miranda* rights for juveniles (Family Court Act § 305.2).

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.

901.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Fingerprints and palm prints may not be taken of juvenile delinquents unless (Family Court Act § 306.1):

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(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).

901.14 TRAINING

Office 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 Saratoga County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of Office members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

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 SEARCHES AT SARATOGA COUNTY SHERIFF'S OFFICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Saratoga County Sheriff's Office facilities. Whenever practicable the search should be conducted by a member of the same sex as the individual being searched. 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.

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902.3.1 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.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this Office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence 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 Office member. The inventory should include the case number, date, time, member's Saratoga County Sheriff's Office identification number and information regarding how and when the property may be released.

902.3.2 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 Office 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 it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.4 STRIP SEARCHES

No individual in temporary custody at any Saratoga County Sheriff's Office 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 Office members, escape attempts).

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(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).

902.4.1 STRIP SEARCH PROCEDURES

Strip searches at Saratoga County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from a lieutenant shall be obtained 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.

(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 to 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 name of the lieutenant providing authorization for the search.
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

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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.

902.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with lieutenant 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, except that the lieutenant authorization does not need to be in writing.

902.5 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 written approval of the lieutenant 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 Office 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.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The lieutenant’s approval.
4. A copy of the search warrant.

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5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any Office 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.

902.6 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

902.7 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Office.

Members who suspect a juvenile of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, should do the following:

(a) Notify a supervisor.

(b) Request EMS or transport the juvenile to a medical facility or juvenile detention facility as appropriate in the given circumstances.

1. Keep the juvenile suspected of concealing a weapon or contraband under constant and direct supervision until custody is transferred to the receiving facility.

(c) Members should, in consultation with the supervisor and/or EMS as appropriate, identify the appropriate medical or juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a member from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

902.8 TRAINING

The Training Manager 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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CUSTODIAL TRANSPORTS

903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the transportation of inmates outside facilities of the Saratoga County Sheriff's Office and for transporting persons under arrest to ensure uniformity and safety for both the member and person in custody. It will also ensure that members assigned to transportation duties and who transport persons under arrest are qualified and adequately trained.

903.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to provide safe, secure and humane transportation for all inmates and other persons as required by law.

Members shall maintain sufficient observation and control of persons in their custody.

In the event a prisoner or arrestee is ill or injured, they shall be provided medical attention as soon as is practicable. Where medical attention is required, the shift supervisor shall be notified, and the facts relayed by him/her to the Sheriff via chain of command as soon as possible.A case report will be completed no later than the end of shift.

In all cases of illness or injury, a prisoner will receive medical attention prior to incarceration.

All handcuffs will be double-locked and the most direct route taken to all destinations. No unauthorized stops shall be made while transporting a prisoner or arrestee.

The rear seat of all patrol vehicles will be searched for contraband at the beginning of each shift by the member assigned to that vehicle. It will be searched again by that member (or another member in cases where more than one member is utilized for a transport) after the transport of any prisoner to ensure that no evidence or contraband has been placed in the vehicle

903.3 TYPES OF TRANSPORTS

903.3.1 ARREST TRANSPORTS

In the event of a transport pursuant to an arrest, the arresting member is responsible for the safety and security of the arrestee. The arrestee shall be searched and handcuffed in accordance with applicable law and regulations.

Restraint devices shall not be used to punish, to display authority or as a show of force (see the Handcuffing and Restraints policy).

Prisoners shall be placed in the rear of the vehicle in the screened portion of the passenger compartment if the vehicle is so equipped. All prisoners shall be seat-belted unless there is an extenuating circumstance, (e.g. medical).

Female prisoners should be searched by female members where possible. Male members should make a search of a female arrestee only in extenuating circumstances (e.g. unavailability of a female member).

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Prior to transporting an arrestee of the opposite sex, a member shall call in their mileage to dispatch and again upon arrival at the destination.

903.3.2 COURT/MEDICAL/OTHER TRANSPORTS

A member assigned to a transport will proceed to the lock-up of the Correctional Facility though the north gate.

Members will enter the facility sally port to receive prisoners. Members shall not be armed at any point past the sally port.

Prisoners will be handcuffed, belted, and shackled for all transports. If a prisoner is considered an escape risk or presents any other type of security concerns, further precautions may be taken such as leg irons, etc.

Upon arrival for court, medical appointments, etc., prisoners will be kept out of contact with civilian population. This includes verbal, physical, and any other form of contact either direct or indirect. These provisions do not apply to the prisoner’s attorney. The member will be in close proximity to the prisoner at all times.

Any property belonging to the prisoner will be stored in the trunk of the patrol vehicle (or rear of the vehicle if the patrol vehicle is an SUV or other vehicle not equipped with a trunk).

For all transports involving a female prisoner by a male member, another male member will accompany him.If the member transporting a female prisoner is a female, she may transport without another member.

The bathroom accessible to the prisoner should be checked for potential contraband by the transporting member or member of the transport detail prior to the prisoner being allowed to utilize it

903.3.3 TRANSPORT OF PRISONERS FROM COURT

The transporting member or member of the transport detail will inspect any court commitments to ensure they are properly completed prior to transporting any prisoner from court.

In the event a prisoner is to be released from court, the member or member of the transport detail will conduct appropriate warrant checks of the prisoner prior to releasing him/her.

903.3.4 JUVENILE TRANSPORTS

Two members shall be required to transport any juvenile who is in custody except in those circumstances when the transport is immediately pursuant to an arrest.

Prior to transporting a juvenile, a member shall call in their mileage to dispatch and again upon arrival at the destination.

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the member has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property. In such case, whenever practicable, the member shall notify a supervisor prior to transporting the juvenile.

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903.3.5 OUT OF COUNTY TRANSPORTS

A prisoner being transported to a state correctional facility will be handcuffed, belted and shackled and secured with leg irons.

Two members will be utilized for non-adjacent county transports. If the transport is to a location in an adjoining county, it may be handled by one member.

Members are to ensure they receive the proper receipt for a prisoner turned over to another facility where that prisoner has been remanded.

903.3.6 PREGNANT PERSON TRANSPORTS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for member safety.

Leg irons, waist chains, or handcuffs behind the body should not be used unless the member has a reasonable suspicion that the person may resist, attempt escape, injure herself 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 pregnant person, members, or others.

903.4 ESCAPES WHILE IN CUSTODY

In any occasion where a person in custody escapes the following procedures shall be followed:

(a) The communications center is to be notified immediately. A complete description of the escapee is to be provided.

(b) The Sheriff shall be notified as soon as practicable through the chain of command.

(c) A shift supervisor shall immediately respond to the scene and assume command of the incident.

(d) Notification to all area law enforcement agencies shall be made as soon as practicable.

(e) A case report shall be completed by the primary member no later than end of shift on the same day of the escape.

903.5 TRAINING

The Training Manager shall ensure that all members receive training appropriate for the safe, secure, and humane transport of persons in custody. Documentation of all training presented shall be retained in the employee’s training file in accordance with established records retention schedules.

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Transporting Persons in Custody

904.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Saratoga County Sheriff's Office.

See the Handcuffing and Restraints Policy for additional guidance.

904.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to provide safe, secure, and humane transportation for all persons in custody.

904.3 TRAINING MANAGER RESPONSIBILITIES

The Training Manager 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.

904.4 MEMBER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Members 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 member 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 a member of the same gender as the person being searched. If a member of the same gender is not reasonably available, a witnessing member should be present during the search.

(c) Provide the Communication Center with any required notifications (e.g., start time, mileage, end time).

(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 System and Portable Audio/Video Recorders policy 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).

904.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, members:

(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 members should be alert to inappropriate physical or verbal contact and take appropriate action.

904.6 TRANSPORT VANS

A member 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.

A member should assist persons getting into and out of the transport van to avoid falls.

904.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment (e.g., canes, wheelchairs, 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 member.

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Members 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.

904.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, members 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.

Members shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

A member 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.

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.

904.9 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 member 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 members. EMS personnel should be called to handle transportation.

904.10 EMERGENCY ADMISSION TRANSPORTS

When transporting any individual for an emergency admission, the transporting member should request that the Communication 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 a member during the transport, supervisor approval is required before transport commences.

See the Emergency Admissions Policy for additional guidance.

904.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, members should not interrupt a transport to provide emergency assistance without supervisory approval. Members encountering an emergency should notify the Communication Center and request an appropriate response.

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904.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting members 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.

904.13 PROHIBITIONS

When transporting a person in custody, members 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 Office personnel or receiving agency personnel.

(f) Stop to conduct any personal activities.

(g) Engage in a pursuit.

904.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting member should immediately advise the Communication Center and other units of the escape, provide a description of the escapee, notify the lieutenant (or the on-call captain if no lieutenant is working), and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The lieutenant should notify the Sheriff or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Saratoga County Sheriff's Office, the lieutenant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

904.15 DOCUMENTATION

If a person is injured during transportation, members 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.

904.16 NOTIFICATIONS

Members should notify a supervisor and any receiving facility of information regarding any circumstances the member 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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904.17 TRAINING

The Training Manager should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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Hospitalized Inmates

905.1 POLICY

It is the policy of the Office to maintain appropriate security and control of inmates committed to the custody of the Saratoga County Sheriff who are hospitalized. The term "hospital" includes all outside medical facilities. The Office shall:

(a) Maintain an appropriate level of security without compromising the safety of the public and the safe custody of the inmate.

(b) Work closely with hospital staff to ensure that inmate medical needs are met without compromising security.

(c) Comply with all applicable federal, state and local laws, rules, regulations and standards that may relate to this policy.

(d) Ensure that the hospital rules, regulations and procedures will be followed, except if such rules, regulations and procedures would jeopardize the safety or security of the member, inmate, hospital or public. In such cases, the member shall notify the shift supervisor without delay.

905.2 TRANSPORT TO THE HOSPITAL

Each inmate being transported to a hospital shall be placed in full restraints unless the inmate's medical condition or applicable law does not allow for such.

The transporting member shall obtain from the correctional facility the inmate's full name, date of birth, sex, address, marital status, full name of emergency contact including phone number and address. The transporting member shall also obtain from the correctional facility the restraint set and bag which contains handcuffs, shackles, chains, cutters, flashlight, spit mask, logbook and a copy of this policy for referral. Members assigned to a hospital transport shall sign the logbook at the correctional facility.

The transporting member shall obtain relevant information from the correctional facility pertaining to the inmate including past escape attempts, history of violent behavior, mental health concerns and what charges they are incarcerated for.

Members shall maintain sufficient observation and control of persons in their custody.

905.3 ARRIVAL AT HOSPITAL

Upon arrival at the hospital the transporting member shall:

(a) Park in the parking area designated by the hospital.

(b) Notify the Communications Division of the inmate's room number, location, and nearest telephone number.

(c) Supervise inmate's change from facility clothing into hospital clothing and secure inmate's facility clothing (if applicable).

(d) Check in with the nursing supervisor for the floor the inmate will be staying on regarding special needs and procedures, report same to the shift supervisor.

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(e) Consult with the nursing supervisor about any precautions required on the part of the member for their safety (e.g., contact precautions, airborne precautions, etc.).

(f) Perform a security check of the room for secreted objects, unfastened windows, and any other risks to the member's safety or that could facilitate an escape attempt. If any are located, the shift supervisor shall be notified without delay. The shift supervisor shall cause this information to be documented and passed on to a shift supervisor on the following shift who will in turn ensure this information is conveyed to the next member assigned to the hospital detail.

(g) Become familiar with the physical layout of the inmate's room and immediate area including exits, stairs, windows and elevator locations.

(h) The transporting member shall take possession of all personal property the inmate has in their possession. The property shall be inventoried by the member and placed into a property bag provided by the hospital and a receipt issued to the inmate.

(i) Inmates may be asked to sign hospital treatment and or consent forms by medical staff.

905.4 GENERAL INMATE SUPERVISION

Inmates shall not be left unattended under any circumstances and the member shall maintain visual contact of the inmate at all times.

The member shall be in the inmate's room at all times, remain attentive and be in full uniform.

The only form of acceptable relief for the member assigned to the hospital detail (e.g., bathroom break, meal break) is another police officer or correctional officer from this agency.

The door to the room must remain open at all times unless requested otherwise by medical staff involved in the inmate's treatment.

When treatment is being performed in the inmate's room, the member shall remain in the room.

If an inmate needs to utilize the restroom, medical staff should be called to assist the inmate to the bathroom while the member remains close by maintaining visual contact with the inmate to ensure the safety of medical staff. The bathroom door must remain open to maintain visual contact with the inmate.

The inmate shall remain in the room at all times except when being escorted to a particular medical treatment.

The hospital is an extension of the jail; all rules pertaining to prison contraband apply to an inmate at the hospital as well.

905.5 RESTRAINTS

During the inmate's hospitalization, leg irons shall be used as a security device unless the member is specifically advised by medical staff involved in the inmate's care that removal is required for medical reasons or unless it violates applicable law.

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When using leg irons, the shackles should be affixed to the inmate's legs and double locked. Consideration may be given to locking one shackle to the bed should security considerations arise.

Handcuffs shall be used if the inmate has a leg injury. When using handcuffs, one side should be affixed to the inmate's wrist and the other side affixed to the bed.

If the inmate is unable to be restrained by use of leg irons for any reason, or if the member is requested to remove them by medical staff involved in the inmate's care, the member shall notify the shift supervisor as soon as practicable.

If circumstances arise (e.g., inmate becomes unruly, combative, etc.,) the member may, at their discretion, use both handcuffs and leg irons simultaneously to maintain order, provided that said use is for as short a time as is necessary.

905.6 IN-HOSPITAL MOVEMENT

When possible, a wheelchair should be used for in-hospital inmate movement.

The member shall remain with the inmate at all times.

Upon arrival at the treatment location, the member shall enter the treatment room, etc., with the inmate.

If medical staff involved in the inmate's care requests removal of the inmate's restraints for treatment purposes (e.g., X-rays, MRI, etc.) the member shall remain as close to the inmate as safety allows, and, unless medically inappropriate, the restraints shall be replaced immediately after the treatment or test is concluded. For MRI tests, members should not be in the MRI room due to the extraordinary danger of a metallic object coming into contact with the magnetic field. Members should inquire of hospital staff the best location to monitor the procedure while ensuring that they remain as close as possible and maintain visual contact with the inmate.

Under no circumstances (except a surgical procedure or like treatment) shall the member leave the inmate:

(a) Surgery - The member shall accompany the inmate to the prep area and verify with medical staff if the member may go into the operating room with the inmate. If the member is not allowed in the operating room, the member shall remain outside the entrance door. When the inmate's surgery is completed, the member shall accompany the inmate to the recovery room. The member shall remain with the inmate in the recovery area following the procedure.

(b) Isolation room - For contagious diseases, the member shall observe the inmate through a glass window.

905.7 USE OF TELEPHONE

The inmate is not authorized to make or receive telephone calls without the express permission of the Sheriff or the authorized designee.

New inmates that have not yet arrived at the Saratoga County Correctional Facility shall receive one phone call for the purpose of receiving legal counsel.

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905.8 TELEVISION

The Office will not pay for television service during a hospital stay.

The inmate shall not turn on the television for any reason.

905.9 CLERGY

The hospital's chaplain may visit the inmate at any time. The member will remain in the room during any such visit.

Inmate religious visits, other than those by the hospital chaplain, are subject to the same rules and regulations as those followed in the Saratoga County Correctional Facility. Special religious visits must be approved by the Sheriff or the authorized designee.

905.10 SILVERWARE

Metal utensils shall not be used by the inmate. The member should request plastic or other comparable utensils for the inmate to use in place of metal utensils.

905.11 VISITATION

No visitation is permitted unless specifically authorized by the Sheriff or the authorized designee.

905.12 EMERGENCIES

If a member suspects an imminent escape, dangerous situation, or physical confrontation, hospital security shall be called immediately, as well as the Communications Division. Nothing herein shall preclude the member from utilizing the emergency button on their portable radios or transmission of the situation via radio to make such contact with the Communications Division.

Problems of a less serious nature, such as lack of cooperation, abusive language towards hospital staff, etc., should be handled by the member. If the problem persists, the shift supervisor shall be notified by the member. The shift supervisor shall then notify the Corrections Division administrator.

905.13 UNUSUAL CIRCUMSTANCES

Any unusual circumstances that may occur or requests from the inmate that the member may be uncertain how to handle or which is not addressed in this policy shall be referred to the shift supervisor as soon as practicable.

905.14 CHANGE IN INMATE’S CONDITION

Should an inmate's condition change where contact precautions are put in place or the inmate's medical status becomes critical, the member shall immediately contact a shift supervisor with this information. The shift supervisor shall then make notification as appropriate via chain of command.

905.15 SUPERVISOR RESPONSIBILITIES

Whenever there is a hospital detail in Saratoga County, a shift supervisor from each shift shall personally introduce themselves to the nurse responsible for the inmate's care at the time of visit (or charge nurse if the former is unavailable) to obtain any relevant information and to assure hospital staff that the Office's supervisory staff is monitoring the situation. The shift supervisor

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shall ensure that any pertinent information received from hospital staff is provided to the oncoming shift. Shift supervisors are responsible for monitoring hospital details regardless of location.

Shift supervisors shall ensure that members assigned to hospital details are allotted breaks in accordance with the collective bargaining agreement and for any other reasonable requests (e.g., restroom).

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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 Saratoga County Sheriff's Office and that are promulgated and maintained by the Human Resources Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Saratoga County Sheriff's Office 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 Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office 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 Sheriff or the authorized designee should employ a comprehensive recruitment and selection strategy to recruit candidates who qualify for the Civil Service exam and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Establishment of a written recruitment plan.

1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and collective bargaining agreements.

(b) Identification of racially and culturally diverse target markets.

(c) Use of marketing strategies to target diverse applicant pools.

(d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive Office website and the use of Office-managed social networking sites, if resources permit.

(e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(f) Employee referral and recruitment incentive programs.

(g) Consideration of shared or collaborative regional testing processes.

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The Sheriff or the authorized designee 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 Office is an Equal Opportunity Employer.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

Upon the certification of a civil service list and following the laws and rules guiding selection from the list, the Office shall actively strive to identify the candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office 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 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) Polygraph examination (when legally permissible)

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(i) 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)

1. 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)

(j) Oral review board or selection committee assessment based upon standardized questions with candidate's responses recorded on uniform reports

(k) Relevant national and state decertification records, if available, including the National Decertification Index

1000.4.1 VETERAN PREFERENCE
The Office will provide veteran preference credits as required (Civil Service Law § 85).

1000.4.2 ADDITIONAL REQUIREMENTS
All candidates for entry-level member 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 Office.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's 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 Saratoga County Sheriff's Office.

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 Members Under State Law subsection of this policy.

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1000.5.1 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).

1000.5.2 STATE NOTICES
Every applicant disqualified due to facts discovered during the background investigation by the Saratoga County Sheriff's Office will be provided a written statement 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 Office (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 Office (Criminal Procedure § 160.57).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES
Members conducting background investigations should have candidates identify all social media sites they use and have the candidate log in to each site to allow for the inspection of the content.

1000.5.4 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.

1000.5.4 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).

1000.6 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

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- 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

1000.6.1 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 a member 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)

(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

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- Historical pattern of conduct of moving traffic violations
- Any other conduct determined to be a reflection on the candidate's moral character

1000.7 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 Office 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 Human Resources Department should maintain validated standards for all positions.

The Investigations Captain 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 Office and contain the position's essential job functions (9 NYCRR § 6000.7; 9 NYCRR § 6000.9).

1000.7.1 STANDARDS FOR MEMBERS

Candidates shall meet the following minimum standards:

(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)

1000.7.2 STANDARDS FOR MEMBERS 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.

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All candidates should undergo a physical fitness screening test offered by the MPTC prior to receiving a conditional offer of employment by the Office (9 NYCRR § 6000.8).

Candidates who successfully complete the physical fitness screening test shall undergo the Office background investigation consistent with this policy and the procedures set forth 9 NYCRR § 6000.10(b). In addition to the standards for members 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.
- 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 Office 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 Office should provide reasonable accommodations that are necessary to perform an essential job function to qualified candidates with a disability (9 NYCRR § 6000.5).

1000.8 PROBATIONARY PERIODS

The Sheriff or the authorized designee should coordinate with the Saratoga Human Resources Department to 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 Saratoga County Sheriff's Office performance evaluation system.

1001.2 POLICY

The Saratoga County Sheriff's Office 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 Office 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 Office 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 prior to the completion of the 90-day probationary period then annually thereafter.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, 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 Captain 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).

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:

Outstanding - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

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Meets standards - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

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 unsatisfactory or outstanding shall be substantiated with supervisor comments.

1001.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP is non-disciplinary and 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 periodically.

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.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.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

All supervisors shall receive instruction in rating procedures and rater responsibilities as a precondition of involvement with the performance evaluation system.

1001.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year.

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Probationary entry-level members should be evaluated quarterly.

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 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.

Upon completion of the Evaluation Interview the employee will be required to sign the evaluation form. The signature of the employee shall not be construed to be an agreement or disagreement with the evaluation, only an acknowledgement that the employee participated in the Evaluation Interview.

1001.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee’s annual evaluation, the supervisor shall provide access to and require the employee to read the County harassment and discrimination policies and the Saratoga County Sheriff's Office Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

(a) The employee understands the harassment and discrimination policies.

(b) The employee has had all questions regarding the policies sufficiently addressed.

(c) The employee knows how to report alleged harassment and discrimination policy violations.

(d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

1001.7 APPEAL

An employee who disagrees with his/her evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

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To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor’s Captain or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

1001.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the evaluating supervisor’s Captain or the authorized designee. The Captain or the authorized designee shall review the evaluation for fairness, impartiality, uniformity and consistency, and shall consider any written response or appeal made by the employee.

The Captain 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 Office in accordance with the Personnel Records Policy.

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Anti-Retaliation

1002.1 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.

1002.2 POLICY

The Saratoga County Sheriff's Office 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.

1002.3 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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1002.4 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, Sheriff or the County Director of Human Resources.

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.

1002.5 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 Sheriff 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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1002.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff 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.

1002.7 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 Saratoga County Sheriff's Office.

(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 Saratoga County Sheriff's Office.

(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 Sheriff to provide the Saratoga County Sheriff's Office 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 Office of Professional Standards 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).

1002.8 RECORDS RETENTION AND RELEASE

The Chief Deputy shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1002.9 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

1003.1 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 Saratoga County Sheriff's Office.

1003.2 POLICY

The Saratoga County Sheriff's Office 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 Office.

1003.3 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 Sheriff has knowledge, or reason to believe, that a member is under a qualifying Order of Protection, the Office shall verify the member 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 member’s duty weapons and equipment are exempt. Appropriate action regarding the carry of such weapons is required.

All members 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.

1003.4 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 Office may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1003.5 REPORTING

All members shall immediately notify their supervisors in writing of any current criminal detention, arrest, 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 shall immediately notify their supervisors in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired member

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from possessing a firearm or requires suspension or revocation of applicable Municipal Police Training Council (MPTC) certification.

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.

1003.5.1 NOTIFICATION REQUIREMENTS

The Sheriff shall submit the proper notice of any appointment of a member or other required employee by this Office to the Department of Criminal Justice Services (DCJS) in a timely manner (9 NYCRR § 6056.4, 9 NYCRR § 6056.5).

The Sheriff shall immediately submit the proper notice of any leave of absence, removal, termination, resignation, reinstatement, name change or other status change regarding any member or other required employee that is employed by this Office to DCJS (9 NYCRR § 6056.4).

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Drug- and Alcohol-Free Workplace

1004.1 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).

1004.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to provide a drug- and alcohol-free workplace for all members.

1004.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on Office time can endanger the health and safety of Office members and the public. Such use shall not be tolerated (41 USC § 8103).

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 their immediate supervisor as soon as the member is aware that he/she 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, he/she shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1004.3.1 USE OF MEDICATIONS

Members should avoid taking 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 his/her immediate supervisor, or as otherwise provided in the Collective Bargaining Agreement (CBA), prior to commencing any on-duty status.

1004.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on or off-duty is prohibited and may lead to disciplinary action. Prescribed marijuana is not authorized under federal law and, therefore, the possession of firearms while using prescribed marijuana is prohibited (18 USC § 922).

1004.4 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 Office premises or on Office 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.

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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.

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).

1004.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program 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.

1004.6 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, or follow the requirements of the current CBA, 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 Office.

1004.7 SCREENING TESTS

Upon approval by the Sheriff or the authorized designee, a supervisor may require an employee to submit to a screening if he/she reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently, or as otherwise provided in the CBA. Random drug and alcohol testing shall be performed pursuant to the terms of the current CBA.

1004.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following, or as otherwise provided in the CBA:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

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1004.7.2 DISCIPLINE
An employee may be subject to disciplinary action if he/she violates the relevant provisions of the current CBA.

1004.8 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 Office 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).

1004.9 CONFIDENTIALITY

The Office 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

1005.1 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 members are detailed in the current 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.).

The Sheriff or the authorized designee shall have the right to take reasonable measures to prevent sick leave abuse.

1005.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to provide eligible employees with a sick leave benefit.

1005.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1005.3.1 NOTIFICATION

All members shall notify the Communications Center 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 Communications Center staff shall immediately personally notify a supervisor of the sick call and complete a sick leave call-in form as appropriate.

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 Office with no less than 15 days' notice of the impending absence. If an absence is foreseen less than 15 days prior to the scheduled shift the employee shall make notification on the day that the determination is made that they will be absent on the future date or dates

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1005.4 EXTENDED ABSENCE

Members absent from duty for more than two consecutive days may be 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 the Sheriff or his designee from requiring, with cause, a health care provider’s statement for an absence of two or fewer days.

1005.5 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) Attempting to determine whether an absence of four or more days may qualify as family medical leave, making notification through the chain of command of the results and consulting with legal counsel or the Human Resources Department as appropriate.

(c) 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 Office operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

1005.6 OTHER MEDICAL LEAVE

Members are allowed four hours of paid leave for cancer screening each year if scheduled during the employees regular work hours.(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 Human Resources Department as soon as practicable once they have reason to believe a precautionary order is in effect.

The Human Resources 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

1006.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of Office members contracting and/or spreading communicable diseases.

1006.1.1 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 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 Saratoga County Sheriff's Office (see the exposure control plan for further details to assist in identifying whether an exposure has occurred).

1006.2 POLICY

The Saratoga County Sheriff's Office 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.

1006.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO 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 Office 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 Public Employee Safety and Health Bureau (PESH) 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 ECO should also act as the liaison with PESH and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1006.4 EXPOSURE PREVENTION AND MITIGATION

1006.4.1 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 Office vehicles, as applicable.

(b) Wearing Office-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.

1006.4.2 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.

1006.5 POST-EXPOSURE

1006.5.1 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 as soon as practical.

1006.5.2 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):

(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

(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

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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).

1006.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office 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 ECO 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 ECO.

1006.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3).

1006.5.5 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 ECO. If the ECO 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).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

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The ECO should seek the consent of the individual for testing and consult the County Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1006.6 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.

1006.7 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

1007.1 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 Saratoga County Sheriff's Office 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.

1007.2 POLICY

The Saratoga County Sheriff's Office 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 Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all Office facilities, buildings and vehicles, and as is further outlined in this policy.

1007.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited any time members are in public view representing the Saratoga County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

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Personnel Complaints

1008.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Saratoga County Sheriff's Office. 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.

1008.2 POLICY

The Saratoga County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office 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 Office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1008.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of Office 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 Office 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 Office.

1008.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the lieutenant 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 Office of Professional Standards, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of a member of the rank of lieutenant or higher, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1008.3.2 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, in person or by telephone.

(b) Any Office 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.

1008.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1008.4.1 ACCEPTANCE

All complaints will be courteously accepted by any Office 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 obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall document 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.

The Citizen Complaint Commendation Form 02.13.24 should be used for complaints and/or commendations.

1008.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented 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 Office of Professional Standards should audit the log and send an audit report to the Sheriff or the authorized designee.

1008.6 ADMINISTRATIVE INVESTIGATIONS

The Office of Professional Standards Captain or the Office of Professional Standards supervisor shall have direct access to the Sheriff or the authorized designee.

Allegations of misconduct will be administratively investigated as follows.

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1008.6.1 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 Sheriff or the authorized designee may direct that another supervisor or the Office of Professional Standards investigate any complaint. The Office of Professional Standards shall report directly to the Sheriff unless otherwise directed by the Sheriff.

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 proper documentation upon receiving or initiating any formal complaint.

1. The original complaint will be directed to the lieutenant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
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 Captain, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
2. If the matter is resolved and no further action is required, the supervisor will document the resolution and forward the results in writing to the lieutenant.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the lieutenant and Sheriff are notified via the chain of command as soon as practicable.

(e) Forwarding unresolved personnel complaints to the lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.

(f) Notifying the complainant that the matter is being handled administratively.

(g) 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.

(h) Ensuring that the procedural rights of the accused member are followed.

(i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

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1008.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES UNDER CIVIL SERVICE LAW
Whether conducted by a supervisor or a member of the Office of Professional Standards, the following applies to employees covered by Civil Service Law (Civil Service Law § 75) or pursuant to the provisions of the current collective bargaining agreement.

(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, he/she shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Saratoga County Sheriff's Office 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.

    (a) 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).

    (b) 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 may record interviews of employees and witnesses.

(i) 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 in accordance with the current collective bargaining agreement.

    (a) The employee shall be informed in writing of the right to representation prior to being interviewed.

    (b) If the employee is unable to find representation within a reasonable time, the interview will proceed.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

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(k) No employee may be compelled to submit to a psychological stress evaluator examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Labor Law § 735).

1008.6.3 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).

1008.6.4 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.

1008.6.5 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 Office 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 investigating member shall take appropriate action with regard to any additional allegations.

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1008.6.6 COMPLETION OF INVESTIGATIONS
Every member assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1008.6.7 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1008.7 ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation.

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.

1008.8 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 Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any Office badge, identification, assigned weapons and any other Office equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1008.9 CRIMINAL INVESTIGATION
Where a member is accused of potential criminal conduct, the Investigations Division Captain shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation. The Investigations Division Captain shall maintain a liaison with the District Attorney's Office during the investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff 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 Saratoga County Sheriff's Office may release information concerning the arrest or detention of any member that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

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1008.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, the assigned captain should forward the completed report including his or her recommendations for disposition of the matter to the Chief Deputy.

1008.10.1 CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Captain of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief Deputy, the captain may return the entire investigation to the assigned member for further investigation or action.

When forwarding any written recommendation to the Chief Deputy, the captain 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.

1008.10.2 CHIEF DEPUTY RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Chief Deputy shall review the entire investigative file, accompanying recommendations for disposition of the matter, and any other relevant materials including the involved member's disciplinary file. The Chief Deputy may modify any recommendation and return the file to the captain for further investigation or action.

Once the Chief Deputy is satisfied that no further investigation or action is required, he or she shall determine the appropriate discipline, if any, that should be imposed.

In the event disciplinary action is proposed, the Chief Deputy shall prepare a written notice to be served upon the member that includes the reasons for the proposed disciplinary action and a copy of the charges.

The Chief Deputy shall notify the Sheriff of any disciplinary matters including proposed disciplinary action.

1008.10.3 SHERIFF RESPONSIBILITIES

The Sheriff is the ultimate arbiter with respect to disciplinary matters. He or she shall have the authority to accept or modify any disciplinary recommendations, or direct that further investigation be conducted

The employee shall be given an opportunity to respond in writing to the Sheriff within eight days of receiving the notice. Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.

Once the employee has completed his/her response, or if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline and impose it if he or she determines such to be appropriate. Once the Sheriff has issued a written decision, the discipline shall become effective.

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1008.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint and whether the matter is being handled administratively.

1008.11 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.

1008.12 POST-DISCIPLINE APPEAL RIGHTS
Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by Civil Service Law § 76, or collective bargaining agreement.

1008.13 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.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Sheriff.

1008.14 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.

1008.15 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 Office, or by a person having business dealings with the Office 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).

1008.15.1 ADDITIONAL SHERIFF RESPONSIBILITIES
The Sheriff 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 Sheriff shall also refer complaints that meet the requirements of Executive Law § 75 to the LEMIO (Executive Law § 75).

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Additionally, the Sheriff 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

1009.1 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 Office vehicles.

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1009.1.1 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).

1009.2 POLICY

It is the policy of the Saratoga County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1009.3 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 Office 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 Office, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations. Members must be prepared to justify any deviation from this requirement.

1009.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with Vehicle and Traffic Law § 1229-c. The sergeant may approve an exception to this requirement if no child restraint system is available (e.g. from the vehicle of the arrestee who has custody of the child and issuance of an appearance ticket is not possible) and a transport must occur under the specific circumstances.

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-

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side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1009.5 INOPERABLE SAFETY BELTS

Office 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.

Office 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 Sheriff.

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.

1009.6 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.

1009.7 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

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members with guidelines for the proper use of body armor.

1010.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to maximize member 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 member safety procedures.

1010.3 ISSUANCE

The Sheriff or the authorized designee shall ensure that body armor is issued to all members and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when a member begins service at the Saratoga County Sheriff's Office and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised or in accordance with manufacturer's recommendations.

The Sheriff may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

1010.3.1 USE

Generally, the required use of body armor is subject to the following:

(a) Members shall only wear Office-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 Office range training.

(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) Members 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.

1. In those instances when body armor is not worn, members should have reasonable access to their body armor.

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1010.3.2 INSPECTION
Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

1010.3.3 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.

1010.4 FIREARMS INSTRUCTOR RESPONSIBILITIES
The responsibilities of the Firearms Instructor include, but are not limited to:

(a) Monitoring technological advances in the body armor industry for any appropriate changes to Office-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 members about the safety benefits of wearing body armor.

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Personnel Records

1011.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1011.2 POLICY

It is the policy of this Office 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)).

1011.3 OFFICE FILE

The Office file shall be maintained as a record of a person’s employment/appointment with this Office. The Office 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 permanently retained.

(d) Commendations and awards.

(e) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1011.4 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, 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 Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member’s training file.

(c) Personnel evaluations.

(d) Counseling memorandums may be retained in the office file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.

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2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

1011.5 INTERNAL AFFAIRS AND DISCIPLINARY FILES

Internal affairs and disciplinary files shall be maintained under the control of the Chief Deputy in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff, Chief Deputy, or their designee. Information contained in these 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 i.e., sustained, not sustained, unfounded and exonerated.

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking copies of any item from his/her internal affairs or disciplinary records shall file a written request to the Sheriff through the chain of command. While members will not be required to file a Freedom of Information Law (FOIL) request, member requests for their own internal affairs or disciplinary records will be reviewed and considered in the same manner in which a FOIL request would be. Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files.

1011.6 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records within the Sheriff's Office 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.

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(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.

1011.7 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 County Administrator, County Attorney or other attorneys or representatives of the County in connection with official business.

1011.7.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Sheriff through the chain of command.

Upon receipt of any such request, the Sheriff or the authorized designee shall notify the affected member as soon as practicable that such a request has been made(Public Officers Law § 87(6)).

The Sheriff or the authorized designee 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.

1011.7.2 RELEASE OF PERSONNEL INFORMATION

The Office 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)).

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1011.8 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

(a) Criminal investigations involving the member.

(b) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(c) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(d) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for Office planning purposes.

(e) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(f) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

1011.9 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. The Sheriff or the authorized designee 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, in the opinion of the Sheriff, 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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Commendations and Awards

1012.1 PURPOSE

The purpose of this policy is to identify criteria for recognizing members of the Saratoga County Sheriff's Office, citizens of the community or other agencies for merit, valor, or other appropriate distinguished acts, or for outstanding performance of duty.

1012.2 POLICY

Members are required to perform a variety of services. At times, a member's performance may become deserving of formal recognition as being commendable, extraordinary, or outstanding. It is the policy of the Saratoga County Sheriff's Office to formally recognize members for commendable, extraordinary, or outstanding performance of duty with a Letter of Commendation or appropriate Sheriff's Office decoration. The Sheriff's Office may also recognize members of the pubic or other agencies for similar commendable acts. Sheriff's Office awards shall be presented following formal review and authorization as established under this policy.

1012.3 DEPARTMENT AWARDS

1012.3.1 DECORATIONS

(a) **Decorations:** Decorations are used to publicly recognize and award members of the Sheriff's Office for conspicuously outstanding acts of heroism, or extraordinary performance of duty that is exceptionally meritorious, or other acts that are above and beyond those normally expected and distinguish the member in performance of that act. The following decorations shall be used to recognize and award deserving nominees:

1. **Sheriff's Star:** The Sheriff's Star is awarded posthumously to a member who has lost his/her life in the performance of his/her duty under honorable circumstances. The Sheriff's Star may be awarded in addition to other awards a member may receive for his/her action which led to his/her death.
2. **Medal of Honor:** Awarded to any Sheriff's Office employee who displays outstanding bravery or heroism, and demonstrates obvious self-sacrifice by knowingly and purposefully exposing themselves to the immediate risk of death or serious injury to accomplish their duty with distinction.
3. **Medal of Valor:** Awarded for an outstanding act in the line of duty, maintaining quality of mind enabling one to face danger and hardship resolutely under hazardous conditions.
4. **Wounded in Combat:** Awarded for a serious injury received in the line of duty, inflicted intentionally by an armed adversary and resulting in a gunshot wound, severe puncture wounds, lacerations, fractures, heart failure or concussions being suffered by the nominee.
5. **Combat Cross**: Awarded for an individual act of heroism while performing one's duties at imminent risk of hazard to the nominee's life in an encounter with an adversary armed with a deadly weapon or dangerous instrument.

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6. **Gallantry Star** : Awarded for an act of distinguished bravery or highly credible accomplishment in the arrest of a person who is a major threat to the welfare of the community and/or the officer.
7. Meritorious Service: Awarded for a highly unusual accomplishment under adverse conditions with some degree of hazard to life and limb to the nominee or where death or injury to a third party is prevented (blue field on member's left side).
8. **Life Saving**: Awarded for an act performed in the line of duty which, through prompt or alert action results in saving a life and the victim survives or his/her life was extended by virtue of the action taken (white field on member's left side).
9. **Drug Buster:** Awarded for the successful result of vigilance and/or a recovery of narcotics, or other illegal substances (drugs) as defined by law, leading to a felony arrest.
10. **Unit Citation**: Awarded for a team effort under adverse conditions including all participating staff members, who in support of agency operations, distinguish themselves to effectuate the protection of life and property.
11. **Croix De Negotiator Laurel**: Awarded for maintaining the presence of composure, alert talk-down and wit under extreme circumstances which prevented a threat to life.
12. **K9 Commendation:** Awarded for successfully aiding and/or assisting to overcome any dangerous encounter or apprehend a dangerous felon who is a threat to the safety of the community through the coordinated team of handler and animal..
13. **Grand Cordon:** Awarded for the individual participation or leadership by a member of an operating unit whose efforts led the entire unit in a cited action.
14. **Exceptional Service:** Awarded for highly credible accomplishment bringing public acclaim to the member, his or her Department and the Law Enforcement profession as a result of training and devotion to duty or service to the public.
15. **Honorable Service:** Awarded for a credible act on or off duty, which meets some, but not all the requirements for other awards, and is unusual in nature, showing initiative and accomplishment.
16. **Sheriff's Special Recognition:** The Sheriff's Special Recognition Award is presented each year to an agency member of each division by the Sheriff who consistently demonstrates the qualities and attributes of a Law Enforcement Professional whose conduct and actions have reflected favorably on the Office of the Saratoga County Sheriff.
17. **The Samaritan:** Awarded for an act of humanity as a friend to those in need, by attending to them in a time of crisis, accident or danger and providing them with understanding and confidence (white field on member's left side).
18. **Honorable Discharge**: Presented to an individual upon retirement who has served the community in an honorable fashion during his/her career.

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19. **Educational Achievement**: Awarded for the achievement of a degree (Associates, Bachelor, Masters, Doctorate) from an accredited college or university obtained at least in part while a member of this agency or the introduction of a new method or device to improve departmental procedures.

20. **Years of Service Recognition**- Shall be awarded to Sheriff's Office members for full time service to the Sheriff's Office and community starting at the 5 year anniversary and given incrementally every 5 years. Only one years of service ribbon may be worn at any time.

21. **Veteran Bar**- Issued to those members who have honorably served or are currently serving in any branch of the United States Armed Forces. This recognition bar shall be worn above the badge and shall have nothing worn above it at any time.

22. **Sheriff Office Specialty Bar**- Shall be awarded to Sheriff's Office members upon successful completion of specialized schooling. Only one Sheriff's Office Specialty Bar shall be worn at any time and this bar shall be worn on the left breast pocket flap 1/8" below the top seam and centered on the member's badge. If a member is awarded more than one Specialty Bar they may display the bar of their choice unless they are actively engaged in an activity that is specific to one of their specialties, for example, School Resource Officer will display that specialty bar while acting in his/her capacity as an SRO, Field Training Officers will display the FTO specialty bar while Field Training another member etc.

23. **Certificate of Merit**: The Certificate of Merit is to be awarded to a Sheriff's Office employee or civilian for:

    Outstanding performance of duty under unusual or difficult conditions. The action need not involve exposure to physical danger, but must involve the protection of life, or property, and involve unusual thoroughness, conscientiousness, determination and initiative.

    Meritorious action of a nature which would not be eligible for a higher award.

    To an officer of another law enforcement agency if earned while aiding, assisting or working in conjunction with a member of the Sheriff's Office.

    The Certificate of Merit should not be awarded in conjunction with any other award for the same service or deed.

24. **Officer of the Year**: Awarded to one Corrections Officer, one Deputy Sheriff, one member of Communications and one civilian member as recognition for their outstanding achievements throughout the year. If there is no member nominated for a respective division for any year there will be no award given for that year. Year will mean calendar year January 1 at 0001 hours until midnight on December 31.

25. **Letter of Commendation**: The Letter of Commendation is used for agency recognition of conduct that does not rise to the level of formal decoration

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but meets the goals of the agency to promote good public relations, through outstanding performance of duty.

26. **Miscellaneous Decorations**: Decorations not specifically mentioned in this directive may be displayed by members upon proper authorization of the Sheriff.

1012.3.2 CIVILIAN AWARDS

(a) **Commendation for Exceptional Service:** Awarded for exceptionally meritorious service and outstanding contribution to law enforcement and legal process in cooperation with members of the Saratoga County Sheriff's Office, making the people of the community safer.

(b) **Civilian Service:** Awarded to a civilian for personal assistance in apprehending a criminal or in extending one's own safety to provide prompt action to aid an officer or other person who is in danger.

(c) **The Samaritan:** Awarded for an act of humanity as a friend to those in need, by attending to them in a time of crisis, accident, or danger and providing them with understanding and confidence.

(d) **Life Saving**: Awarded for an act performed which, through prompt or alert action results in saving a life and the victim survives or his/her life was extended by virtue of the action taken (white field on left side).

1012.4 PROCEDURES

(a) **Nomination for an award**

1. A member may be nominated for receipt of a Sheriff's Office decoration or letter of commendation by any other member of the Sheriff's Office, any citizen, or any other non-office personnel.

2. Nomination for an award shall be made by Sheriff's Office members in a timely fashion, usually within three months of the incident for which the nomination is being made.

3. Communications received from a citizen or other non- Sheriff's Office source commending the actions of a member in performance of duty shall be forwarded through the members chain of command. The unit supervisor or shift commander shall be responsible for nominating the member based upon said communication, when appropriate.

4. A civilian or other person who is not a member of the Saratoga County Sheriff's Office may be nominated by a Sheriff's Office member for receipt of an award specified in the Civilian Awards category of this policy.

5. All nominations for decoration, Letter of Commendation, or Civilian/Interagency Award shall be completed on the appropriate Sheriff's Office form and include accompanying documentation (e.g. letter from a citizen).

6. All nominations shall be forwarded to the Division Commander or unit Supervisor of the nominated member (ie: Chief Deputy, Colonel, Director or ID Officer)

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on an appropriate form and must contain documentation supporting the award category description.

7. The Division Commander or unit Supervisor will then discuss the nomination with the Sheriff

(b) **Decoration Review Committee**: The Sheriff will appoint a Decoration Review Committee consisting of at least four members to convene upon his direction to investigate the nomination(s). A Decoration Review Committee may be appointed at any time during the year based upon necessity.

1. Members assigned to sit on the Decoration Review Committee shall be excused from committee deliberations where:
   (a) The committee member is the subject of the nomination for award.
   (b) Potential exists they will be nominated by the committee for award based upon their involvement in the incident under consideration.
   (c) They request to be excused due to a perceived conflict because of their involvement in the incident under review.
2. Members assigned to the Decoration Review Committee may offer testimony to the committee as necessary concerning incidents for which they are the subject for award, if requested.
3. The supervising chair of the committee may request the Sheriff assign additional members to the committee when necessary to accomplish its mission.
4. The Decoration Review Committee shall investigate each nomination including, but not limited to:
   (a) Reviewing all documentation, including the nomination request and police reports.
   (b) Interviewing person(s) making the nomination.
   (c) Interviewing police officers and/or civilians who may have witnessed the incident or have knowledge relevant to the incident.\
   (d) Interviewing the nominee when necessary.
5. The Decoration Review Committee may nominate additional members for decoration, when appropriate, as a result of their investigation into incidents under review of the committee.
6. Upon completing their investigation, the committee shall prepare a written report of their findings and recommendations and submit it to the nominated members Division Commander or the authorized designee for review and presentation to the Sheriff.
7. Decorations shall be awarded based upon the findings and recommendations of the Decoration Review Committee and subsequent authorization of the Sheriff or the authorized designee.
8. A Letter of Commendation shall be awarded following review and authorization by the Sheriff or the authorized designee.

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(c) **Awards Presentation**

1. All formal Sheriff's Office decorations shall be presented to the recipients at an awards ceremony on a date designated by the Sheriff or the authorized designee.
2. Sheriff's Office members being decorated shall receive a citation bar, certificate, or accompanying letter describing the incident resulting in their decoration.
    (a) Medals shall be awarded for recipients of the Sheriff's Star, Medal of Honor, Medal of Valor, and Wounded in Combat.
3. Civilian awards shall be presented at the Office awards ceremony. Recipients shall receive a certificate, a letter describing the incident resulting in decoration, and an accompanying display folder. A plaque, medal,or citation bar may also be issued upon the direction of the Sheriff or the authorized designee.
4. Letters of commendation shall be issued during working hours on an ongoing basis as directed by the Sheriff or the authorized designee.
5. Recipients of a letter of commendation shall receive a certificate and accompanying letter describing the incident resulting in the award.

(d) **Award Design**: All awards shall be designed by a manufacturer approved by the Sheriff or the authorized designee.

1. Included with this policy as a reference are illustrations of all award designs which can be viewed here: SCSO Awards Bars.

(e) **Display of Decorations**:

1. Medals may be worn for special functions such as parade color guard, honor guard duty, or other formal functions. If medals are displayed the citation bar will not be displayed. Medals will be worn in the same manner as awards, on the right chest, highest award is to the top left or if only one medal is displayed it will be centered on the right shirt pocket where the medal is 1/8" above the name plate.
2. Citation bar awards shall be displayed on the duty uniform centered on the right pocket 1/8" above the name plate. Citation bars may be worn daily on the uniform at the members discretion, they shall be worn for formal occasions when attending in uniform. The Road Patrol will not wear any awards on the uniform when wearing the old style outside carrier with no breast pockets.
3. When displaying medals and citation bars, combat decorations take precedence, followed by non-combat. There will be a maximum of 9 awards to be displayed on the uniform at any one time.
    (a) If a member is awarded the same award twice for two separate incidents,he/she will receive another award however only one award shall be displayed on the uniform.
4. Members of Communications, Records/Civil and Sheriff's Office staff or other non-uniformed members will be given a display case upon receipt of their first award so as to display all awards received in that display case or until such time

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that a class A uniform is added to their contract. These awards will be displayed in the same manner as if being worn where the highest award is on top and to the left.

5. Correctional staff will only wear awards when wearing a class "A" uniform or when otherwise authorized by the Sheriff.

(f) **Compensation**: Members attending any formal functions as a recipient of an award issued by the Sheriff's Office, a private or civic group, or other governmental agency may, upon approval of the Sheriff or the authorized designee, be allowed the day off with pay to attend the function when his or her regularly scheduled tour of duty is in conflict with such function. Members ordered to attend such events will be considered on-duty and will be compensated accordingly.

(g) **Administrative Actions**:

1. Copies of all documentation for Sheriff's Office awards and decorations shall be maintained in the member's personnel file maintained by the Sheriff's secretary.

2. Upon receipt of a letter from a citizen or other outside source commending the actions of a member, a copy of the letter shall be forwarded to the member's captain who will disseminate it to the member's sergeant(s) for recording in their current performance appraisal. In the event a sergeant is the recipient of the commendation, the captain will be responsible for recording it in the sergeant's current performance appraisal.

3. Responses to letters of thanks from the public will be responded to as directed by the Sheriff or the authorized designee to express appreciation on behalf of the member and to encourage future public support.

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Fitness for Duty

1013.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Office and the community. The purpose of this policy is to ensure that all members of this Office remain fit for duty and able to perform their job functions.

1013.2 POLICY

The Saratoga County Sheriff's Office strives to provide a safe and productive work environment and ensure that all members of this Office can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Office may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1013.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this Office 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 Office member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1013.4 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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1013.4.1 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 a lieutenant without delay.

1013.4.2 DUTY STATUS

In conjunction with the lieutenant, 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 lieutenant 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 Sheriff shall be promptly notified through the chain of command in the event that any member is relieved of duty.

1013.5 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.

1013.5.1 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 Office shall comply with the applicable provisions of the Civil Service Law (Civil Service Law § 72; Civil Service Law § 73).

1013.5.2 PROCESS FOR ALL OTHERS

The Sheriff, in cooperation with the Human Resources Department, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Office 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 Office 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 Human Resources Department.

1013.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period
- 32 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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Meal Periods and Breaks

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

1014.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to provide meal periods and breaks to members of this Office in accordance with the applicable collective bargaining agreement and the County personnel manual (Labor Law § 162).

1014.3 MEAL PERIODS

Members, Sergeants, and Investigators shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Uniformed members shall sign out on air and take their meal periods within their assigned post and zone unless approved by a supervisor and shall monitor radio transmissions during such meal period, unless on assignment outside of the County.

The time spent for the meal period shall not exceed 30 minutes.

1014.4 BREAKS

Coffee breaks and/or rest periods shall be allowed according to the provisions of the current Collective Bargaining Agreement. A member on a break is subject to recall.. No breaks shall be taken during the first or last hour of a member’s shift unless approved by a supervisor.

Members normally assigned to the Sheriff's facility shall remain at the Sheriff's facility for their breaks. This does not prohibit them from taking a break away from the facility if they are on official business.

Members assigned to field duties will take their breaks in their assigned post and zone, subject to call, and shall monitor radio transmissions during such break period. When such members take their breaks away from their vehicles, they shall do so only after the notification to and acknowledgement from the Desk Officer/Desk Sergeant.

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Accommodations for Nursing Mothers in the Workplace

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1015.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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).

1015.3 NOTICE

Saratoga County shall provide written notification of the provisions of Labor Law §206-c to employees returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. Such notice shall be provided to all employees generally by posting this policy on the Saratoga County Intranet site as well as posting a copy in a central location.

An employee wishing to avail herself of this benefit is required to provide the Sheriff or the authorized designee with advance notice. Such notice shall preferably be provided prior to the employee’s return to work following the birth of the child in order to afford the Sheriff with an opportunity to establish a location and schedule leave time among multiple employees if, needed.

1015.4 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).

Members shall be provided a 30-minute paid break to express breast milk where the member has a reasonable need to express breast milk. Members may use existing paid break or meal periods if more than 30 minutes are needed. Lactation breaks are permitted for up to three years after childbirth (Labor Law § 206-c).

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

Members desiring to take a lactation break shall notify their immediate supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Office operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

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1015.5 PRIVATE LOCATION

The Office 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,free from intrusion from coworkers and 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. If a door with a functional lock is not available, a sign advising the room or location is in use and not accessible to other employees or the public may be posted. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

The room or other location shall be well lit at all times through either natural or artificial light. If the room has a window, it shall be covered with a curtain, blind, or other covering to ensure privacy for the mother. The room shall contain, at a minimum, a chair and small table, desk, counter, or other flat surface. In addition, the area will contain an outlet and be in close proximity to a clean water supply and access to refrigeration for the purposes of storing the expressed milk.

Authorized breaks for members assigned to the field may be taken at the nearest appropriate private area. Nothing contained herein shall require the member to utilize the agency provided area while assigned to the field. It shall be the responsibility of the member to ensure the appropriateness and privacy of any personally selected location.

1015.5.1 STATE REQUIREMENTS

The Office 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.

1015.6 STORAGE OF EXPRESSED MILK

The Sheriff or the authorized designee shall designate a refrigerator for milk storage (Labor Law § 206-c). The employee is required to store all expressed milk in closed, clearly labeled containers, and shall remove it when leaving at the end of the shift.

1015.7 PROCEDURE

- Prior to the employee returning to work following the birth of her child, the employee shall contact the Sheriff or the authorized designee regarding the need to have accommodations available to her upon her return.
- Prior to or upon return to work, the employee and her immediate supervisor shall determine a tentative break schedule. This schedule will be modified as needed.
- Immediately prior to taking a break the employee will inform her supervisor that she is leaving her work station.

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1015.8 POLICY REVIEW

The Office 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

1016.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of Office members who are eligible for the payment of wages.

1016.2 POLICY

The Saratoga County Sheriff's Office maintains timely and accurate payroll records.

1016.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for periodically inspecting the payroll records for those under their commands.

1016.4 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 and submitted to Administrative Services as established by the County payroll procedures.

1016.5 RECORDS

TheUndersheriff 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

1017.1 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.).

1017.2 POLICY

The Saratoga County Sheriff's Office 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.

1017.3 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)).

1017.4 REQUESTS FOR OVERTIME COMPENSATION

See attachment: Overtime MOU

1017.4.1 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 Office-approved payroll system. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.

1017.4.2 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 Office resources.

(b) Upon receipt of a request for overtime compensation, 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.

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Supervisors may not authorize or approve their own overtime.

1017.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

TIME WORKED	INDICATE ON CARD
8 to 22 minutes	.25 hour
23 to 37 minutes	.50 hour
38 to 52 minutes	.75 hour
53 to 60 minutes	1 hour

1017.5.1 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 members, the lieutenant or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

1017.6 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 Office 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 Office-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

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Outside Employment and Outside Overtime

1018.1 PURPOSE AND SCOPE

This policy provides guidelines for Office members who seek to engage in authorized outside employment or outside overtime.

1018.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this Office for another employer, organization or individual who is not affiliated directly with this Office when wages, compensation or other consideration for such duties or services is received. Outside 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.

Outside overtime - Duties or services performed by members of this Office for a private organization, entity or individual, that are requested and scheduled directly through the Office. Member compensation, benefits and costs for such outside services are reimbursed to the Office.

1018.2 POLICY

Members of the Saratoga County Sheriff's Office shall obtain written approval from the Sheriff or the authorized designee prior to engaging in any outside security or law enforcement employment or outside overtime. Approval of outside security or law enforcement employment or overtime shall be at the discretion of the Sheriff in accordance with the provisions of this policy. Failure to obtain prior written approval for outside security or law enforcement employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

1018.3 OUTSIDE EMPLOYMENT

Members may engage in outside employment provided that it does not interfere with regular duties or availability for emergency duty. Outside employment must not affect members' physical condition to the extent that it impairs their ability to efficiently perform such duties.

1018.4 OUTSIDE EMPLOYMENT PROCEDURES

1018.4.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to their immediate supervisors. The request form will then be forwarded through the chain of command to the Sheriff 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 outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

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1018.4.2 DENIAL
Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

1018.4.3 REVOCATION OR SUSPENSION
Any member whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

(a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
    1. Approval for the outside 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 outside employment conflicts with Office policy or any law.

(c) When the outside employment creates an actual or apparent conflict of interest with the Office or County.

1018.4.4 APPEAL
If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Sheriff 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.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

1018.5 REQUIREMENTS

1018.5.1 PROHIBITED OUTSIDE EMPLOYMENT
The Office reserves the right to deny any request for outside employment that involves:

(a) The use of Office time, facilities, equipment or supplies.

(b) The use of the Saratoga County Sheriff's Office 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 Office.

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(e) Demands upon the member's time that would render the performance of his/her duties for this Office deficient or substandard.

(f) Activities that may conflict with any other policy or rule of the Office.

(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).

1018.5.2 OFFICE RESOURCES

Members are prohibited from using any Office equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this Office to gain access to official records or databases of this Office or other agencies.

1018.5.3 REVIEW OF FINANCIAL RECORDS

Prior to approving outside employment, the Office may request that a member provide his/her personal financial records for review if the Sheriff determines that a conflict of interest may exist. Failure or refusal by the member to provide such records may result in denial of the outside employment.

If, after approving a request for outside employment, the Office obtains information that a financial conflict of interest exists, the Office may request that the member provide his/her personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension of approval of the outside employment pursuant to this policy.

1018.5.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Sheriff through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Sheriff any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1018.5.5 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Sheriff regarding whether such employment should continue.

In the event that the Sheriff determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside

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employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's medical professional advisers.

(b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.

(c) The member’s failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Saratoga County Sheriff's Office, a written request may be submitted to the Sheriff to approve the outside employment request.

1018.6 OUTSIDE OVERTIME

1018.6.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this Office must submit a written request to the Sheriff in advance of the desired service. Such services will be assigned, monitored and compensated through the Office as outside overtime assignments.

(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 Office prior to approval.

(c) The requester will be required to reimburse the Office for the members' compensation, benefits and costs (e.g., court time) associated with such outside services.

(d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:

1. The member shall wear the Office uniform and carry Office identification.
2. The member shall be subject to the rules and regulations of this Office.
3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
4. Outside overtime shall not be subject to the collective bargaining process.
5. Outside overtime will not be credited toward retirement earnings.

(e) Outside overtime shall be assigned at the discretion of the Sheriff or the authorized designee.

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1018.6.2 ARREST AND REPORTING PROCEDURE

Any member making an arrest or taking other official law enforcement action while working in an outside 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 outside overtime assignment.

1018.6.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Captain, undercover members or members assigned to covert operations shall not be eligible to work outside overtime in a uniformed or other capacity that could reasonably disclose the member's law enforcement status.

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Work-Related Illness and Injury Reporting

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

1019.1.1 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).

1019.2 POLICY

The Saratoga County Sheriff's Office will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state workers' compensation requirements (Workers' Compensation Law § 110).

1019.3 RESPONSIBILITIES

1019.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate.

1019.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related County-wide injury- or illness-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1019.3.3 CAPTAIN RESPONSIBILITIES

The Captain 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 Deputy, the County's risk management entity and the Administrative Assistant to the Sheriff 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.

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1019.3.4 SHERIFF RESPONSIBILITIES

The Sheriff shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

1019.4 OTHER ILLNESS OR INJURY

Illnesses and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Captain through the chain of command and a copy sent to the Chief Deputy.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1019.5 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.

1019.5.1 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 Sheriff 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 Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County 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 County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

1019.6 ADDITIONAL STATE LAW

The Sheriff or the authorized designee should coordinate with the Human Resources Department and any applicable collective bargaining units to develop procedures for reporting and additional documentation required for payment of benefits under General Municipal Law § 207-c.

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Personal Appearance Standards

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Saratoga County Sheriff's Office.

Requirements for Office uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1020.2 POLICY

Saratoga County Sheriff's Office members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this Office and for their assignments. Office 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 Office.

1020.3 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 Sheriff has granted an exception.

1020.3.1 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 Sheriff through the chain of command.

1020.3.2 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 Office members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female Office 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.

1020.3.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

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1020.3.4 FACIAL HAIR
Facial hair, other than sideburns and eyebrows, is prohibited, unless authorized by the Sheriff or the authorized designee.

1020.3.5 FINGERNAILS
Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image. Only female members are authorized to wear nail polish while on duty.

1020.4 APPEARANCE

1020.4.1 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 Office 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 be small and worn only in or on the earlobe. Only female members are authorized to wear earrings on duty.

(c) One ring or ring set may be worn on each hand of the Office 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.

(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.

1020.4.2 TATTOOS
While on-duty or representing the Saratoga County Sheriff's Office in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Office in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include, but are not limited to, those that exhibit or advocate discrimination; those that exhibit gang, supremacist or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts or other obscene material. The Sheriff shall have the right to determine whether a member will need to cover any tattoos.

1020.4.3 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 Saratoga County Sheriff's Office in any official capacity, that is a

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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.

1020.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Saratoga County Sheriff's Office 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.

1020.4.5 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 Saratoga County Sheriff's Office in any official capacity.

1020.4.6 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.

1020.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1020.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of Office 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 Sheriff should be advised any time a request for religious accommodation is denied.

Requests to wear headscarves, simple head coverings, certain hairstyles or facial hair for religious reasons will be evaluated on a case-by-case basis and be made in accordance with applicable case law.

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1020.6 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 Sheriff 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

1021.1 PURPOSE AND SCOPE

This policy provides guidelines for Saratoga County Sheriff's Office-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 Office uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Office.

This policy addresses the wearing and maintenance of Office 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 Office.

Other related topics are addressed in the Badges, Patches and Identification, Office-Owned and Personal Property, and Personal Appearance Standards policies.

1021.2 POLICY

The Saratoga County Sheriff's Office 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 Office may provide other Office members with uniforms at the direction of the Sheriff.

All uniforms and equipment issued to Office members shall be returned to the Office upon termination or resignation.

1021.3 UNIFORMS

The Sheriff 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 Office-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) Members 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 Office 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 Office functions or events, while in transit to or from work, or when authorized by the Sheriff 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 Office-issued uniforms, including the uniform pants.

(h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

1021.3.1 ACCESSORIES

Members shall adhere to the following when wearing Office uniforms:

(a) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy.

1021.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to Office uniforms unless an exception is authorized by the Sheriff:

(a) Shoulder patch - The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets.

(b) Badge - The Office-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.

(c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times on the uniform shirt.

(d) Rank insignia - The designated insignia indicating the member’s rank must be worn at all times while in uniform.

(e) Service insignia - The designated insignia indicating the member’s length of service may be worn on long-sleeve shirts in accordance with the provisions of the current collective bargaining agreement.

(f) Assignment insignias - Assignment insignias (e.g., Special Operations Team SOT, Field Training Officer (FTO)) may be worn as designated by the Sheriff.

(g) Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Sheriff, may be worn, centered above the nameplate. If more than one award is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

1021.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the Office badge whenever a law enforcement officer is killed in the line of duty as directed by the Sheriff.

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1021.4 UNIFORM CLASSES

The Sheriff or the authorized designee shall determine the uniform to be worn by each Office member or any deviations that may be authorized.

Uniforms are classified as follows:

(a) Dress Uniform - Full dress uniform to be worn by designated Office members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Sheriff or the authorized designee.

(b) Class A - Standard issue uniform to be worn daily by designated Office members.

(c) Class B - General utility uniform or training uniform to be worn by designated Office members.

(d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

1021.4.1 DRESS UNIFORM

The Dress uniform consists of the following:

(a) Dress hat

(b) Dress blouse

(c) Long-sleeve shirt

(d) Tie tack or tie bar

(e) Trousers

(f) Black belt

1. Belts shall be equipped as needed for the member’s assignment.

(g) Dark blue or black socks

(h) Black polished dress shoes

1. Boots with pointed toes are not permitted.

1021.4.2 CLASS A UNIFORM

The Class A uniform consists of the following:

(a) Long- or short-sleeve shirt

1. A tie or authorized turtleneck must be worn with long sleeve shirt
2. A black t-shirt must be worn under the short sleeve uniform shirt.
3. New York State seal gold buttons shall be machine stitched to the epaulets and breast pockets of both long and short sleeve uniform shirts.
4. All shirt buttons must remain buttoned on a long-sleeved shirt when wearing a tie. The top button shall remain unbuttoned when wearing a log-sleeve shirt with the authorized turtleneck.
5. Long sleeves must be buttoned at the cuff.

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6. Short sleeve shirts shall be worn with the top button unbuttoned.

(b) Trousers

(c) Black duty belt

1. Belts shall be equipped as needed for the member’s assignment.

(d) Dark blue or black socks

(e) Black polished approved footwear

1. Boots with pointed toes are not permitted.
2. Decorative stitching or adornment is not permitted.

(f) Weather-appropriate items

1. Hat
2. Jacket
3. Rain gear

1021.4.3 CLASS B UNIFORM

The Sheriff or the authorized designee will establish the specifications, regulations and conditions for wearing the Class B uniform.

1021.4.4 SPECIALIZED ASSIGNMENT UNIFORM

The Sheriff or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, the (SOT), bicycle patrol, motor members and other specific assignments.

1021.5 CIVILIAN ATTIRE

There are assignments within the Office 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 Sheriff 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 Saratoga County Sheriff's Office or the morale of the members.

(e) The following items shall not be worn while on-duty or when representing the Office in any official capacity:

1. Clothing that reveals cleavage, the back, chest, stomach or buttocks

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2. T-shirt alone or exposed undergarments
3. Swimsuits, tank tops, tube tops or halter tops
4. Sweatshirts, sweatpants or similar exercise clothing
5. Spandex-type pants or transparent clothing
6. Denim pants of any color
7. Shorts
8. Open-toed shoes
9. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

1021.6 OPTIONAL EQUIPMENT

Any items that are allowed by the Saratoga County Sheriff's Office but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the Office.

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 Office-Owned and Personal Property Policy.

1021.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Saratoga County Sheriff's Office members may not wear any uniform item, accessory or attachment unless specifically authorized by the Sheriff or the authorized designee.

Office members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Sheriff or the authorized designee.

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Cadets

1022.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Saratoga County Sheriff's Office Cadet Post #37.

1022.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to offer a program for Explorers to familiarize and prepare qualified individuals for a career in law enforcement. The Office shall ensure that those participating in the program are properly appointed, trained and supervised.

1022.3 RECRUITMENT, SELECTION AND APPOINTMENT

The Saratoga County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this Office.

Applicants shall be required to meet and pass certain pre-appointment procedures as designated by the Sheriff.

1022.3.1 REQUIREMENTS

Individuals in the Cadet program shall:

(a) Have completed the eighth grade and be at least 13 years of age and under 21 years of age.

(b) Maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken.

1. Cadets enrolled in college shall complete at least six units of college course work per semester (or quarter equivalent).

1022.3.2 IDENTIFICATION

Cadets shall conform to all of the uniform regulation and appearance standards of this Office.

Each Cadet will be provided with the following: one short sleeved Cadet Polo, one long sleeved Cadet Polo and a short sleeved class A uniform shirt which will meet the specifications described in the designated uniform and equipment specifications. The identification worn by uniformed Cadets shall be different and distinct from that worn by regular Office personnel; it will include the designation "Cadet" on the uniform.

1022.4 LEAD ADVISOR

The Sheriff shall delegate certain responsibilities to a Lead Advisor. The Lead Advisor shall be appointed by, and directly responsible to, the Undersheriff or the authorized designee.

The responsibilities of the Lead Advisor or the authorized designee include, but are not limited to:

(a) Overseeing the Cadet program, including:

1. Conducting Cadet program meetings.

2. Monitoring the overall Cadet program activities.

(b) Making individual Cadet assignments.

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(c) Monitoring the Cadet training program.

(d) Monitoring individual Cadet performance.

(e) Maintaining a liaison with other agency Cadet program coordinators.

1022.4.1 ASSOCIATE ADVISOR

The Lead Advisor may select individual agency employees to serve as advisors for the Cadet program. These agency employees will serve as mentors for each Cadet. Cadets will bring special requests, concerns and suggestions to their youth leaders who will speak with associate advisors for guidance or direction before contacting the Lead Advisor. One associate advisor may be designated as the Lead Advisor's assistant to lead scheduled meetings and training sessions. Associate advisors are not intended to circumvent the established chain of command.

1022.4.2 CADET MEETINGS

All Cadet meetings will be scheduled and conducted by the Lead Advisor. All Cadets are required to attend. Any absences must be satisfactorily explained to the Lead Advisor.

1022.5 CADET TRAINING MATERIALS

Each new Cadet will be issued training materials. The Cadet training materials are an outline of the subject matter and/or skills necessary to properly function as a Cadet with the Saratoga County Sheriff's Office. The Cadet shall become knowledgeable of the subject matter. He/she shall also become proficient with those skills as set forth in the Cadet training materials.

1022.6 SUPERVISION

All Cadets shall be under the direct supervision of a member of the Office or the authorized designee.

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Conflict of Interest

1023.1 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 Saratoga County Sheriff's Office.

1023.1.1 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.

1023.2 POLICY

Members of the Saratoga County Sheriff's Office 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 Office members and the public, and thereby maintain the trust of the public and Office members.

1023.3 PROHIBITIONS

The Office prohibits the following types of personal or business relationships among members:

(a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.

2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Office, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Office FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are

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assigned to train until such time as the training has been successfully completed and the person is off probation.

1023.4 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 Desk Officer/Desk Sergeant to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

1023.5 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 Sheriff or the authorized designee of such actual or potential violations through the chain of command.

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Badges, Patches and Identification

1024.1 PURPOSE AND SCOPE

The Saratoga County Sheriff's Office (SCSO) badge, patch and identification card, as well as the likeness of these items and the name of the Office, are property of the Office. Their use shall be restricted as set forth in this policy.

1024.2 POLICY

Members of the Office will use the SCSO badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

1024.3 UNAUTHORIZED USE

The SCSO badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Office members shall not:

(a) Display or use the SCSO badge, patch or identification card for personal gain or benefit.

(b) Loan the SCSO badge, patch or identification card to others or permit these items to be reproduced or duplicated.

(c) Use images of the SCSO badge, patch or identification card, or the likeness thereof, or the Saratoga County Sheriff's Office name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, social networking or websites.

The Sheriff may authorize the department patch to be given to a person who collects patches at his discretion.

1024.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Office members shall promptly notify their supervisors whenever their SCSO badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

1024.4 BADGES

The Sheriff shall determine the form of badges authorized for use by Office members. No other badges may be used, carried, worn or displayed.

Only badges issued by this Office 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 approval of the Sheriff, may purchase at their own expense a second badge or flat badge that can be carried in a wallet.

1024.4.1 RETIREE BADGES

The Sheriff may establish rules for allowing honorably retired members to keep their badges in some form upon retirement, for use as private memorabilia.

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1024.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the SCSO badge shall not be used for any purpose without the express authorization of the Sheriff and shall be subject to the following:

(a) An authorized employee group may use the likeness of the SCSO badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Saratoga County Sheriff's Office. The following modification shall be included:

1. Any text identifying the Saratoga County Sheriff's Office 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.

1024.5 IDENTIFICATION CARDS

All members will be issued an official SCSO identification card bearing the member's name, full-face photograph, member identification number, and signature of the Sheriff or the official seal of the Office. All members shall be in possession of their Office-issued identification cards at all times while on-duty or in Office facilities.

(a) Whenever on-duty or acting in an official capacity representing the Office, members shall display their Office-issued identification cards in a courteous manner to any person upon request and as soon as practicable.

(b) Members or other members working specialized assignments may be excused from the possession and display requirements when directed by their Captains.

1024.6 BUSINESS CARDS

Members may, at their own expense, purchase business cards. The only authorized business cards are those issued or approved by the Office 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).

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Temporary Modified-Duty Assignments

1025.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1025.2 POLICY

Subject to operational considerations, the Saratoga County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

1025.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-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 Saratoga County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-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 Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment in security work, or may otherwise limit them in employing their police officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1025.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Captains or the authorized designees. The request should, as applicable, include 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.

(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 temporary modified-duty assignment.

The Captain will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee mayconfer with the Human Resources Department or the County Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved by the Sheriff and facilitated by the authorized designee.

1025.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Office operations and the employee’s medical appointments, as mutually agreed upon with the Captain.

1025.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified 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 of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Captain that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

1025.5.2 SUPERVISOR RESPONSIBILITIES

The employee’s immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but are not limited to:

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(a) Periodically apprising the Captain of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Captain and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1025.6 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.

The Office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1025.7 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 Office 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).

1025.7.1 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 County’s personnel rules and regulations regarding family and medical care leave.

1025.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1025.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified 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 temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Performance History Audits

1026.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues (e.g., problematic conduct). This policy addresses the responsibilities, performance indicators, and components of the audit; handling of collected data; and conducting appropriate interventions, when necessary.

1026.2 POLICY

The Saratoga County Sheriff's Office 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 Office 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.

1026.3 RESPONSIBILITIES

Under the authority of the Chief Deputy, the Office of Professional Standards is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate annual performance history audit reports that will be provided to the appropriate Captain. The Office of Professional Standards will utilize confidential methods to compile and track information regarding performance indicators for each member during each quarter in order to prepare the report. Each report should contain data from a one-year time period

1026.4 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

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1026.4.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Sheriff has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include, but are not limited to, the frequency and/or number of:

(a) Use of force incidents.

(b) Involvement and conduct during vehicle pursuits.

(c) Personnel complaints, including the findings.

(d) Commendations, compliments and awards from the Office and the public.

(e) Claims and civil suits related to the employee’s actions or alleged actions.

(f) Canine bite incidents.

(g) Personnel investigations.

(h) District Attorney case rejections and the reasons.

(i) Intentional or accidental firearm discharges (regardless of injury).

(j) Vehicle accidents.

(k) Missed court appearances.

(l) Documented counseling.

(m) Sick leave usage.

1026.4.2 DATA ANALYSIS

The Captain in the chain of command for the member who is the subject of the performance history audit report will review each audit report and determine whether it should be provided to the member’s immediate supervisor for further consideration.

1026.4.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the member to assess any potential trends or other issues that may warrant intervention to improve member performance and avoid unnecessary uses of force. These interventions could include informal counseling, additional training or a recommendation for other action, including discipline. The member shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that a member's performance warrants action beyond informal counseling, the supervisor shall advise the Captain of such recommendation. If the Captain concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against a member as a result of a performance history audit, the member shall be entitled to all rights and processes set forth in the Personnel Complaints Policy and the current collective bargaining agreement.

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1026.4.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the members Captain, after discussion with the member's immediate supervisor, about the need, type and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1026.5 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's training file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to a member's training 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).

1026.6 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

1027.1 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 Saratoga County Sheriff's Office.

This policy applies to all forms of communication including but not limited to digital media, 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, 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.

1027.2 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 Saratoga County Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this Office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Office will carefully balance the individual member’s rights against the needs and interests of the Office when exercising a reasonable degree of control over its members’ speech and expression.

1027.3 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 Saratoga County Sheriff's Office members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (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 a member who is working undercover.
- Disclosing the address of a fellow Office member.

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- Otherwise disclosing where another member can be located off-duty.

1027.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Saratoga County Sheriff's Office, the following are prohibited unless the speech is otherwise protected (e.g., 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 Office or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Office 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 glorify or endorse 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 Office (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 members 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 Office.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of Office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Saratoga County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

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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1027.4.1 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 Saratoga County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Office in order to do any of the following, unless specifically authorized by the Sheriff:

(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 a member, acting in their 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 Office, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Saratoga County Sheriff's Office.

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 member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1027.5 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 Office technology system (see the Information Technology Use Policy for additional guidance).

1027.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff 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 Office or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Office.

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(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their 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 Office.

1027.7 TRAINING

Subject to available resources, the Office should provide training regarding the limitations on speech, expression and use of social networking to all members of the Office.

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Illness and Injury Prevention

1028.1 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 Saratoga County Sheriff's Office.

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 Countywide safety efforts.

1028.2 POLICY

The Saratoga County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Office 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 Office to comply with all laws and regulations related to occupational safety.

1028.3 ILLNESS AND INJURY PREVENTION PLAN

TheUndersheriff 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 management 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).

1028.4 UNDERSHERIFF RESPONSIBILITIES

The responsibilities of the Undersheriff include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) 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.

2. Regular member review of the illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

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(d) 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. Informing members of the illness and injury prevention guidelines.
2. Ensuring that the member evaluation process includes member safety performance.
3. Ensuring Office compliance to meet standards regarding the following:
    (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 safety and 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)

(e) Making available a form to document inspections, unsafe conditions, or unsafe work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member’s name or other identifier, training dates, type of training, and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1028.5 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. A member of the rank of lieutenant or above 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 an injury-free, productive workplace.

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(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the appropriate lieutenant.

(e) Notifying theappropriate lieutenant when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
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.

1028.6 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.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the appropriate lieutenant and forwarded to the Undersheriff via the chain of command.

TheUndersheriff will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1028.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

A lieutenant shall ensure that the appropriate documentation is completed for each inspection.

1028.7.1 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

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condition cannot be immediately corrected. Members should forward this form to their immediate supervisors.

1028.8 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 their immediate 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.

(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.

1028.9 TRAINING

The Training Manager should develop a training curriculum 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 Office is made aware of a new or previously unrecognized hazard.

1028.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

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(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, including working on ladders or in a stooped posture for prolonged periods.

(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.

1028.10 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

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Saratoga County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Sheriff 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.

1029.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing assigned duties.

For a member, 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.

1029.2 POLICY

It is the policy of the Saratoga County Sheriff's Office 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 Office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1029.3 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 lieutenant and the Communication 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 Sheriff or authorized designee section of this policy).

(b) The lieutenant 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 lieutenant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Sheriff 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 Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

1029.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff 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 Sheriff, lieutenant, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be a member of the clergy (or equivalent for a different faith).

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 Office 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 child care 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 Office Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.

(m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Saratoga County Sheriff's Office members may be apprised that survivor notifications are complete.

1029.4.1 OUT-OF-AREA NOTIFICATIONS

The Office 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 Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the Office member that the survivors can call for more information following the notification by the assisting agency.

(b) The Office Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Office to pay travel expenses without the authorization of the Sheriff.

1029.5 NOTIFYING OFFICE MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying Office 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 Office regarding the deceased member or the incident.

1029.6 LIAISONS AND COORDINATORS

The Sheriff 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) Office 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 Office 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 Office resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Office should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1029.6.1 OFFICE LIAISON

The Office Liaison should be a Captain or of sufficient rank to effectively coordinate Office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Sheriff. The Office 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.

(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-staff.

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(g) Reminding Office members 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.

1029.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Office members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Saratoga County Sheriff's Office members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) 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.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be directed to the Office, 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 their actions at the conclusion of duties.

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1029.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office 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 Office contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Captain. 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.
- 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 Office 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 Office and the hospital to the survivors. The following should be considered when returning the personal effects:

  (a) Items should not be delivered to the survivors until they are ready to receive the items.

  (b) Items not retained as evidence should be delivered in a clean, unmarked box.

  (c) 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).

  (d) The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of Office-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 for survivors to have access to available counseling services.

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(h) Coordinating with the agency's press information officer 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 Sheriff or authorized designee 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 Office activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), 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 Office 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 Office to facilitate communications necessary to the assignment. The Office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1029.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the Office 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) Making arrangements for members who were involved in or witnessed the incident to be relieved of Office responsibilities until they can receive wellness support.

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(c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to inform survivors 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.

1029.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Office 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 Office, 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

(d) Briefing the Sheriff and command staff concerning funeral arrangements.

(e) Assigning a member 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 Office vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1029.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office 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 Saratoga County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Sheriff should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1029.6.7 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 following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
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 Sheriff's 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.

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(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1029.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Office 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.

1029.7 SHERIFF OR AUTHORIZED DESIGNEE

In the event of a line-of-duty death, the Office's Sheriff or authorized designee should be the Office's contact point for the media. As such, the Sheriff or authorized designee should coordinate with the Office Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Instruct Office members to direct any media inquiries to the Sheriff or authorized designee.

(c) Prepare necessary press releases.

1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Disseminate important public information, such as information on how the public can show support for the Office and deceased member's survivors.

(d) Arrange for community and media briefings by the Sheriff 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 Office members, other agencies, and the media as appropriate.

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(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the Sheriff or authorized designee should request that the media withhold the information from release until proper notification can be made to survivors. The Sheriff or authorized designee should notify media when survivor notifications have been made.

1029.8 INVESTIGATION OF THE INCIDENT

The Sheriff or the authorized designee 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. He/she shall ensure that information is collected and investigated for all necessary items in the FBI Uniform Crime Reporting for Law Enforcement Officers Killed and Assaulted.

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 Office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1029.9 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1029.10 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

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Employee Assistance Program

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Saratoga County Sheriff's Office with the Employee Assistance Program (EAP) and Peer Support services that are available to them.

1030.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to offer an EAP and Peer Support services to its members and their families to help with a wide range of personal and work related issues. Peer Support Members are not professional counselors, but rather everyday personnel who have received specialized training to help personnel manage and maintain good mental and emotional health.

The EAP and Peer Support members can provide peer counseling and support services by making assessments and providing referrals. The services are confidential and tailored to address the needs of the individual. All services provided by the EAP and Peer Support members and outside providers are strictly confidential. The Saratoga County Sheriff's Office will endeavor to maintain the confidentiality of the program and the communications had therein however participants should be aware their participation and communications may not be considered legally privileged under federal and state laws.

1030.3 EAP SERVICES

The EAP unit will provide appropriate confidential peer counseling and support services in area that may include, but are not limited to:

(a) Family and marital issues
(b) Mental health issues
(c) Stress – related issues
(d) Career and job - related issues
(e) Grief concerns
(f) Crisis interventions
(g) Alcohol and or chemical dependency
(h) Assisting families of deceased officers
(i) Critical incidents
(j) Line of duty deaths

The services of the EAP unit are provided free of cost to the Saratoga County Sheriff's Office members and their family members.

Note: The EAP contact may refer members to outside professionals when appropriate. The cost of the services provided by outside professionals are the responsibility of the member and or family

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member which may be covered by the member's health insurance plan. The Saratoga County Sheriff's Office does not assume any liability for payment for any services rendered by referred provider.

Participation in EAP services may be terminated if an individual engages in conduct that is contrary to the law; exhibits behavior that would threaten either their own safety and or the safety of others; or shows an unwillingness to follow EAP recommendations.

1030.4 RECORDS

All information and records are confidential within the confines of the applicable laws and the scope of EAP with the following exceptions:

(a) The member gives permission for the release of the information.

(b) There is a bona fide medical emergency, in which case only pertinent information may be released and only to medical personnel.

(c) There is imminent danger of suicide, homicide, or physical harm to the member or to another.

(d) There is suspected abuse or neglect of a children.

(e) A crime is committed or threatened.

(f) To verify attendance of an on-duty member at EAP to the member's supervisor (on duty only).

(g) To notify the member's agency of the employee's sick status if the member is unable to do so.

No information concerning an employee's EAP participation may be included in an member's personnel file. An member's career or promotional opportunities / eligibility within the department will not be jeopardized because of participation in EAP services. Although the EAP give members the opportunity to resolve issues that may affect job performance, the ultimate responsibility for proper conduct and performance rests with the individual member.

1030.5 REFERRALS

1030.5.1 SELF REFERRALS

Members and their families wishing to utilize the services of EAP are encouraged to seek confidential counseling to address their concerns.

1030.5.2 SUPERVISOR REFERRALS

Supervisors noticing a significant change in a subordinate's behavior, job performance, relationship to peers or the public, or any other behavior that suggests an individual may need assistance may request the employee to meet with an EAP Support Member. A member may be referred to an EAP Support Member by their supervisor after the member has informed the supervisor of their concerns and requests the assistance of the EAP (e.g., experiencing stress resulting from personal concerns or experiencing grief after the loss of a loved one or co-worker). The supervisor will hold that conversation with the member in strict confidence. If a formal request

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is made by a supervisor, that supervisor will be only made aware that the referred member has been in contact with an EAP support member. The referring supervisor will contact an EAP Support Member and provide the member's name and circumstances surrounding the request.

Members referred to an EAP Support Member by their supervisor will be allowed to meet with an EAP Support Member during their tour of duty. The meeting with an EAP Support Member will be marked as training on their daily activity sheet or any departmental log. All discussions between the EAP Support Member and the member will be strictly voluntary and confidential. The purpose of the supervisor's referral is to provide the member with the assistance needed to address their concerns. It shall not be utilized as a form of discipline, or replace disciplinary action when such action is appropriate. In the event that the supervisor's referral has been carried out with the member and an EAP Support Member, information pertaining to the meeting will not be discussed with any supervisor without consent from the member.

1030.5.3 DEPARTMENT REFERRALS

Members will be referred to an EAP Support Member or a Group EAP de-briefing, for scheduled confidential counseling for the following critical incidents:

(a) The use of deadly physical force by or against personnel.

(b) In the line of duty death or serious physical injury to or by personnel.

(c) A catastrophe or mass disaster.

(d) A serious physical injury or death to a child.

EAP Support Members may respond to the above named incidents, but will not participate or interfere in the investigation of the said incidents. An appointment with an EAP Support Member or Members will be scheduled by the Saratoga County Sheriff's Office command staff within five days after to the above listed incidents. This meeting will be mandatory attendance with voluntary participation. Neither the Saratoga County Sheriff's Office command staff nor supervisors will be in attendance, unless they were directly involved in the incident.

1030.6 CRITICAL INCIDENT STRESS MANAGEMENT

Critical Incident Stress Management (CISM) refers to an approach designed to manage a member's stress resulting from a critical incident or traumatic event (e.g., serious auto accident involving children, a mass casualty incident). This may involve an individual member or group of members. The goal of CISM is to alleviate the reactions to traumatic experiences by providing a format in which members can discuss their reactions, emotions and fears to such an incident and obtain a referral for further care, if necessary. CISM may be conducted on an individual, one on one basis or in a group setting. It is not a critique of the actions, performance, policies or strategies utilized at that incident by the involved members or supervisors. After a critical incident has occurred, an EAP Support Member may contact the immediate supervisor or departmental command staff of involved personnel when they believe a CISM will be beneficial. As with all EAP services, the CISM services will remain confidential.

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1030.7 WEAPONS RETENTION

In the event a member requires inpatient treatment, the member's duty weapon, issued by the Saratoga County Sheriff's Office, will be held for safe keeping by the Saratoga County Sheriff's Office. The issued duty weapon will be returned upon the member being cleared by staff of the outside agency providing the said treatment.

1030.8 PEER SUPPORT MEMBERSHIP

Any member of this agency wishing to become EAP Support Member shall submit a letter of interest to the Sheriff. The Sheriff or his designee and existing members of the EAP Support Group may interview the prospective member.

1030.8.1 TRAINING

To provide the best service possible to the members of the Office and their families, the EAP Support Members will:

(a) Obtain CISM training after being assigned to the EAP.

(b) Maintain yearly training in areas pertaining to EAP services. This include both inside and outside of the department educational training.

1030.8.2 CODE OF CONDUCT

Purpose - Helping members of the Saratoga County Sheriff's Office and their families is the cornerstone of the EAP mission. As such, whenever a member or his or her family member seeks the assistance of an EAP; a special relationship is formed between the counselor and the member or family member.

Conflict of Interest - In order to avoid a conflict of interest, no peer contact will enter into any financial, personal, sexual, or other similar relationship with a member and or family member, and the peer counselor will not accept a client with whom they have had a previous financial, personal, sexual, or other similar relationship.

Confidentiality - Peer contacts will at all times respect the confidentiality rights of members established by law. In order to safeguard the confidentiality rights of the member, any information discussed with an EAP Support Member can only be released by the request of the said member with a signed consent form, but only for information relevant to the purpose for which the communication was made.

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Wellness Program

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that both sworn and civilian staff understand the value and importance of officer wellness. All sworn and civilian staff shall be afforded the opportunity to seek assistance, guidance, and support through the agency's Officer Wellness Program.

1031.2 POLICY

It is the policy of the Saratoga County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for Office members. The Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support. The Sheriff or the authorized designee shall act as the agency's wellness coordinator.

Resources available to all sworn and civilian staff include but are not limited to licensed counselors, psychologists, physicians**,** and programs offered by the County's health insurance carrier CDPHP or any other resource included within this policy.

1031.3 ACCESS

All sworn and civilian staff should have timely access to appropriate care. The wellness coordinator shall have ongoing dialogue with Human Resources, health insurance carrier(s), employee organizations, etc., to ensure that those seeking assistance can obtain it and in a timely manner.

1031.4 PREVENTION AND INTERVENTION

The wellness coordinator shall ensure that appropriate methods are used to both prevent and intervene, when necessary and appropriate, in situations that affect the physical, mental, or emotional health of any sworn or civilian staff. (See the Employee Assistance Program policy)

1031.5 PEER INVOLVEMENT AND SUPPORT

The wellness coordinator shall ensure that all sworn and civilian staff have timely access to the agency's Employee Assistance Program. (See the Employee Assistance Program policy)

1031.6 CRITICAL INCIDENTS

Critical incident stress management will be available to all sworn and civilian staff pursuant to the agency's Critical Incident Stress Management policy. (See the Employee Assistance Program policy)

1031.7 REPORTING

To ensure that the agency's Officer Wellness Program is functioning at maximum efficiency, the Sheriff should direct that agency staff providing services make a report to him at least once yearly. Such report should include any shortcomings identified in any of the aforementioned areas with recommendations on how to rectify them.

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Attachments

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CI agreement 2.pdf

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Saratoga County Sheriff's Office Confidential Informant Agreement

10/13

CI# _____

The undersigned confidential informant agrees to the following:

1. I acknowledge that I am not a law enforcement officer. I have no arrest powers and I am not permitted to conduct searches and seizures and I may not carry a weapon.
2. I understand that I will be arrested if found engaging in any illegal activity and will receive no special legal considerations.
3. I will not violate criminal laws in furtherance of gathering information or providing services to the Saratoga County Sheriff's Office.
4. I will not engage in any actions that may be considered entrapment. *(Entrapment occurs where the informant encourages, persuades or otherwise motivates a person to engage in criminal activity.)*
5. I agree that after making a purchase of anything of evidentiary value, I will immediately return to my controlling Investigator for delivery of such evidence to him/her.
6. I further agree to maintain strict accounting of all funds provided to me by the Saratoga County Sheriff's Office as part of my activity as an informant. I understand that misuse of funds could be grounds for criminal prosecution against me.
7. I agree not to divulge to any person, except the Investigator with whom I am associated, my status as an informant for the Saratoga County Sheriff's Office unless required to do in court. I further agree t shall not represent myself to others as an employee or representative of the Saratoga County Sheriff's Office.
8. I acknowledge that information provided by me as an informant maybe used in a criminal proceeding. I may be called upon to testify to such information in a court of law. *(Although the Saratoga County Sheriff's Office will use all lawful means to protect my confidentiality, this cannot be guaranteed)*
9. It is a crime to threaten, harass or mislead anyone who provides information about a crime to a law enforcement agency. If I experience anything of this nature because of my cooperation with the Saratoga County Sheriff's Office, I will contact my controlling member immediately.
10. I acknowledge that I am associated with the Saratoga County Sheriff's Office as an informant on a case or time basis as an independent contractor. Any payment I receive from the Saratoga County Sheriff's Office will not be reported by the County of Saratoga for purposes of federal or state withholding or Social Security. All reporting of income is solely my responsibility.
11. I further acknowledge that as an informant and independent contractor, I am not entitled to Workman's Compensation from the State of New York and I shall not hold the County of Saratoga liable for any injuries or damage incurred by reason of my association with the Saratoga County Sheriff's Office.
12. I further agree not to use the Saratoga County Sheriffs Office or any of Its officers as credit reference or employment references unless prior approval is obtained from my controlling Investigator.
13. I agree that violation of any of the above enumerated provisions will be grounds for immediate termination of' my status as a confidential Informant and may result in criminal charges.

Dated this_ day of _ _ _ _ _ _ _, 20_ _

_____ _____

Signature of controlling Investigator Signature of Informant

_____ _____

Signature of witness Print informants name

Saratoga County Sheriffs Office Confidential Informant Personal History Report

10/1 3

C.1#

Last Name	First Name **DOB**	Middle Name
Address (street,city,state,zip)		SS#

Sex	Race	National Origin	Build
Height	Weight	Eye Color	Hair Color
Alias		Nicknames	
Place of Birth		Drivers License State & #	
Scars, **Marks,** Tattoos, Physical Defects		Prior Criminal Record Y / **N** FBI# **NYSID#**	
Marital Status		Children Y / **N**	

Immediate family names & address

Close friends names & address

Addresses for last five years

Employed Y / N	Occupation	Employer Name / Address

Prior Work as an informant with other law enforcement agencies Y/N (Agency Controlling Officer, Dates

Type of criminal information to be furnished

Type of cooperation proposed and targets suggested

Controlling Members Signature	ID#	Date
Reviewing Supervisors Signature	ID#	Date

Saratoga County Sheriffs Office Consent Waiver To Intercept Audio Communications

12/13

I,_____, residing at._____

hereby authorize._____, a member of the Saratoga County Sheriff's Office and any other member of the Saratoga County Sheriff's Office, as required:

To intercept, listen to, and record conversations between myself and other persons. This authorization covers all communications. I further authorize the Saratoga County Sheriff's Office to install whatever equipment is necessary to accomplish the interception, overhearing and recording of these conversations.

I understand that the evidence obtained as a result of this authorization may be used in a criminal prosecution and that this authorization does not grant me immunity from prosecution.

This authorization shall take effect on_ _ _ _ _ _ _ _ _ _ _ _

Signature_____

PrintName._____

Dated_____

Member's Signature _____

Witness Signature _____

2024 Runaway Intake Report 6-7-24 (1).pdf

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Case Number:

NEW YORK STATE | Division of Criminal Justice Services

Runaway Intake Report

Print Form

Person Completing Form: Last Name | First Name | Relationship | Phone | E-mail | Agency (if applicable)

Legal Guardian of Child:

Last Name | First Name | Relationship | Street Address | City | State | Zip Code | County/Country | Home Phone | Work Phone | Cell Phone | E-mail

Missing Child Information:

Last Name | First Name | MI: | DOB | Sex | Race | Hgt. | Ft | In. | Wgt. | lbs. | Hair Color | Eye Color | Place of Birth City | State | Mother's Maiden Name (First, Last) | School Attended | Grade | Scars, Tattoos, Piercings | Cell Phone | E-mail | Social Media

Suicidal/Suicidal Ideation ☐ Yes ☐ No Is there concern the child may be targeted or be sexually exploited while missing? ☐ Yes ☐ No

Last Known Address Street | City | State | Zip Code

Last Seen At: (Location) | Date of Last Contact | Time

Social Security # | Fingerprints Available | Does child have access to money or credit cards? ☐ Yes ☐ No

Clothing Description:

Circumstances which occurred prior to and at the time disappearance. If known, include the motivation for running away.

Has child ever indicated the he or she would run away? ☐ Yes ☐ No Has he or she ever run away before? ☐ Yes ☐ No

If yes, provide details (e.g., when, where, length of time missing, location while missing.)

Places where the child lived in the past (e.g., name of municipality, state and street address.)

Places (e.g., states, cities) that the child has expressed and interest in visiting or living.

Do you believe that there is any possibility that any family members, friends or others are providing aid to the runaway(s)? ☐ Yes ☐ No

Identify possibilities by name and location.

If applicable, type of employment last held by the child & the employer's name and address.

Child's prior encounters with law enforcement and the courts. Describe circumstances, locations and approximate dates.

Drug, alcohol or other chemical dependencies the child may have.

Medical, Mental Health Problems/Medications

Does child speak a regional or foreign accent or language other than English?

Relationship between the child's parents (e.g., adversarial/amicable/violent?

Was there an ongoing or pending custody dispute? ☐ Yes ☐ No If yes, provide details.

Companion Information:

Last Name First Name MI DOB

Street Address City

State/Zip Code County/Country Alias/Nickname

Sex Race Hgt. Ft. In. Wgt. lbs. Hair Color Eye Color

Social Security # Occupation Employer

Scars, Tattoos, Piercings

Medical, Mental Health Problems/Medications

Home Phone Work Phone Cell Phone

E-mail Social Media

Last Seen At (Location) Date Time

Investigating Law Enforcement Agency Information:

Investigating Police Agency Investigating Officer's Name

E-mail Telephone Cell Phone

Agency Case # Report Date Other

Additional Narrative Information:

The undersigned parent/guardian or spouse (if married student) of hereby requests the information pertinent to the disappearance of *(Print Name of Child/Student)* the above named child/college student and deemed appropriate for release by the law enforcement agency responsible for the investigation of the said disappearance be published and/or circulated by any method subscribed to by the New York State Division of Criminal Justice Services (DCJS), including the use of photographs. I understand this information will be made available to the public, media, other law enforcement agencies, hospitals, social service agencies, shelters, medical examiners and/or other agencies or organizations involved with missing persons. I understand and agree that any or all information supplied by me shall be truthful and I agree to hold harmless any agency or department using, transmitting, or distributing this information for errors or omissions or commissions occasioned by information I supply. I further agree that a photocopy of this authorization shall have the same effect as the original. If available, DCJS can store and upload his/her fingerprints to the Statewide Automated Fingerprint Identification System to assist with developing lead information.

☐ authorize ☐ do not authorize Parent/Guardian Signature

Runaway Form Additional Information

Case Number: _____

Phone Information

Cellphone Carrier: _____ Device Type (iPhone, ect):_____

Cell phone number: _____

Social Media (profile names, handles, screen names)

Collect screenshots of account and/or recent messages.

Facebook: _____ Instagram: _____

Twitter(X): _____ Snapchat: _____

Other:

School Information

Current School Attending: _____ Grade: _____

Clubs/Sports/Activities:

Friends (list names, contact info):

Law Enforcement and Security Annex.pdf

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Saratoga County Emergency Operations Guidelines

Law Enforcement & Security Annex

Coordinating Agency:

Saratoga County Sheriff's Office

Primary Agency:

Saratoga County Sheriff's Office
City of Saratoga Springs Police Department
City of Mechanicville Police Department
Town of Waterford Police Department
New York State Police
Village of Ballston Spa Police Department
Village of South Glens Falls Police Dept.
Town of Stillwater Police Department

Support Agencies:

Chief Elected Officials
Saratoga County Office of Emergency Management
Public Works Departments
Fire Departments
EMS Agencies
New York State Office of Emergency Management

Purpose

This Annex provides guidance for the organization of law enforcement resources in Saratoga County to respond to emergency situations exceeding normal law enforcement capabilities. Specifically, the Public Safety and Security Annex discusses:

- ♦ Emergency law enforcement and security activities
- ♦ Operational and personnel security
- ♦ Augmentation of local law enforcement resources
- ♦ Law enforcement command and control structure
- ♦ Coordination with State and Federal law enforcement resources
- ♦ Liaison between response operations and criminal investigation activities

This Annex assigns responsibilities and provides coordination between all of the law enforcement agencies operating during times of emergencies and disasters in the County. This coordination is to ensure the safety of all citizens, maintain law and order, protect public and private property and provide protection for essential industries and facilities.

Emergency law enforcement should be an expansion of normal operations and responsibilities. Each jurisdictional area may provide law enforcement functions and assist in similar functions outside of its normal area of operations as needed to meet demands of the situation. It is not the intent of this plan, however to provide assistance for the county at the expense of the local jurisdictions. Each agency has the authority and responsibility to determine whether activation outside of normal jurisdictional lines would present a threat to local needs. If additional support is required of law enforcement agencies inside incorporated areas, that support may include traffic control, evacuation movement, search and rescue (see Search and Rescue Annex) and security for vital facilities and supplies. In the event of a national security crisis, law

enforcement resources from the federal or even the state level may not be available to provide support.

Scope

This annex provides a mechanism for coordinating and providing adequate support to authorities for law enforcement, public safety, and security capabilities and resources in an emergency or disaster situation.

This includes normal law enforcement responsibilities such as evacuation and movement of the public away from a hazard area and enforcing limited access to hazardous areas. Capabilities within this annex support incident management requirements including critical infrastructure protection, security planning, technical assistance, and public safety in both pre- and post-incident situations.

Annex Activation & Plan Maintenance

This annex is typically activated in situations requiring extensive assistance to provide for public safety and security. This annex may be activated independently or in conjunction with other annexes, depending on the needs of the situation. This annex's Coordinating and Primary Agencies will be responsible for review and revision of this annex.

Policies

- The Incident Command System (ICS) should be used at all emergency or disaster incidents.
- At declared Law-Enforcement incidents, the senior law-enforcement officer of the jurisdiction should be the Incident Commander (IC) until command is formally transferred or transitioned to Unified Command.
- The Sheriff (or designee) should function as the law enforcement IC for emergencies, disasters, and catastrophic events occurring within unincorporated areas of Saratoga County.
- The Chiefs of Police (or designee) should function as the law enforcement IC for emergencies, disasters, and catastrophic events occurring within their municipalities.
- A law enforcement-oriented emergency, disaster, or catastrophic event is any large scale emergency situation where the maintenance of law and order is the primary focal point, i.e., hostage or terrorist activity, riot and civil disturbance.

Situation

- Saratoga County is susceptible to a multitude of natural and man-made disasters. These disasters, depending on their magnitude, have the ability to damage infrastructure, structures and lifelines that may rapidly overwhelm the capacity of County agencies to assess the disaster and response effectively of basic and emergency human needs.

- During any type of disaster or large-scale emergency, law enforcement officers may be faced with a tremendous challenge of overwhelming demands of providing help and assistance to the public. The stress of high emergency call volume with physical constraints, such as fatigue, sight of death and destruction, impassible roadways from flooding, angry citizens, looting, rescue needs and a multitude of injured victims often appear to be an endless battle with the disaster. The law enforcement services may have increased demands placed on their agencies and with high expectations of success.

Assumptions

- General law enforcement problems are compounded by disaster related community disruption, restriction of movement, impacted communications and facilities, and a shortage of law-enforcement resources.
- The capabilities of local law enforcement agencies may be quickly exceeded.
- Supplemental assistance should be requested through local and state emergency management channels and the operation of mutual aid agreements.
- The availability of resources will have a profound effect on agencies ability to perform tasked activities.

General

- In time of an emergency or disaster, law enforcement agencies are called upon to perform a wide range of functions. These include, but are not limited to, warning and evacuation, search and rescue, emergency medical services, communications access, traffic control and enforcement of emergency traffic regulations.
- When local law enforcement resources are exhausted, supplemental assistance may be requested through local and state emergency management channels.
- Law enforcement units provided by other levels of government will remain under the administrative control of the parent agency while they may be under the operational control of the requesting agency or Incident Management Team (IMT).
- In order to facilitate coordination between and among the participating units and agencies, the Incident Command System should be utilized.
- The Incident Commander, regardless of rank, has the authority to request support and assistance from mutual aid partners and the County EOC.
- Law enforcement agencies should have a representative at the EOC. The primary law enforcement jurisdiction, or jurisdiction in which the emergency or disaster originates, should send a representative to the EOC unless they have authorized another agency to represent them.

Notifications

- The Primary agency will usually notify support agencies through the Saratoga County Communications Center (SCCC) if they need on-scene assistance.
- The OEM Director will usually notify support agencies of EOC activations and request that
  representatives report to the EOC to help coordinate this annex's activities.
- As additional EOC staffing needs become apparent, other support and partnering agency personnel may be asked to report to the EOC to assist resource support activities.
- Depending on the nature and location of the emergency, state and federal representatives may also become critical members of the Law Enforcement and Security Annex team.

Preparedness

- Develop and maintain Standard Operating Procedures/Guidelines (SOP/SOGs) and checklists to support emergency law enforcement operations.
- Ensure emergency personnel call-up and resource lists are current and available to OEM.
- Strive to ensure that all law enforcement personnel are trained to the appropriate NIMS/ICS level, in traffic control and evacuation procedures/guidelines, and in search and rescue operations.
- Coordinate and maintain liaison with support agencies and state and federal law enforcement agencies.
- Review plans and procedures/guidelines and assure that all law enforcement personnel are informed of existing or revised procedures/guidelines.
- Ensure mutual aid agreements with surrounding jurisdictions are current.
- Ensure the availability of necessary equipment to support law enforcement activities.
- Participate in emergency management training and exercises.

Response

- Assist with the dissemination of warnings and notifications as time and resources allow.
- Establish communication between EOC and Incident Management Team to determine resource needs to support incident response and operations.
- Respond as required on a priority basis.
- Secure the prisoner population in the county correctional facility during a disaster situation.
- Secure incident site(s).
- Activate mutual aid if needed.
- Support damage assessment activities.
- Coordinate activities with other responding agencies.
- Coordinate law enforcement agencies responding from outside the jurisdiction.
- Alert or activate off-duty personnel as required by the emergency.
- Conduct other specific response actions as dictated by the situation.

- Document expenditures for disaster/emergency related activities and report to the EOC.

Recovery

- Continue to render support when and where required as long as emergency conditions exist.
- Demobilize resources.
- Return equipment and vehicles to response ready condition.
- Document costs and provide copies to the EOC.
- Review plans and procedures/guidelines with key personnel and make revisions and changes.
- Participate in after-action briefings and develop after-action reports.

Mitigation

- Participate in hazard identification process and identify and correct vulnerabilities in the public safety and security function.
- Develop safety programs, to include disaster situations, and present them to the public.

Organization

- On-scene Public Safety & Security Operations should be organized using the Incident Command System and remain under the tactical control of the lead law enforcement agency having jurisdiction.
- Law Enforcement and security support to on-scene operations, if needed, will likely take place through the County
- Emergency Operations Center (EOC). This annex's Agency Reps in the EOC should be organized under the ICS Operations Section as either a stand-alone "Team" or as part of a functional Group, depending upon the needs of the incident.

Annex Coordinator

- Coordinate capabilities, resources, and assets necessary to alleviate disaster impacts on citizens and public entities caused by an emergency or disaster.
- Provide a representative to the EOC with the authority to coordinate law enforcement functions.
- If advance notice of the incident is available, develop a plan and briefing for all agencies involved.
- Maintain necessary mutual aid agreements for law enforcement services.
- Maintain up-to-date rosters for notifying personnel and 24-hour staffing capabilities.
- Coordinate documentation of emergency activities and recovery of funds.

Primary Agencies

- Restore/maintain law and order.
- Coordinate activities with support agencies.
- Provide expertise on public safety to Incident Command.
- Support Incident Management Teams in the field.

- Provide reports from field personnel on damage assessment through windshield surveys.
- Control traffic during and after emergencies and maintain access and egress routes.
- Maintain order in and around emergency/disaster scene; safeguard property in and around scene (as time & resources allow).
- Investigate all crimes committed.
- When requested, deploy a representative to the EOC to assist with public safety and security activities.
- Coordinate security for the EOC if necessary.
- Recommend the evacuation of endangered populations.
- Inform the public of evacuation orders including: door-to-door notification of persons in affected area, and warning the public through the use of mobile public address systems. Provide security, if resources are available, to evacuated property.
- Assist the coroner in investigation, identification, recovery and management of deceased persons.
- Control re-entry into controlled or evacuated areas as needed and able.
- Manage law enforcement resources to provide assistance upon request from other jurisdictions (as time & resources allow).
- Develop applicable Standard Operating Procedures/Guidelines (SOP/SOGs), guidelines and/or checklists detailing the accomplishment of assigned functions.
- Maintain updated resource inventories of supplies, equipment, and personnel resources, including possible sources of augmentation or replacement.
- Provide incident documentation, reports, and financial information to the EOC when appropriate.
- Assist in identifying personnel and resources to support this Annex.
- Work with support agencies to keep this Annex up-to-date.

Support Agencies

- Provide assistance and expertise as appropriate and in coordination with other departments and agencies.
- Provide ongoing status reports as requested by the law enforcement and security Coordinator.
- Document all costs and expenses associated with response and recovery activities taking care to clearly separate disaster related work from daily work in the event that state and federal reimbursement becomes available (See debris management annex).
- Perform other emergency responsibilities as assigned.
- Assist in identifying personnel and resources to support this Annex.
- Work with Saratoga County Office of Emergency Management to keep this Annex up-to-date.

2024 Missing Adult Form 6-7-24 (1).pdf

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Case Number: _____

NEW YORK STATE | Division of Criminal Justice Services

Missing Vulnerable Adult Intake Report

Print Form

Person Completing Form: Last Name | First Name | Relationship | Phone | E-mail | Agency (if applicable)

Caregiver Information:

Last Name | First Name | Address | City | State | Zip Code | County/Country | Home Phone | Work Phone | Cell Phone | E-mail

Missing Adult Information:

Last Name | First Name | MI: | DOB | Sex | Race | Hgt. | Ft. | In. | Wgt. | lbs. | Hair Color | Eye Color | Social Security # | Scars, Tattoos, Piercings | Address | City | State | Zip Code | County/Country | Home Phone | Alias/Nickname: | Maiden Name | Place of Birth | Cell Phone | Email | Social Media | Last Seen At (Location) | Date | Time | Medical, Mental Health Issues, Medications

Cognitive Impairment: ☐ Alzheimer's Disease ☐ Autism ☐ Bipolar Disorder ☐ Brain Disorder ☐ Dementia ☐ Down Syndrome ☐ Mental Disability ☐ Schizophrenia ☐ Other Specify

Employment Information: ☐ Current ☐ Previous *Provide missing person's current employment information* Provide previous employment information only if the person is not currently employed.

Employer | Employer Address | Employer Phone | Occupation

Investigating Law Enforcement Agency Information:

Investigating Police Agency | Investigating Officer's Name | E-mail | Telephone | Cell Phone | Agency Case # | Report Date | Other

Case Number: _____

Other Information:

Circumstances which occurred prior to and at the time of the disappearance. If known, include the motivation for wandering away (cognitive impairment)	
Has the he/she ever wandered away before? ☐ Yes ☐ No	
If so, please provide details (when, where, length of time missing, location found)	
Places where the adult lived in the past (e.g., name of municipality, state and street addresses)	
Place (e.g., states, cities) that the adult has expressed an interest in visiting or living	
If applicable, specify the type of employment last held by the adult and the employer's name and address	
Adult's prior encounters with law enforcement and/or the courts (circumstances, locations and approximate dates).	
Drug, alcohol or other chemical dependencies	
Interests (associations, clubs etc)	
Personality, also history of suicidal or aggressive behavior	
Regional or foreign accent or language other than English	

Additional Narrative Information:

Missing Adult Additional Information
Case Number: _____

Phone Information

Cellphone Carrier: _____ Device Type (iPhone, ect):_____

Cell phone number: _____

Social Media (profile names, handles, screen names)

Collect screenshots of account and/or recent messages.

Facebook: _____ Instagram: _____

Twitter(X): _____ Snapchat: _____

Other:

Friends (list names, contact info):

2024 Family Abduction Report Full 6-7-24.pdf

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Case Number:_____

NEW YORK STATE | Division of Criminal Justice Services

Family Abduction Intake Report

Print Form

Person Completing Form: Last Name | First Name | Relationship | Phone | E-mail | Agency (if applicable)

Legal Guardian Information:

Last Name | First Name | Relationship | Street Address | City | State/Zip Code | County/Country | Home Phone | Work Phone | Cell Phone | E-mail

Missing Child Information:

Last Name | First Name | MI: | DOB | Sex | Race | Hgt. Ft. In. | Wgt. lbs. | Hair Color | Eye Color | Place of Birth City | State | Mother's Maiden Name (First, Last) | School Attended | Grade | Scars,Tattoos, Piercings | Cell Phone | E-mail | Social Media | Medical, Mental Health Problems/Medications | Regional or foreign accent or language other than English

Abductor Information:

Is the abductor prone to violence against the child(ren)? ☐ Yes ☐ No Other adults? ☐ Yes ☐ No

Last Name | First Name | Middle Name | Street Address | City | State/Zip Code | County/Country | Alias/Nickname | Sex | Race | Hgt. Ft. In. | Wgt. lbs. | Hair Color | Eye Color | Social Security # | DOB | Age | Occupation | Employer | Home Phone | Work Phone | Cell Phone | E-mail | Social Media | Scars, Tattoos, Piercings | Medical, Mental Health Problems/Medications | Last Seen At: (Location) | Date | Time

Circumstances which occurred prior to and at the time of disappearance. If known, include the motivation for the abduction (i.e., on-going or pending custody dispute.)

Has the abductor ever indicated that he or she would take the child? ☐ Yes ☐ No Has he or she done so before? ☐ Yes ☐ No

If yes, provide details (i.e., when, where, length of time missing, location while missing)

Specify places where the abducting family member lived in the past or expressed in interest in visiting or living (i.e., name of municipality, state and street address.)

Do you believe that any family members, friends or others could be providing aid to the abducting family member? ☐ Yes ☐ No

Identify possibilities by name and location

Is it believed that others (i.e., new spouse or step-children) may be with the abductor and missing child? ☐ Yes ☐ No

If yes, identify all by name and provide as much information as possible (i.e., ages, physical descriptions, occupations)

Abductor's general interest

Regional or foreign accent or language other than English

Educational level of the abductor. If known, include the names and addresses of schools/colleges attended

Skills, hobbies or general interests that the abductor may have (i.e., computer training, hunting, fishing, sports)

Abductor's prior encounters with law enforcement and the courts (circumstances, locations and approximate dates)

Abductor's financial resources and methods of payments (i.e., cash, credit cards, checks, loans.) Include the names and locations of any financial institutions (i.e., banks, credit card companies) that he or she used prior to the disappearance.

Legal Information: Arrest Warrant Issued For Charge(s)

Court Name Docket #

Custody Decree ☐ Yes ☐ No Court Name Docket #

Investigating Law Enforcement Agency Information:

Investigating Police Agency Investigating Officer's Name

E-mail Telephone Cell Phone

Cell Phone Agency Case # Report Date Other:

Additional Narrative Information:

The undersigned parent/guardian or spouse (if married student) of hereby requests the information pertinent to the disappearance of *(Print Name of Child/Student)* the above named child/college student and deemed appropriate for release by the law enforcement agency responsible for the investigation of the said disappearance be published and/or circulated by any method subscribed to by the New York State Division of Criminal Justice Services (DCJS), including the use of photographs. I understand this information will be made available to the public, media, other law enforcement agencies, hospitals, social service agencies, shelters, medical examiners and/or other agencies or organizations involved with missing persons. I understand and agree that any or all information supplied by me shall be truthful and I agree to hold harmless any agency or department using, transmitting, or distributing this information for errors or omissions or commissions occasioned by information I supply. I further agree that a photocopy of this authorization shall have the same effect as the original. If available, DCJS can store and upload his/her fingerprints to the Statewide Automated Fingerprint Identification System to assist with developing lead information.

I ☐ authorize ☐ do not authorize Parent/Guardian Signature

Abduction Form Additional Information

Case Number: _____

Phone Information

Cellphone Carrier: _____ Device Type (iPhone, ect):_____

Cell phone number: _____

Social Media (profile names, handles, screen names)

Collect screenshots of account and/or recent messages.

Facebook: _____ Instagram: _____

Twitter(X): _____ Snapchat: _____

Other:

School Information

Current School Attending: _____ Grade: _____

Clubs/Sports/Activities:

Friends (list names, contact info):

Citizen Complaint Commendation Form 02.13.24.pdf

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MICHAEL H. ZURLO
SHERIFF

Jeffrey R. Brown
Undersheriff

Patrick M. Maswich
Chief

SARATOGA COUNTY SHERIFF'S OFFICE

Sheriff@SaratogaCountyNY.gov

Commendation/Complaint Form

If you would like to commend a member of the Saratoga County Sheriff's Office, or file a complaint against an employee, please use this form and write legibly. Personal information will not be disclosed to the public, unless required by law. You can submit this form by mail or return it to the Saratoga County Sheriff's Office.

I wish to file a (please check one): [ ] Commendation [ ] Complaint

If you are filing a complaint, indicate the type of complaint you wish to file (you must check one):

[ ] *Formal Complaint:* Involves a serious allegation of misconduct that will be officially investigated

[ ] *Informal Complaint:* Involves a minor complaint or concern, and I only want my complaint/concerns on record.

Information on you:

Last Name	First Name	M.I.	Date of Birth
Street Address/Apt. #	City	State	Zip Code
Home Phone	Cell Phone		Sex M [ ] F [ ]

Are you filing this on behalf of someone else? Yes [ ] No [ ] *If yes, complete section below:*

Last Name of Person	First Name	Age	Sex M [ ] F [ ]
Street Address/Apt. #	City	State	Zip Code
Relationship to You	Home Phone	Cell Phone	

Information about the incident

Location of Incident	Date of Incident	Incident Time
Names/Phone Number of any Witnesses		
Name/ID of Officers or Employees		

Details on Incident

I attest that the above information and my statement is true and correct to the best of my recollection/knowledge

Signature:	*Date:*

Paul E. Lent Public Safety Building
6012 County Farm Road
Ballston Spa, NY 12020
518-885-6761

PRE CHECKPOINT LIST AND WRITTEN PLAN.pdf

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SOBRIETY CHECKPOINT PRE-CHECKPOINT BRIEFING AND WRITTEN PLAN

DATE OF MEETING: _____ SUPERVISOR: _____

DATE OF CHECKPOINT: _____ TIME OF CHECKPOINT: _____

PLANNED DURATION OF CHECKPOINT: _____

LOCATION OF CHECKPOINT: _____

DESIGNATED PATTERN FOR STOPPING VEHICLES (E.G., EVERY VEHICLE, EVERY OTHER VEHICLE, ETC.):

_____

ALL PERSONNEL ASSIGNED TO CHECKPOINT:

_____

_____

_____

REVIEW

____ PURPOSE AND INTENT OF CHECKPOINT

____ EMERGENCY PROCEDURE

____ STOPPING PROCEDURE

____ VEHICLES AVOIDING CHECKPOINT

____ PROCEDURE FOR ENTERING PROCESSING AREA TO CONDUCT SCREENING, FIELD SOBRIERY TESTS, OR OTHER VIOLATIONS THAT REQUIRE IMMEDIATE CORRECTVE ACTION

____ PROCEDURE FOR ANSWERING INQUIRIES OR COMPLAINTS FROM THE PUBLIC

____ INTERRACTING WITH MOTORISTS

- ____ INTRODUCE YOURSELF
- ____ BRIEF STATEMENT OF PURPOSE
- ____ DRIVING FROM
- ____ DRIVING TO
- ____ CONSUMED ANY ALCOHOLIC BEVERAGES
- ____ CONSUMED ANY DRUGS
- ____ THANK MOTORIST FOR THEIR COOPERATION

____ SITE SELECTION, SETUP, PROCESSING AREA

____ REFLECTIVE VEST REQUIREMENT

____ PROCEDURE TO ALLEVIATE TRAFFIC CONGESTION

____ 1192 PROCESSING AND PAPERWORK

CFS #: _____

SUBMIITED BY: _____

2023 Agreement with County of Washington.pdf

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OFFICE OF THE COUNTY ATTORNEY

MICHELLE W. GRANGER, ESQ., COUNTY ATTORNEY

518.884.4770

SARATOGACOUNTYNY.GOV

40 MC MASTER ST, BALLSTON SPA, NY 12020

First Assistant Attorney
Maribeth A. Hunt, Esq.
Assistant Attorneys
Jacqualine C. Lombardo, Esq.
Nicholas M. Martin, Esq.
Andrew J. Proler, Esq.
Ann Flower E. Stitt, Esq.

SERVICE BY EMAIL NOT ACCEPTED

MEMORANDUM

DATE: August 25, 2023

TO: Michael Zurlo
Sheriff

FROM: Michelle Granger
Saratoga County Attorney's Office

SUBJECT:

Vendor Name	:	**County of Washington**	
Vendor Address	:	399 Broadway, Fort Edward, NY 12828	
Vendor I.D. #	:	N/A	
Contract Amount	:	N/A	Per Res: 207-2023
Contract Period	:	N/A	
Contract I.D.#	:	N/A	
Purpose of Agreement	:	Share equipment and resources	

Attached, please find one fully executed copy of the above referenced contract, which had been executed by the Chairman of the Board of Supervisors on August 24, 2023.

Please send this contract to the above-named vendor.

cc: Clerk, Board of Supervisors, w/enclosure
County Auditor, without enclosure
County Administrator without enclosure

INTERMUNICIPAL AGREEMENT
SHERIFF'S OFFICE COOPERATION BETWEEN THE COUNTY OF SARATOGA AND THE COUNTY OF WASHINGTON

This agreement is made this 24th day of August, 2023, between the **COUNTY OF SARATOGA,** a municipal corporation with its principal place of business at 6012 County Farm Road, Ballston Spa, New York, **COUNTY OF WASHINGTON**, a municipal corporation with its principal place of business at 399 Broadway, Fort Edward, NY 12828.

RECITALS

WHEREAS, Section 119-o of the General Municipal Law permits municipal corporations to enter into agreement for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service, and

WHEREAS, the parties hereto have experienced within their jurisdictions a need for the joint response of both parties' police agency resources to deal with certain criminal acts or threats including but not limited to large scale protests, narcotics related crimes/investigations, unexpected circumstances warranting law enforcement response which overwhelms the daily staffing levels of a primary agency requiring a law enforcement response from surrounding agencies until the situation is mitigated or the primary agency can have their own resources respond and safely assume control, or other instances amounting to emergency circumstances that may be more effectively dealt with through the use of sharing resources for long term events such as natural disasters;

NOW, THEREFORE, the parties hereto do mutually agree pursuant to the terms and provisions of the Shared Services Cooperation Agreement as follows:

ARTICLE 1:

Purpose of Agreement. The purpose of this Agreement is to:

1. Formalize the relationship between the Saratoga County Sheriff's Office and the Washington County Sheriff's Office and the use of their combined law enforcement resources.

2. Eliminate the need to follow the formal procedure set forth in General Municipal Law §209-m to request assistance from the other (party) (parties) in the form of personnel and/or equipment.

3. Provide for more efficient utilization of law enforcement resources and services; and

4. Make available to each participating entity, any resource necessary as determined by the Sheriff of Saratoga County and the Sheriff of Washington County through mutual agreement in the event of an emergency in accordance with the provisions of this Agreement.

ARTICLE 2:

Personnel and Equipment. Each party agrees that their police department may supply personnel, equipment, and other available resources to the other upon request in the event of an emergency or investigation, if their respective Sheriff, or his designee; or Chief, or his designee, deems it appropriate. The number of personnel, if any, and the amount or type of equipment to be dispatched by the responding party shall be determined by that agency's Sheriff, or his designee; or Chief, or his designee.

ARTICLE 3:

Retained Personnel and Equipment. Each party agrees that the responding party may hold back sufficient personnel and equipment to provide adequate protection within the territory of the responding party. Should a need for the loaned personnel and equipment arise within the territory of the responding party, then the responding (party) (parties) may recall such personnel and equipment or any part thereof. The responding (party) (parties) shall inform the requesting party of its intent to withdraw from the situation.

ARTICLE 4:

Compensation. In accordance with the provisions of General Municipal Law §119-o(3)(b) each party shall be liable for salaries and other compensation due to their own employees for the time the employees are undertaking services pursuant to this Intermunicipal Agreement.

Neither party, as a requesting party, shall be obligated to compensate the responding party for services rendered by or injuries to the responding parties' personnel, or for the use or damage to the responding parties' equipment. Specifically, and without limiting the foregoing, the requesting party shall have no obligation for payment of wages or withholding for unemployment, workers' compensation, or for the payment of any other benefits to the personnel of the responding party.

ARTICLE 5:

Control of Personnel and Equipment. The Incident Commander of the requesting party shall be in command of the operation(s) under which the equipment and personnel sent by the responding party shall service; provided that the responding personnel and equipment shall be under the immediate supervision of the officer in charge of the responding party, if more than one officer responds. Command, however, may be relinquished to a ranking or senior officer of the party rendering assistance under the terms of this Agreement.

ARTICLE 6:

Privileges and Immunities. To the extent permitted by law, all the powers, duties, rights, privileges, and immunities from liability which surround the activities of any participating agency's members or agency when performing its functions within the public agency's territorial limits shall apply to the activities of that agency's members while furnishing law enforcement services outside its territorial limits under the terms of this agreement.

Specifically, pursuant to General Municipal Law §119-n(c) and §119-o, police officers assisting another local government outside their normal territorial jurisdiction shall have all powers and authority of law enforcement officers in such other jurisdiction as provided by law, including, but not limited to, the power of arrest.

ARTICLE 7:

Line of Duty Death or Injury. The effect of the death, injury, or disability of any officer who is killed, injured, or disabled outside the territorial limits of either party while in the performance of this Agreement, shall be the same as if they were killed, injured, or were to become disabled while that officer was functioning within its own territorial limits, and such injury or death shall be considered in the line of duty.

ARTICLE 8:

Liability and Indemnification. Neither party shall incur any liability or responsibility for the failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

Neither party shall be required to indemnify the other for any claim arising out of participating under this Agreement. Each party shall be responsible for defending its own

respective entity in any action or dispute that arises in connection with or as a result of this Agreement and that each party will be responsible for bearing their own costs, damages, losses, expenses, and attorney's fees. Each party shall be obligated to notify the other of any claims or lawsuits received arising out of any shared service event.

Each party hereto hereby expressly waives all claims of whatever type or nature, except for gross negligence, against the other and its personnel, which may arise out of the performance of this Agreement.

ARTICLE 9:

Administration. It is the intention of the participants that no separate legal entity is created by this Agreement to carry out its provisions. To the extent this Agreement requires administration other than as set forth herein, it shall be administered by the governing bodies or an appointee of the governing bodies hereto acting as a joint board. No real or personal property shall be acquired by the participants because of this Agreement. Each party shall have equal access to the records created by the other party related to incidents responded to under this Agreement.

ARTICLE 10:

Compliance with Laws. Each participant agrees that each will comply with all applicable federal, state, and local laws, and rules and regulations applicable to the respective entities and employees in connection with the performance of this Agreement.

ARTICLE 11:

Approval, Duration and Termination. This Agreement shall not be effective until approved by a majority vote, as required by General Municipal Law §119-o, of the governing body of each party. This is the entire Agreement between the parties governing the subject matter herein and may only be changed, modified, or amended by written agreement of the parties of the authorized representatives of the parties, subject to the requirements of ARTICLE 1 of the Agreement.

ARTICLE 12:

Notices. In the event that it is necessary for (either/any) (party/parties) to transmit to (either/any) (party/parties) written notice or communications that are anticipated in accordance with the terms and provisions of the Agreement, the same shall be considered delivered upon personal delivery and/or the same by ordinary mail to the following persons and/or addresses:

Michael H. Zurlo, Sheriff
Saratoga County Sheriff's Office
6010 County Farm Rd
Ballston Spa, NY 12020

Jeffrey J. Murphy, Sheriff
Washington County Sheriff's Office
399 Broadway
Ft. Edward, NY 12828

Delivery by mail shall be considered accomplished or complete when the notice or communication is appropriately enclosed in an envelope or similar wrapping with postage attached and deposited in a receptacle maintained or owned by the United States Postal Service for the deposit or acceptance of mail.

ARTICLE 13:

Governing Law. It is understood and agreed by and between the parties that for the purposes of legal actions and/or proceedings, New York State Law shall be the governing law.

ARTICLE 14:

Assignment. This agreement may not be assigned, in whole or in part, by either party without the written consent of the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year above written.

Approved as to Form:

Saratoga County Attorney

COUNTY OF SARATOGA

By _____
Theodore T. Kusnierz, Jr. CHAIRMAN
Board of Supervisors Per Res#207-2023
Date: 8-24-23

Approved as to Form:

Washington County Attorney

COUNTY OF WASHINGTON

By _____
Samuel J. Hall, CHAIRMAN
Board of Supervisors

STATE OF NEW YORK)
) ss.:
COUNTY OF SARATOGA)

On the 24th day of August, in the year 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Theodore T. Kusnierz Jr. personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

THERESE M. CONNOLLY
STATE OF NEW YORK
NOTARY PUBLIC
Qualified in Saratoga County
01C06418731
MY COMMISSION EXPIRES 06/21/2025

Therese M. Connolly
Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF WASHINGTON)

On the 12th day of May, in the year 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared Samuel J. Hall, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

VIRGINIA L. MULHALL
Notary Public, State of New York
No. 01MU4887769
Qualified in Washington County
Commission Expires March 23, 2023

Virginia L. Mulhall
Notary Public

BOARD OF SUPERVISORS

8/15/2023

RESOLUTION 207 - 2023

Introduced by Public Safety: Supervisors Lant, Butler, Grasso, Hammond, Raymond, Tollisen, and K. Veitch

AUTHORIZING INTERMUNICIPAL AGREEMENTS WITH THE SARATOGA COUNTY SHERIFF'S OFFICE AND PARTICIPATING MUNICIPALITIES FOR THE PURPOSE OF SHARING TACTICAL TEAM PERSONNEL, EQUIPMENT AND RESOURCES

WHEREAS, pursuant to the provisions of New York State General Municipal Law §119-o, municipal corporations are permitted to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service; and

WHEREAS, the Saratoga County Sheriff's Office maintains a Special Operations Team, Crash Reconstruction unit, UAS Unit, Marine Patrol and general police patrols; and

WHEREAS, the Saratoga County Sheriff's Office and the Fulton, Montgomery, Warren, and Washington County Sheriff's Offices have experienced within their jurisdictions a need for the sharing of resources or the need for general police back-up when dealing with certain criminal cases, scenes or investigations during which a joint response is the most effective way to respond to such situations; and

WHEREAS, our Public Safety Committee and Sheriff Zurlo have recommended that the County enter into a cooperative agreement with the Counties of Fulton, Montgomery, Warren, and Washington for the purpose of the mutual sharing of Sheriff's Office personnel, equipment and resources; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a cooperative agreement with the Counties of Fulton, Montgomery, Warren, and Washington pursuant to General Municipal Law §119-o for the purpose of the mutual sharing of Sheriff's Office personnel, equipment and resources; and; and be it further

RESOLVED, that the form and content of such agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

August 15, 2023 Regular Meeting
Motion to Adopt: Supervisor Tollisen
Second: Supervisor Barrett

AYES (19926.5): Eric Connolly (11831), Joseph Grasso (4328), Philip C. Barrett (19014.5), Jonathon Schopf (19014.5), Eric Butler (6500), Diana Edwards (819), Michael Smith (3525), Kevin Veitch (1004), Arthur M. Wright (1976), Kevin Tollisen (25662), Mark Hammond (17130), Thomas Richardson (5163), Scott Ostrander (18800), Theodore Kusnierz (16202), Ian Murray (5808), Matthew E. Veitch (14245.5), John Lawler (8208), John Lant (17361)
NOES (0):
ABSENT (3624.5): Jean Raymond (1333), Willard H. Peck (5242), Sandra Winney (2075), Tara N. Gaston (14245.5), Edward D. Kinowski (9022)

2024 Saratoga County Emergency Management Plan (CEMP).pdf

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SARATOGA COUNTY

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

Office of Emergency Management
6012 County Farm Road
Ballston Spa, NY 12020

Advisory

This plan represents general guidelines, which can be modified by emergency personnel as appropriate. This plan does not create any right or duty that is enforceable in a court of law.

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CEMP

Date	Update	Name
11/2016	New Plan Submitted	Carl Zeilman, Director OES
03/2017	Plan Revised	Mike Stanley, OES
04/2018	Plan Reviewed and Revised	Mike Stanley, OES
03/2019	Updates to Mitigation Portion to show new Hazard Analysis	Mike Stanley, OES
2/2021	Contact, Address updates	Carl Zeilman, OES
8/2022	Plan Reviewed and Revised	Mike Stanley, OES
1/2024	Plan Reviewed and Revised	Mike Stanley, OES

HAZNY

Date	Update	Name
12/2015	New Analysis	State OEM
8/2018	Updated Analysis	State OEM
4/2022	Updated Analysis	State OEM

CEPA Review

Date	Description	Name
12/2015	Creation	State OEM
08/2018	Update	State OEM
4/2022	Update	State OEM

Key Players in the Development and Implementation of the CEMP

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	Mike McEvoy	EMS Coordinator	518-884-2243	518-698-6629	
	Bill Morgan	HAZMAT Coordinator		518-760-1507	
	Mike Stanley	Emer. Servcs. Specialist	518-884-4769	518-949-0929	
Administrator	Steve Bulger	County Administrator	518-884-4742	518-369-2847	
Deputy Administrator	Ridge Harris	Deputy County Administrator	518-884-4742	518-378-6530	
Office of the Aging	Sandra Cross	Director	518-884-4100	518-441-2984	
American Red Cross	Robert Coughlin	Disaster Manager		518-588-6326	
Animal Shelter	Kelly Devall	Director	518-885-4113		
Board of Supervisors	Phil Barrett	Chairman of the Board	518-371-6651	518-496-8747	
Mental Health Services	Michael Prezioso	Director	518-584-9030	518-441-3118	518-399-8519
Mental Health Services	Megan Johnson	Deputy Director	518-584-9030	518-859-4649	518-793-2656
New York State DHSES	Jon Samiof	DHSES		518-505-5097	
New York State DHSES	Daniel Connor	DHSES		518-447-9052	
Public Health Services	Dan Kuhles, MD	Commissioner	518-584-7460	518-879-8422	
Saratoga Hospital	Charles Friderici	Emergency Preparedness	518-583-8667	518-852-1894	
Dept. of Public Works	Chad Cooke	Commissioner	518-885-2235	518-376-7317	
	Greg Ball	Dep. Commissioner			
Saratoga County Sheriff	Michael Zurlo	Sheriff	518-885-6761	518-935-0846	
Saratoga County Sheriff	Richard Castle	Undersheriff	518-885-6761	518-337-3642	
Saratoga County Sheriff	Pat Maswich	Chief Deputy	518-885-6761		
Social Services	Patrick Maxwell	Commissioner	518-884-4140		
Soil & Water	Dustin Lewis	District Manager	518-885-6900	518-729-8185	

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EXECUTIVE SUMMARY

Introduction

This plan results from the recognition on the part of local government and state officials that a comprehensive plan is needed to enhance the County's ability to manage emergency/disaster situations. It was prepared by County officials working as a team in a planning process recommended by the New York State Office of Emergency Management. This plan constitutes an integral part of a statewide emergency management program and contributes to its effectiveness. Authority to undertake this effort is provided by both Article 2-B of State Executive Law and the New York State Defense Emergency Act.

The development of this plan included an analysis of potential hazards that could affect the county and an assessment of the capabilities existing in the county to deal with potential hazards.

Comprehensive Approach

Dealing with disasters is an ongoing and complex undertaking. Through implementation of Risk Reduction measures before a disaster or emergency occurs, timely and effective response during an actual occurrence, and provision of both short and long term recovery assistance after the occurrence of a disaster, lives can be saved and property damage minimized. This process is called Comprehensive Emergency Management to emphasize the interrelationship of activities, functions, and expertise necessary to deal with emergencies. The plan contains sections (within this document) to deal separately with each part of this ongoing process.

Management Responsibilities

County departments' and agencies' emergency management responsibilities are outlined in this plan. Assignments are made within the framework of the present County capability and existing organizational responsibilities. The Saratoga County Office of Emergency Management is designated to coordinate all emergency management activities of the County. Saratoga County supports the use of the Incident Command System (ICS) to respond to emergencies. ICS is a management tool for the command, control, and coordination of resources and personnel in an emergency. County responsibilities are closely related to the responsibility of the local levels of government within the County (city, towns and village) to manage all phases of an emergency. The County has the responsibility to assist the local governments in the event that they have fully committed their resources and are still unable to cope with any disaster. Similarly, New York State is obligated to provide assistance to the County after resources have been fully committed and the County is unable to cope with the disaster.

The plan describes in detail the centralized direction of requests for assistance and the understanding that the governmental jurisdiction most affected by an emergency is required to fully involve itself in the emergency prior to requesting assistance. Specific emergency management guidance for situations requiring special knowledge, technical expertise, and resources are addressed in separate annexes. Examples of this type of situation are emergencies resulting from hazardous chemical releases, dam failures, or power outages.

Conclusion

The plan provides general all-hazards management guidance, using existing organizations, to allow Saratoga County to meet its responsibilities before, during and after an emergency.

Section I: GENERAL CONSIDERATIONS AND PLANNING GUIDELINES

A. Policy Regarding Comprehensive Emergency Management

1. A wide variety of emergencies, caused by nature or technology, result in loss of life, property and income, disrupt the normal functions of government, communities and families, and cause human suffering.

2. County government must provide leadership and direction to prevent, mitigate, respond to, and recover from dangers and problems arising from emergencies in Saratoga County.

3. Under authority of Section 23 of the New York State Executive Law Article 2B, a county is authorized to develop a Comprehensive Emergency Management Plan to prevent, mitigate, respond to and recover from emergencies and disasters. To meet this responsibility, Saratoga County has developed this Comprehensive Emergency Management Plan.

4. This concept of Comprehensive Emergency Management includes four phases:

    a) Mitigation
    b) Prevention
    c) Response
    d) Recovery

5. Mitigation

    a) Mitigation refers to all activities which reduce the effects of disasters when they do occur. Section II of this Plan, describes activities to prevent or minimize the impact of hazards in Saratoga County. Saratoga County has developed a FEMA-Approved Mitigation Plan, which is updated every five years.

6. Prevention

    a) Prevention refers to those short or long term activities which eliminate or reduce the number of occurrences of disasters.

7. Response

    a) Response operations may start before the emergency materializes. For example, on receipt of advisories that a flood, blizzard, or ice storm is approaching. This increased readiness response phase may include such pre-impact operations as:

- Detecting, monitoring, and assessment of the hazard
- Alerting and warning of endangered populations
- Protective actions for the public
- Allocating/distributing of equipment/resources

b) Most response activities follow the immediate impact of an emergency. Generally, they are designed to minimize casualties and protect property to the extent possible through emergency assistance. They seek to reduce the probability of secondary damage and speed recovery operations.

c) Response operations in the affected area are the responsibility of and controlled by the local municipalities, supported by the county emergency operations as appropriate.

d) If a municipality is unable to adequately respond, County response operations may be asked to assume a leadership role.

8. Recovery

Recovery activities are those following a disaster to restore the community to its pre-emergency state, to correct adverse conditions that may have led to the damage, and to protect and improve the quality of life in the community. It includes mitigation actions to prevent or lessen a recurrence of the emergency.

B. Purpose and Objectives of the Plan

1. This Plan sets forth the basic requirements for managing emergencies in Saratoga County:

2. The objectives of the Plan are:

a) To identify, assess and prioritize local and regional vulnerabilities to emergencies or disasters and the resources available to prevent or mitigate, respond to, and recover from them.

b) To outline short, medium and long range measures to improve the County's capability to manage hazards.

c) To show that County and local governments will take appropriate actions to prevent or mitigate effects of hazards and be prepared to respond to and recover from them when an emergency or disaster occurs.

d) To provide for the efficient utilization of all available resources during an emergency.

e) To provide for the utilization and coordination of local government, state and federal programs to assist disaster victims, and to prioritize the response to the needs of the elderly, disabled, low income, and other groups which may be inordinately affected.

f) Provide for the utilization and coordination of state and federal programs for recovery from a disaster with attention to the development of mitigation programs.

C. Legal Authority

This Plan, in whole or in part, may rely upon the following laws for the authority necessary for its development and implementation.

1. New York State Executive Law, Article 2-B
2. New York State Defense Emergency Act, as amended
3. Saratoga County Local Law No. 1 of 1963
4. Federal Robert T. Stafford Disaster Relief and Emergency Assistance Act
5. Saratoga County Executive Order No. 1 of 2017

D. Concept of Operations

1. The primary responsibility for responding to emergencies rests with the local governments of towns, villages and cities, and with their Chief Executive.
2. Local governments and the emergency response organizations play an essential role as the first line of defense.
3. Responding to a disaster, local jurisdictions are required to utilize their own facilities, equipment, supplies, personnel and resources first.
4. The local Chief Executive has the authority to direct and coordinate disaster operations and may delegate this authority to a local coordinator.
5. When local resources are inadequate, the Chief Executive of a town, village or city may obtain assistance from other political subdivisions and the County government. To contact OEM, call 518-885-2232 or 518-885-6761.
6. The Chairman of the Saratoga County Board of Supervisors may coordinate responses for requests for assistance for the local governments.
7. The Chairman of the Saratoga County Board of Supervisors has the authority to direct and coordinate County disaster operations.
8. The Chairman of the Saratoga County Board of Supervisors may obtain assistance from other counties or the State when the emergency disaster is beyond the resources of Saratoga County. Contact Saratoga County OEM Director at 885-2232 or a NYS DHSES OEM field representative.
9. The Chairman of the Saratoga County Board of Supervisors has assigned to the Office of Emergency Management the responsibility to coordinate county emergency management activities.

10. Saratoga County will utilize the National Incident Management System (NIMS) and Incident Command System (ICS) to manage all emergencies requiring multi-agency response. Saratoga County recommends and encourages all local governments in Saratoga County to utilize ICS.

11. A request for assistance to the State will be submitted through the New York State Department of Homeland Security and Emergency Management Office of Emergency Management (NYS DHSES OEM) located in Albany, New York, and presupposes the utilization and expenditure of personnel and resources at the local level.

12. State assistance is supplemental to local emergency efforts.

13. A State-level, multi-agency response may include risk reduction, response and recovery activities coordinated by NYS DHSES OEM, which serves as the administrative agency of the New York State Disaster Preparedness Commission (DPC).

14. Upon the occurrence of an emergency or disaster clearly beyond the management capability and emergency resources of State and local governments, the Governor may find that federal assistance is required and may request assistance from the President by requesting a preemptive declaration of emergency and/or declaration of a major disaster or emergency.

E. Plan Maintenance and Updating

1. The Saratoga County Office of Emergency Management is responsible for maintaining and updating this Plan.

2. All County departments and agencies are responsible for annual review of their emergency response role and procedures, and should provide any changes to the Emergency Manager by February 1 of each year.

3. The Plan should be reviewed and updated annually with revised pages distributed by December 31st of each year. A copy shall be submitted to NYS DHSES OEM for annual review.

Section II
Mitigation

A. Designation of County Hazard Mitigation Coordinator

1. The District Manager of the Saratoga County Soil & Water Conservation District has been designated by the Chairman of the Saratoga County Board of Supervisors, as the County Hazard Mitigation Coordinator.

2. The County Hazard Mitigation Coordinator is responsible for coordinating County efforts in reducing the effects of hazards in Saratoga County.

3. All County agencies will participate in risk reduction activities with the County Hazard Mitigation Coordinator.

4. The Hazard Mitigation Coordinator will be the lead member of the Saratoga County Hazard Mitigation Planning Team.

B. Identification and Analysis of Potential Hazards

1. The Saratoga County Office of Emergency Management will convene a team to:

    a) Identify potential hazards in the County

    b) Determine the probable impact each of those hazards could have on people and property

    c) Delineate the geographic areas affected by potential hazards and designate them as hazard areas

2. Significant potential hazards to be identified and analyzed include natural, technological, and human-caused hazards.

3. Recommended disaster prevention and mitigation projects, policies, priorities and programs, with suggested implementation schedules, which outline federal, state, and local roles are identified in the County Hazard Mitigation Plan.

4. To comply with the items above, hazards that pose a potential threat have been identified and analyzed using the program *HAZNY*, provided by the State Office of Emergency Management. This assessment is to be completed by involving representatives from County Departments, State departments, and representatives from various private businesses and non-profit organizations.

5. This hazard analysis:

    a) Provides a basic method for analyzing and ranking the identified hazards, including identification of geographic areas and populations at risk to specific hazards

    b) Establishes priorities for planning for those hazards receiving a high ranking of significance

c) Is conducted in accordance with guidance from the NYS DHSES OEM.

d) After completion on August 28, 2018, was submitted to the NYS DHSES OEM. On August 28, 2018 Saratoga County had a County Emergency Preparedness Assessment (CEPA) review. This assessment covers the hazard analysis and capabilities and will be conducted every three years.

e) Is to be reviewed and updated regularly to capture changes in infrastructure, population change, new capabilities or new hazards or risks that have come to light.

6. The rating and ranking results of the hazard analysis are found in Attachment 1 on page 21.

7. The complete Hazard Analysis results identifying the location of hazard areas are located in the Saratoga County Office of Emergency Management.

C. Risk Reduction Policies, Programs and Reports

1. County agencies are authorized to promote policies, programs and activities to reduce hazard risks in their area of responsibility. Examples of the above are:

   a) Encourage municipalities to adopt comprehensive community development plans, zoning ordinances, subdivision regulations, and building codes that are cognizant of and take into account significant hazards in the county.

   b) Promote compliance with and enforcement of existing laws, regulations, and codes that are related to hazard risks, e.g., building and fire codes, flood plain regulations.

   c) Encourage and assist water and wastewater treatment plants to replace chlorine use with a safer disinfectant.

   d) Encourage and participate in municipal stream channel maintenance programs.

   e) Encourage State DOT and local highway departments to address dangerous conditions on roads used by hazardous materials carriers.

   f) Such other measures as reasonably can be taken to protect lives, prevent disasters, and reduce their impact.

2. The Saratoga County Planning Department is an appointed Agency established by the Board of Supervisors that is responsible for the review of certain classes of local land use and zoning actions as defined by Section 239 of NYS General Municipal Law. The following plans and zoning actions are referred to the County Planning Department by local municipalities for review and recommendation, where required.

   a) Adoption or amendment of a comprehensive plan pursuant to section two hundred seventy-two-a of the town law, section 7-722 of the village law or section twenty-eight-a of the general city law.

b) Adoption or amendment of a zoning ordinance or local law.

c) Issuance of special use permits.

d) Approval of site plans.

e) Granting of use or area variances.

f) Other authorization, which a referring body may issue under the provisions of any zoning ordinance or local law.

3. The review of projects referred to the Saratoga County Planning Department, with assistance provided by the staff planners from the Saratoga County Department of Planning, takes into account the potential impact from significant hazards in Saratoga County communities.

4. It is the intention of Hazard Mitigation Planning Committee (HMPC) representatives to incorporate mitigation planning as an integral component of daily government operations. HMPC representatives will work with local government officials to integrate the newly adopted hazard mitigation goals and actions into the general operations of government and partner organizations. A sample adoption resolution includes a resolution item stating the intent of the local governing body to incorporate mitigation planning as an integral component of government and partner operations. By doing so, the HMPC anticipates that:

   a) Hazard mitigation planning will be formally recognized as an integral part of overall emergency management efforts;

   b) The Hazard Mitigation Plan, Comprehensive Plans, Emergency Management Plans and other relevant planning mechanisms will become mutually supportive documents that work in concert to meet the goals and needs of County residents.

5. During the annual plan evaluation process, the HMPC representatives will identify additional policies, programs, practices, and procedures that could be modified to accommodate hazard mitigation actions, and include these findings and recommendations in the Annual Hazard Mitigation Plan (HMP) Progress Report.

6. The HMPC shall be responsible for monitoring progress on, and evaluating the effectiveness of, the plan, and documenting annual progress. Each year, beginning one year after plan development, County and HMPC representatives will collect and process information from the departments, agencies and organizations involved in implementing mitigation projects or activities identified in their jurisdictional annexes of the Hazard Mitigation plan, by contacting persons responsible for initiating and/or overseeing the mitigation projects.

7. To standardize and facilitate collection of progress data and information on specific mitigation actions, Saratoga County Soil and Water Conservation District (SC SWCD) shall develop a progress matrix that will continue to be updated and distributed to the HMPC members prior to the scheduled annual HMPC meeting. This information shall be provided to the planning area HMP Coordinator prior to the annual HMPC meeting to be held approximately one year from the date of local adoption of this update, and successively thereafter. At least two weeks before the annual plan review meeting, the Saratoga County HMP Coordinator will advise HMPC members of the meeting date, agenda and expectations of the members.

8. The information that HMPC representatives shall be expected to document, as needed and appropriate include:

    a) Any grant applications filed on behalf of any of the participating jurisdictions,

    b) Hazard events and losses occurring in their jurisdiction,

    c) Progress on the implementation of mitigation actions, including efforts to obtain outside funding,

    d) Obstacles or impediments to implementation of actions,

    e) Additional mitigation actions believed to be appropriate and feasible,

    f) Public and stakeholder input

9. The evaluation of the mitigation plan is an assessment of whether the planning process and actions have been effective, if the Plan goals are being reached, and whether changes are needed. The Plan will be evaluated on an annual basis to determine the effectiveness of the programs, and to reflect changes that may affect mitigation priorities or available funding. The status of the HMP will be discussed and documented at an annual plan review meeting of the Hazard Mitigation Planning Committee.

10. The Saratoga County HMP Coordinator will be responsible for calling and coordinating the annual plan review meeting, and assessing progress toward meeting plan goals and objectives. These evaluations will assess whether:

    a) Goals and objectives address current and expected conditions

    b) The nature or magnitude of the risks has changed

    c) Current resources are appropriate for implementing the HMP and if different or additional resources are now available

    d) Actions were cost effective

    e) Schedules and budgets are feasible

    f) Implementation problems, such as technical, political, legal or coordination issues with other agencies are presents

    g) Outcomes have occurred as expected

    h) Changes in County, City, Town or Village resources impacted plan implementation (e.g., funding, personnel, and equipment)

    i) New agencies/departments/staff should be included, including other local governments as defined under 44 CFR 201.6

11. Specifically, the HMPC will review the mitigation goals, objectives, and activities using performance based indicators, including:

    a) New agencies/departments
    b) Project completion
    c) Under/over spending
    d) Achievement of the goals and objectives
    e) Resource allocation
    f) Timeframes
    g) Budgets
    h) Lead/support agency commitment
    i) Resources
    j) Feasibility

12. Finally, the HMPC will evaluate how other programs and policies have conflicted or augmented planned or implemented measures, and shall identify policies, programs, practices, and procedures that could be modified to accommodate hazard mitigation actions (see the "Implementation of Mitigation Plan through Existing Programs" subsection later in this Section). Other programs and policies can include those that address:

    a) Economic Development
    b) Environmental Preservation
    c) Historic Preservation
    d) Redevelopment
    e) Health and/or safety
    f) Recreation
    g) Land use/zoning
    h) Public Education and Outreach
    i) Transportation

13. The HMPC may refer to the evaluation forms, Worksheets #2 and #3 in the FEMA 386-4 guidance document, to assist in the evaluation process. Further, the HMPC may refer to any process and plan review deliverables developed by the County or participating jurisdictions as a part of the plan review processes established for prior or existing local HMPs within the County.

14. The HMPC Coordinator shall be responsible for preparing an Annual HMP Progress Report, based on the provided local annual progress reports from each participant, information presented at the annual HMPC meeting, and other information as appropriate and relevant. These annual reports will provide data for the 5-year update of this HMP and will assist in pinpointing implementation challenges. By monitoring the implementation of the Plan on an annual basis, the HMPC will be able to assess which projects are completed, which are no longer feasible, and what projects may require additional funding.

15. This report shall apply to all planning partners, and as such, shall be developed according to an agreed format and with adequate allowance for input and comment of each planning partner prior to completion and submission to the State Hazard Mitigation Officer. Each planning partner will be responsible for providing this report to its governing body for their review. During the annual HMPC meeting, the planning partners shall establish a schedule for the draft development, review, comment, amendment and submission of the Annual HMP Progress Report to NYS DHSES OEM.

D. Emergency Response Capability Assessment

1. Periodic assessment of the County's capability to manage the emergencies that could be caused by the hazards identified in the County is a critical part of Risk Reduction.

2. The Office of Emergency Management will, every three to five years, or more often as deemed necessary:

    a) Assess the county's current capability for dealing with those significant hazards that have been identified and analyzed, including but not limited to:

        - The likely time of onset of the hazard
        - The impacted communities' preparedness levels
        - The existence of effective warning systems
        - The communities' means to respond to anticipated casualties and damage

3. To assist in its assessment, the Office of Emergency Management will conduct exercises based upon specific hazards and hazard areas identified by the assessment.

4. An After Action Report with Improvement Plans will be developed after exercises are conducted to document shortfalls and lay out a plan to correct them.

E. Training of Emergency Personnel

1. The Saratoga County NIMS Point of Contact, in coordination with the Saratoga County Office of Emergency Management, has the responsibility to:

    a) Arrange and provide, with the assistance of the New York State Department of Homeland Security and Emergency Management and Division of Health, training programs for county emergency response personnel and affiliated County volunteers, such as the Medical Reserve Corps, RACES, etc., as designated by the Saratoga County Office of Emergency Management Director.

    b) Encourage and support training for city, town and village emergency response personnel, including volunteers;

    c) Such training programs will:

        - Include information on the characteristics of hazards and their consequences and the implementation of emergency response actions including protective measures, notification procedures, and available resources

- Include Incident Command System (ICS) training, focusing on individual roles

- Conduct meetings as needed, but no less than yearly, with appropriate personnel from county municipal governments concerning disaster interface with county government, including ICS for Executives training.

- Provide emergency personnel with the variety of skills necessary to help reduce or eliminate hazards and increase their effectiveness to respond to and recover from emergencies of all types.

- Be provided in crisis situations, that requires additional specialized training and refresher training

d) Conduct periodic exercises and drills to evaluate local capabilities and preparedness, including a full scale operational exercise that tests a major portion of the elements and responsibilities in the Comprehensive Emergency Management Plan, and regular drills to test readiness of warning and communication equipment; see Attachment 2 (Page 22), Multiyear Training and Exercise Plan;

e) Consult with the county departments and agencies, in developing training courses and exercises;

f) Work with the local response community and education agencies to identify or develop, and implement, training programs specific to mitigation, response, and recovery from the identified hazards;

g) Receive technical guidance on latest techniques from state and federal sources as appropriate and request assistance as needed.

2. All county departments and agencies assigned emergency functions are recommended to develop an in-house training capability in order that departments and agencies further train their employees in their duties and procedures.

3. Volunteers participating in emergency services such as fire and rescue operations, ambulance services, first aid and other emergency medical services, the Medical Reserve Corps, American Red Cross, RACES, should be trained by these services in accordance with established procedures and standards.

F. Education and Public Awareness

1. The Cooperative Extension Educator and Saratoga County Public Health Services, Health Educator, in cooperation with the Saratoga County Office of Emergency Management, is responsible for:

   a) Providing education on hazards to the young adult and general population in the county
   b) Making the public aware of existing hazards in their communities
   c) Familiarizing the public with the kinds of protective measures the county has developed to respond to any emergency arising from the hazard

2. This education will:
   a) Cover all significant hazards
   b) Be available free of charge
   c) Be provided by the existing school systems in the county through arrangements with the superintendent of schools

3. Federal Emergency Management Agency (FEMA) pamphlets, books and kits dealing with all aspects of emergency management and materials developed by NYS DHSES OEM and other State departments, as appropriate, will be made available for use in the program.

4. The following is a list of avenues used to educate the public:
   - Handouts
   - Presentations
   - Website
   - Social media
   - Staff

5. Saratoga County and participating jurisdictions are committed to the continued involvement of the public in the hazard mitigation process. This Plan update will be posted on-line.

6. HMPC representatives and the Saratoga County HMP Coordinator will be responsible for receiving, tracking, and filing public comments regarding this HMP. Contact information for the County is included in the Point of Contact information at the end of the Revision Page of this document.

7. The public will have an opportunity to comment on the plan via the hazard mitigation website at any time. The HMP Coordinator will maintain this website, posting new information and maintaining an active link to collect public comments.

8. The HMPC representatives shall be responsible to assure that:

   a) Public comment and input on the plan, and hazard mitigation in general, are recorded and addressed, as appropriate
   b) Copies of the latest approved plan (or draft in the case that the five year update effort is underway) are available for review at the town hall and public library, along with instructions to facilitate public input and comment on the Plan
   c) Appropriate links to the Saratoga County Hazard Mitigation Plan website are included on municipal websites
   d) Public notices are made as appropriate to inform the public of the availability of the plan, particularly during Plan update cycles.

G. Monitoring of Identified Hazard Areas

1. In addition to the County Highway Department, all County Departments will develop, with the necessary assistance of other local departments, the capability to monitor identified hazard areas, in order to detect hazardous situations in their earliest stages.

2. As a hazard's emergence is detected, this information is to be immediately provided to the Office of Emergency Management or the Saratoga County 911 Communications Center, as appropriate, and disseminated per protocol.

3. When appropriate, monitoring stations may be established regarding specific hazard areas where individuals responsible to perform the monitoring tasks can be stationed.

4. Monitoring tasks include detecting the hazard potential and taking measurements or observations of the hazard. Examples of such are:

    - Raising water levels,
    - Slope and ground movement,
    - The formation and breakup of ice jams,
    - Shore erosion and dam conditions.

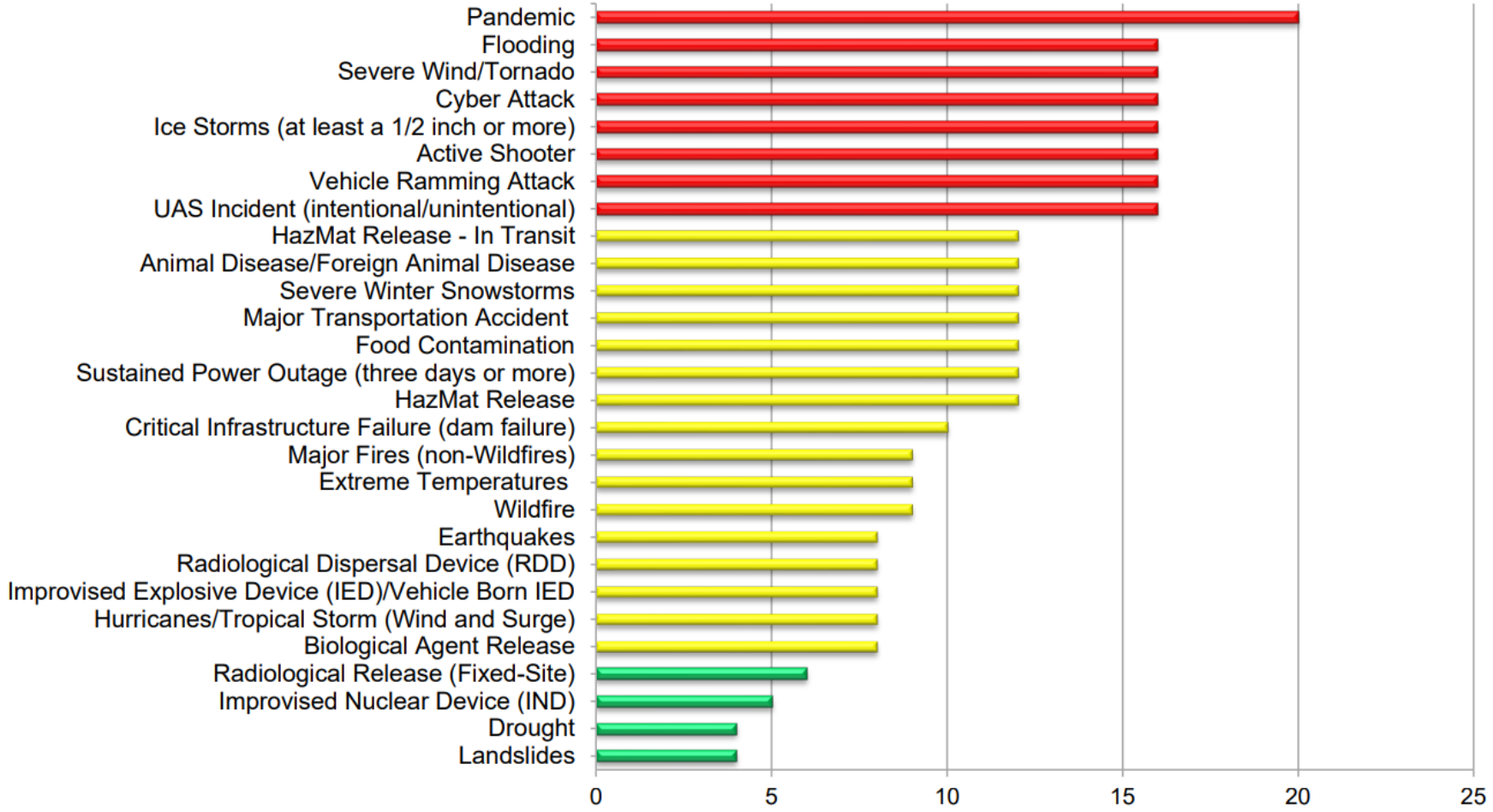
5. All County hazard monitoring activity will be coordinated with, and make use of where available, local governments, private industry, school districts, utility companies, and volunteer agencies and individuals, as appropriate.

Attachment 1

Hazard Assessment Results for Saratoga County

Assessment provided by the State Office of Emergency Management

April 28th, 2022



Attachment 2

Multiyear Training and Exercise Plan

Saratoga County realizes the importance of training and exercises to develop effective plans and well trained emergency responders. This multiyear plan has been developed by referencing After Action Plans/Improvement Plans from exercises and real incidents that were in Saratoga County. We also participate in private, as well as State and federal training and exercises as the occasion arises.

Priorities

Communications

- County Radio Communications Infrastructure
- HAM Radios – RACES
- Mobile Command Post
- Secure communications between EOC and on-scene operations
- Mutualink

Capability

- Volunteer Management
- Trained responders to perform tasks as needed
- Cross training
- Unified Command; ICS/NIMS
- Surge Capacity

Technology

- Laptops
- Sufficient internet service

Emergency Operations Center

- Develop specific training
- Exercise

Plans

- Airport Emergency Plan
- CHEMPACK
- SNS
- CART
- HAZMAT
- Dams (various locations)

Training and exercises in Saratoga County are developed through a variety of pushes. The Saratoga County Hazard Analysis and the Saratoga Hospital annual hazard analysis are used to determine what hazards we need to be prepared to defend against. The State of New York develops training and exercise requirements that it pushes down to the County and local level; as such we will participate in these as much as possible. Through real life incidents and revisions of plans, private partners reach out to us to participate in training and exercises.

Saratoga County traditionally participates in at least one full-scale exercise every year. The Saratoga Hospital engages in monthly tabletop exercises that pertain directly to their hazard analysis, but they involve the pertinent community partners. Saratoga County participates in multiple drills every month. Each discipline evaluates its own, but commentary is freely given and received from across all disciplines for the better of the exercise as a whole. We make changes after each exercise, and then take special note as to the effectiveness of the changes.

Municipal emergency management personnel convene quarterly to discuss all County developed training and exercises. This is a way for key partners in emergency services to stay informed and provide feedback. At this time, alternative ideas and concerns can be voiced.

SARATOGA COUNTY TRAINING CALENDAR
2024

Jurisdiction	January	February	March	April	May	June	July	August	September	October	November	December
Saratoga Hospital	X											
Saratoga County OEM		X		X		X	X		X			X
Tri-Co (Sar & Albany)										X		
County HAZMAT									X			
County Comm.			X				X	X	X			
RACES							X					
NWS	X											
ARES												X
Disaster Recovery Training										X		
CART	X								X			
Mutalink	X	X	X	X	X	X	X	X	X	X	X	X
Tier III			X			X				X		
Citizen Preparedness			X			X			X			
County Public Health	X	X	X	X	X							

2025

Jurisdiction	January	February	March	April	May	June	July	August	September	October	November	December
Saratoga Hospital				X								
Saratoga County OEM		X		X		X	X	X	X			X
Tri-Co (Sar & Albany)												
County HAZMAT												
County Comm.			X				X	X	X			
RACES							X					
NWS				X								
ARES										X		
Disaster Recovery Training			X									
CART	X				X							
Mutalink	X	X	X	X	X	X	X	X	X	X	X	X
Tier III		X						X			X	
Citizen Preparedness			X									
County Public Health			X	X						X		

Dates Subject to Change

Section III
RESPONSE

A. Response Organization and Assignment of Responsibilities

Saratoga County Board of Supervisors, Chairman Responsibilities, Powers, and Succession

1. The Chairman of the Saratoga County Board of Supervisors is ultimately responsible for County emergency response activities and:

    a) May assume personal oversight of the County emergency response organization if the scope and magnitude of the emergency indicates the necessity of personal management and direction of the response and recovery operations.

    b) Controls the use of all county owned resources and facilities for disaster response.

    c) May declare a local state of emergency in consultation with the Office of Emergency Management and the County Attorney, and may promulgate emergency orders and waive local laws, ordinances, and regulations (see Appendix C)

    d) May request assistance from other counties and the State when it appears that the incident will escalate beyond the capability of County resources. For example, IMAP and NY Responds may be utilized for requests.

    e) May provide assistance to others at the request of other local governments both within and outside Saratoga County.

2. In the event of the unavailability of the Chair, the following line of command and succession has been established by County Law to ensure continuity of government and the direction of emergency operations. County Administration receives Tier III training annually to facilitate a comprehensive understanding of key personnel's roles and responsibilities.

    a) The Vice Chairman (Law & Finance Committee Chair) will assume the responsibilities of the Chairman of the Board until the Chairman of the Board is available.

    b) The Public Safety Chairman will assume the responsibilities of the Chairman of the Board or the Vice Chairman until either is available.

B. The Role of the Director of Emergency Management (DEM)

1. The Director of Emergency Management (DEM) coordinates County emergency response activities for the Chairman of the Saratoga County Board of Supervisors, and recommends to the Chairman of the Board of Supervisors to declare a local state of emergency based on the severity of the situation and the necessity to use additional executive power to respond effectively to the emergency.

2. The Director of Emergency Management:

   a) Activates the County's response organization and initiates County response activities.

   b) Notifies and briefs County departments, agencies and other organizations involved in an emergency response.

   c) Maintains and manages an Emergency Operations Center.

   d) Coordinates with LEPC.

   e) Manages Saratoga County's Tactical Interoperable Communication Plan and 800MHz emergency radio network.

   f) Facilitates coordination between the County and:

      - The Incident Commander
      - Towns, cities, and villages in the County
      - Local governments outside the County
      - The State of New York
      - Private emergency support organizations
      - Affiliated County Volunteers, such as the Medical Reserve Corps, RACES, Etc.

C. <u>All Saratoga County Emergency Response Organizations</u>

1. The Incident Command System (ICS)

   a) Saratoga County endorses the use of the Incident Command System (ICS), as developed by the National Incident Management System (NIMS), and formally adopted by the State of New York, for emergencies requiring emergency response. ICS allows flexibility in its implementation so that its structure can be tailored to the specific situation at hand. ICS should be initiated by the emergency forces first responding to an incident. See Appendix A, *Incident Command System Position Descriptions.*

   b) ICS is organized by functions. There are five:

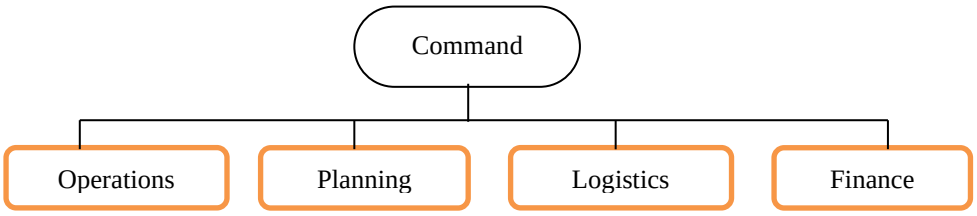
      - Command
      - Operations
      - Planning
      - Logistics
      - Finance

   c) Under ICS, an Incident Commander (IC) has the overall responsibility for the effective on-scene management of the incident, and must ensure that an adequate organization is in place to carry out all emergency functions. The IC directs emergency operations from an Incident Command Post. In the case of multiple emergencies, the EOC will serve to support multiple Incident Command Posts.

d) In minor incidents, the five ICS functions may all be managed directly by the IC. Larger incidents usually require that one or more of the functions be set up as separate sections under the IC.

e) Within the Command function, the IC has additional responsibilities for Safety, Public Information, and Liaison. These activities can be assigned to staff under the IC.

f) An on-scene ICS with all five functions organized as sections is depicted as:

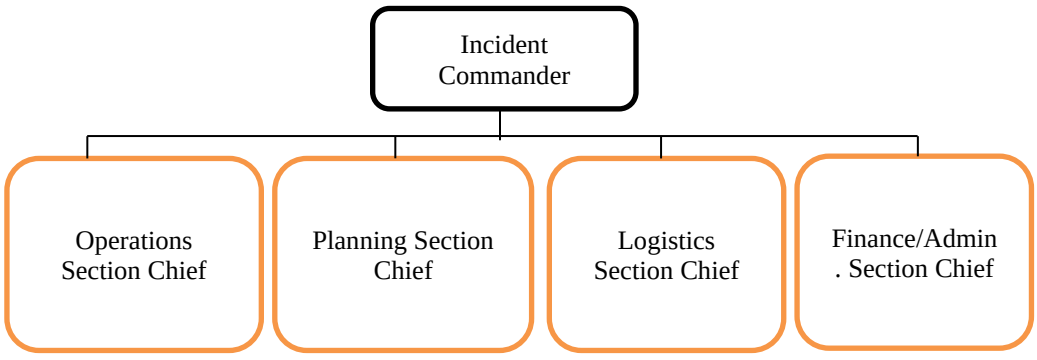


g) During an emergency, County response personnel must be cognizant of the Incident Command System in place and their role in it. Some County personnel may be responders to the scene and part of the on-scene ICS structure in a functional or staff role. Other County personnel may be assigned by the Chairman of the Board of Supervisors, to the County Emergency Operations Center (EOC) or other locations where they will provide support to the responders at the scene. All County response personnel not assigned to the on-scene ICS will be coordinated by or through the County Director of Emergency Management.

h) The Incident Commander is selected due to being the most qualified responding officer at the scene. The IC must be fully qualified to manage the incident. As an incident grows in size or becomes more complex, a more highly qualified Incident Commander may be assigned by the responsible jurisdiction. Thus, a County official could be designated as the IC.

i) A major emergency encompassing a large geographic area may have more than one emergency scene. In this situation, separate Incident Commanders may set up command at multiple locations. In this case, an Area Command may be established. The Area Command is structured similar to a normal ICS with one exception, the Incident Commander is called the Incident Manager to whom all Incident Commanders report.

j) County response personnel operating at the EOC will be organized by ICS function, as depicted below and interface with their on-scene counterparts, as appropriate.



k) Whenever the ICS is established, County response forces should be assigned to specific ICS functions wherever they are needed, including at the scene, at the EOC in a support role, or at an Area Command, if established. See Table 1 (page 31), for sample ICS functional assignments by agency. Assignments may change as situation dictates or as directed by the EOC Manager.

2. Agency Responsibilities

The Office of the Saratoga County Emergency Management shall exercise ultimate responsibility and oversight for emergency response, and shall delegate ICS responsibilities as described in Table 1, or as special circumstance warrants.

a. Saratoga County OEM offers a variety of training to local government personnel and volunteers in disaster response operations and maintains a training calendar found on page 24.

b. For continued operation of governments of political subdivisions see the Continuity of Operations Annex.

II. Managing Emergency Response

A. Incident Command Post and Emergency Operations Center

1. On-scene emergency response operations will be directed and controlled by the Incident Commander from an Incident Command Post located at or near the emergency site. This will be the only command post at the emergency scene. All other facilities at the scene used by agencies for decision-making should not be identified as a command post.

2. The County EOC will be used to support Incident Command Post activities and to coordinate County resources and assistance.

3. Coordination of resources, manpower and services, using recognized practices in incident management, utilizing existing organizations and lines of authority and centralized direction of requests for assistance are listed in the EOC process, referred to in Appendix B.

4. A Command Post will be selected by the Incident Commander based upon the logistical needs of the situation and located at a safe distance from the emergency site.

5. If a suitable building or structure cannot be identified and secured for use as an Incident Command Post, a mobile unit or field trailer may be used.

6. The County EOC is located at the Saratoga County Public Safety Building, 6012 County Farm Road, Ballston Spa, NY 12020. A back-up EOC is located at the Saratoga County Sheriff's Office, 6010 County Farm Road, Ballston Spa, NY 12020.

7. If a disaster situation renders both EOCs inoperable, an auxiliary EOC may be established at Momentive's administrative site, 20 Solar Drive Clifton Park NY, 12065 or at another location designated at the time.

8. The EOC can provide for the centralized coordination of County and private agencies' activities from a secure and functional location.

9. County agencies and other organizations represented at the EOC will be organized according to ICS function under the direction of the EOC Manager.

10. Though organized by ICS function, each agency's deputy representative at the EOC will be responsible for directing or coordinating his or her agency's personnel and resources. Where the agency is also represented at the scene in an ICS structure, the EOC representative will coordinate the application of resources with the agency's representative at the scene.

11. The Director of Emergency Management is responsible for managing the EOC or auxiliary EOC during emergencies.

12. If required, the EOC will be staffed to operate continuously on a twenty-four hour a day basis. In the event of a 24-hour operation, two 12 ½ hour shifts will be utilized. (The additional ½ hour is for shift change briefings.) Designation of shifts will be established as conditions warrant by the Director of Emergency Management.

13. Work areas will be assigned to each agency represented at the EOC.

14. Security, if necessary, at the EOC during an emergency will be provided by the Saratoga County Sheriff's Office:

    a) All persons entering the EOC will be required to check in at the security desk located at the main entrance.

    b) All emergency personnel will be issued a pass (permanent or temporary) to be worn at all times while in the EOC.

    c) Temporary passes will be returned to the security desk when departing from the premises.

15. EOC space should be maintained in an emergency operating mode by the Director of Emergency Management at all times. During non-emergency periods, the EOC can be used for meetings, training and conferences.

16. The ICS Planning function is responsible for emergency situation reporting at the EOC and can use established procedures and daily forms.

17. The Director of Emergency Management maintains a Standard Operation Guide for activating, staffing and managing the EOC. The SOG can be found as Appendix B to this section of the plan.

TABLE 1 - ICS Function and Response Activities by Agency

AGENCY	ICS FUNCTION	RESPONSE ACTIVITIES
Chairman, Saratoga County Board of Supervisor	Command	Ultimate situation responsibility; (Agency Administrator) Declaration of State of Emergency; Promulgation of Emergency Orders;
County Administrator	Public Information	Emergency Public Information.
County Attorney	Command, Legal	Legal support
Emergency Management	Command, Liaison	Activation and Coordination of the (EOC Manager) EOC, Liaison and Coordination with governments and organizations.
Fire Coordinator	Operations	Fire Suppression and Control; Search and Rescue; HAZMAT Exposure Control.
EMS Coordinator	Operations	Coordinate the Treatment and Transport of the sick and injured.
Sheriff's Office	Operations/Logistics	Communications, Warning, Law Enforcement, Security, Food.
Public Health	Safety/Operations	Disease Surveillance; Incident Assessment; Epidemiologic Investigation; Public Alert & Education; POD Mass Vaccination; functional medical shelters; alternate care sites; response to medical surge capacity and/or specialized medical response needs of the community with assistance of the Medical Reserve Corps as appropriate.
Saratoga Hospital	Operations	Medical Care; Disease Surveillance
Public Works Dept.	Operations/Logistics	Debris Removal and Disposal; Damage Assessment; Traffic Control. Facilities,
Self-Insurance	Finance Admin	Comp/Claims.
Social Services	Operations	Human Needs Assessment.
Planning & Development	Planning	Situation Assessment and Documentation Advance Planning.
Mental Health Services	Operations	Crisis Counseling.
Coroner	Operations	Identify/Handle Deceased.
American Red Cross	Operations	Housing, Shelter; Feeding, Clothing.
Purchasing	Logistics	Supply and Procurement.
Human Resources	Logistics	Human Resources.

Treasurer/Auditor	Finance/Admin	Purchasing; Accounting; Record keeping.

B. Notification and Communication

Upon initial notification of an emergency to the Saratoga County 911 Communications Center (SCCC), the SCCC will immediately alert the appropriate County official(s) and emergency management agencies as defined and outlined in the Saratoga County Sheriff's Office Operations Manual.

1. This initial notification sets into motion the activation of County emergency response personnel.

2. The Director of the Office of Emergency Management will activate appropriate resources as deemed necessary.

3. The Saratoga County Mutual Aid Plan references procedures for how county, city, town, village or other political subdivision and emergency organization personnel and resources will be used in the event of a disaster (see p.39). Activation of municipal and volunteer forces shall be conducted through normal chains of command as far as possible. See the Fire/EMS County Mutual Aid Plan, and the Search and Rescue Annex and the Public Health Emergency Response and Preparedness Plan.

4. Guidelines for rapid and efficient communication, the integration of local communication facilities during a disaster including the assignment of responsibilities and the establishment of communication priorities and liaison with municipal, private, state and federal communication facilities can be found in Saratoga County's Tactical Interoperable Communications Plan and the county 800MHz Communication Guide.

5. Saratoga County will follow NIMS guidelines for continued communication and reporting.

C. Assessment and Evaluation

As a result of information provided by the EOC Section Chiefs, the Command Staff will, as appropriate, in coordination with the on-scene Incident Commander:

a) Develop policies by evaluating the safety, health, economic, environmental, social, humanitarian, legal and political implications of a disaster or threat;

b) Analyze the best available data and information on the emergency;

c) Explore alternative actions and consequences;

d) Select and direct specific response actions.

e) The Damage Assessment Annex contains a system for obtaining and coordinating disaster information including the centralized assessment of local disaster effects and resultant needs.

D. Declaration of Local State of Emergency and Promulgation of Local Emergency Orders

1. In response to an emergency, or its likelihood, upon a finding that public safety is imperiled, the Chairman, Saratoga County Board of Supervisors may proclaim a state of emergency pursuant to section 24 of the State Executive Law Article 2-B.

2. Such a proclamation authorizes the County Administration to deal with the emergency situation with the full executive and legislative powers of county government.

3. This power is realized **only** through the promulgation of local emergency orders. For example, emergency orders can be issued for actions such as:

    - Establishing curfews
    - Restrictions on travel
    - Evacuation of facilities and areas
    - Closing of places of amusement or assembly

4. Appendix C describes the requirements for proclaiming a state of emergency and promulgating emergency orders.

5. Chief executives of cities, towns and villages in Saratoga County have the same authority to proclaim states of emergency and issue emergency orders within their jurisdiction.

6. Whenever a state of emergency is declared in Saratoga County or emergency orders issued, such action will be coordinated, beforehand, with the affected municipality.

7. Emergency responders have implicit authority and powers to take reasonable immediate action to protect lives and property absent an emergency declaration or emergency orders.

E. Public Warning and Emergency Information

1. In order to implement public protective actions there should be a timely, reliable and effective method to warn and inform the public.

2. Activation and implementation of public warning is an Operations section responsibility. Providing updates and other relevant emergency information to the public as it develops is a function of the Public Information Officer. See the public affairs annex.

3. Information and warnings to the public that a threatening condition is imminent or exists can be accomplished through the use of the following resources. Though public warning may, in many cases, be implemented solely by on-scene personnel, the use of the systems in (a) and (b) below require strict coordination with the County Office of Emergency Management:

    a) Code RED, NY-Alert and IPAWS emergency notification systems can be utilized. Both of these systems rely on the public telephone networks and servers. This form of notification is quick and does not endanger the first responders. This can be initiated through the Saratoga County Sheriff's Office or Office of Emergency Management.

    b) Emergency Alert System (EAS) - formerly known as Emergency Broadcast System (EBS), involves the use of the broadcast media including television, radio, and cable TV,

to issue emergency warnings. Can be activated by means of a telephone or encoder by select County officials including the Emergency Manager via the National Weather Service.

c) NOAA Weather Radio (NWR) is the "Voice of the National Weather Service" providing continuous 24-hour radio broadcasts of the latest weather information including severe weather warnings directly from the Weather Service office in Albany. NWR will also broadcast non-weather-related emergency warnings. NWR broadcasts on select high-band FM frequencies, not available on normal AM-FM radios. Radios with NWR frequencies, automated alarm capabilities, and Specific Area Message Encoding (SAME) technology are generally available. NWR broadcast signal can be received County-wide. NWR is also a component of EAS. Emergency broadcasts on the NWR can also be initiated by select County officials.

d) Emergency service vehicles with siren and public address capabilities - Many police and fire vehicles in the County are equipped with siren and public address capabilities. These vehicles may be available, in part, during an emergency for "route alerting" of the public.

e) Door-to-door public warning can be accomplished in some situations by the individual alerting of each residence/business in a particular area. This can be undertaken by any designated group such as auxiliary police, regular police, fire police, firefighters, and highway personnel, visiting each dwelling in the affected area and relating the emergency information to the building occupants. To achieve maximum effectiveness, the individual delivering the warning message should be in official uniform.

f) General Public can be notified of emergency situations through several media channels to include Facebook and Twitter. Accounts names are, Facebook: @SaratogaOES and Twitter: @SaratogaOES.

4. County officials will advocate, as part of their normal dealing with special institutions such as schools, hospitals, nursing homes, major industries and places of public assembly, that they obtain and use tone-activated receivers/monitors with the capability to receive NOAA Weather Radio (NWR) with SAME reception. They should also be encouraged to sign up for NY-Alert messages.

5. Special arrangements have been made for providing warning information to the hearing impaired (Code RED).

6. The Command Staff position of Public Information Officer, if established, or its function, may, in coordination with on-scene Incident Command:

a) Establish and manage a Joint Information Center (JIC) from where to respond to inquiries from the news media and coordinate all official announcements and media briefings

b) Authenticate all sources of information being received and verify accuracy

c) Provide essential information and instructions including the appropriate protective actions to be taken by the public, to the broadcast media and press

d) Coordinate the release of all information with the key departments and agencies involved both at the EOC and on-scene.

e) Check and control the spreading of rumors

f) Arrange and approve interviews with the news media and press by emergency personnel involved in the response operation

g) Arrange any media tours of emergency sites

7. The JIC may be established near the EOC or at any location where information flow can be maintained, without interfering with emergency operations. The JIC will be located 40 McMaster Street, Ballston Spa, NY 12020 in the Board Room of the Municipal Center or outside if weather permitting.

   a) A regional JIC may be formed for larger incidents encompassing multiple counties or agencies.

8. A plan for coordinated evacuation procedures, including the establishment of temporary housing and other necessary facilities, can be found in the Evacuation Annex.

F. Public Health

1. A high impact disaster can cause injury and death to large numbers of people and potentially overwhelm existing medical infrastructure and/ or require specialized medical response not available in traditional medical settings. In addition, damage to and destruction of homes, special facilities, and vital utilities may place the public at substantial risk of food and water contamination, communicable diseases, and exposure to extreme temperatures. Refer to the Mass Fatality Annex, Mass Care Annex and the Public Health Emergency Response and Preparedness Plan.

2. Plans for the utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, the elderly, individuals with disabilities and other groups which may be especially affected can be found in the Mass Care Annex.

3. There may be established within the Operations section a Public Health Group to ensure that health and medical problems are being addressed. This group will be led by the Saratoga County Health Services.

G. Emergency Medical Services

There may be established within the Operations section an Emergency Medical Services Group.

1. The group will be led by the County EMS Coordinator.

2. The function of this group is to assist with the coordination of care and transportation of the sick and injured, while preserving the overall integrity of the County EMS System.

3. Mutual Aid Guidelines will be found in the County EMS Mutual Aid Plan.

4. At times this group may include representatives from the New York State Bureau of Emergency Medical Services, or designated regional Medical Control Physicians.

5. At times pending the size and duration of an incident, it is possible that EMS Coordinators from other counties may assist the operations of this group through the use of the mutual aid.

H. Fire

There may be established within the Operations section a Fire Group.

1. This group will be led by the Saratoga County Fire Coordinator or his/her designee.

2. The function of this group is to assist with the coordination of fire department response while preserving the overall integrity of the County Fire System.

3. At times this group may include representatives from a variety of local, state and federal resources.

4. Refer to the Fire Annex, Hazmat Annex and County Mutual Aid Plan.

I. Law Enforcement

There may be established within the Operations section a Law Enforcement Group.

1. This group will be led by the Saratoga County Sheriff or his/her designee.

2. The function of this group is to assist with public safety and security. This includes controlling ingress and egress to and from the disaster area.

3. At times this group may include representatives from the New York State Police as well as representatives of Village, Town, City and/or Federal law enforcement entities.

4. Refer to the Law Enforcement and Security Annex.

J. Animal Services

1. Utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with particular attention to means of evacuation, shelter and transportation options can be found in the County Animal Response Team Annex.

K. Human Services

1. The Planning and Operations functions are responsible for ascertaining what human needs have been particularly affected by an emergency and responding to those unmet needs with

the available resources of County and local government and with the assistance of affiliated County volunteers, volunteer agencies and the private sector.

2. There may be established within the Operations section a Human Needs Branch to perform the tasks associated with (1) above.

3. Human services response is coordinated through the Saratoga County Social Services departments, comprised of various County departments, in conjunction with local agencies, volunteer groups and the private sector, whose purpose is to assist in the coordination of the delivery of human services in Saratoga County, and to advise the EOC Manager on human needs issues.

4. Whenever a Human Needs Branch is not established by the Operations section, the Operations section will confer with the Saratoga County Social Services Director on human needs issues.

L. Restoring Public Services

1. The Operations and Planning sections are responsible for ascertaining the emergency's effect on the infrastructure and the resultant impact on public services including transportation, electric power, fuel distribution, public water, telephone, and sewage treatment and ensuring that restoration of services is accomplished without undue delay.

2. There may be established within the Operations section a Public Infrastructure Group to perform the tasks associated with (1) above.

3. In the event of a major power outage, the Operations Section will request that National Grid and NYSEG assign a representative to the Saratoga County EOC to facilitate communications and information flow between the utility and the Operations Section.

4. The Operations section may request assigning a representative from other utilities (telephone, water, cable) as appropriate with the consent of the utility.

5. During response operations relating to debris clearance and disposal, Saratoga County should act in cognizance of and in cooperation with the State.

6. Criteria for establishing priorities with respect to the restoration of vital services and debris removal are found in the Debris Management Annex.

7. Plans for the continued effective operation of the civil and criminal justice systems are found in Saratoga County's Continuity of Operations Plan.

M. Resource Management

1. The Planning function is responsible for the identification and allocation of additional resources needed to respond to the emergency situation.

2. Resources owned by the municipality in which the emergency exists should be used first in responding to the emergency.

3. All County-owned resources are under the control of the Chairman of the Board of Supervisors during an emergency and can be utilized as necessary.

4. Resources owned by other municipalities in and outside of Saratoga County can be utilized upon agreement between the requesting and offering government the State system IMAP.

5. Resources owned privately cannot be commandeered or confiscated by government during an emergency. However, purchases and leases of privately owned resources can be expedited during a declared emergency. In addition, it is not uncommon for the private sector to donate certain resources in an emergency.

6. Guidelines pertaining to the location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution, disposal or use of materials, including those donated, and facilities and services which may be required in time of disaster can be found in the Donation Management Annex.

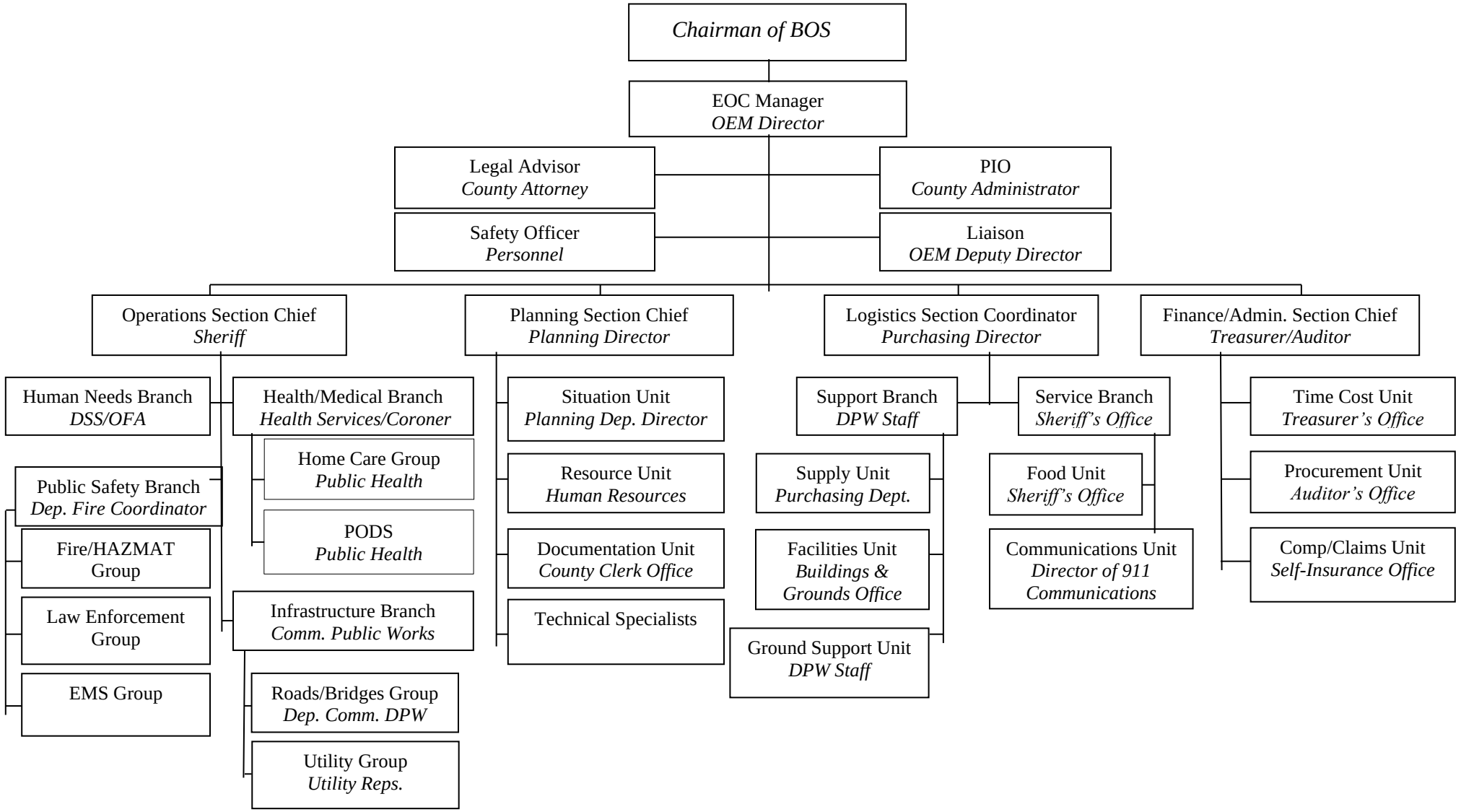
N. Donation Management

1. During times of disaster, Saratoga County may experience a surge of donated goods from the general public.

2. The Logistics function will be responsible for coordinating the receiving, sorting, inventorying and packing of donated goods. There exists a memorandum of understanding (MOU) between Saratoga County OEM and the Franklin Community Center for managing donated goods in the event of a State declared disaster. This MOU is on file with OEM.

3. The donation manager should work with the Public Information Officer to ensure that information regarding donations is conveyed to the public.

SARATOGA COUNTY INCIDENT COMMAND SYSTEM ORGANIZATIONAL CHART



Section IV
RECOVERY

A. Damage Assessment

1. All local governments (towns, villages, and cities) in Saratoga County must participate in damage assessment activities.

2. The Saratoga County Office of Emergency Management is responsible for:

   a) Developing a damage assessment program with local governments
   b) Coordinating damage assessment activities in the County during and following an emergency
   c) Designating a Damage Assessment Officer for each emergency
   d) The Director of Emergency Management will advise the Chief Executive Officers of affected cities, towns, and villages to maintain similar detailed records of emergency expenditures, and supply them with standard documentation forms via FEMA.

3. All County departments and agencies, as well as local municipalities in the county, will cooperate fully with the Director of Emergency Management in damage assessment activities including:

   a) Pre-emergency:

   - Identifying county agencies, personnel, and resources to assist and support damage assessment activities
   - Identifying non-government groups such as non-profit organizations, trade organizations and professional people that could provide damage assessment assistance
   - Fostering agreements between local government and the private sector for technical support
   - Utilizing geographic information systems (GIS) in damage assessment
   - Saratoga County will collaborate with NYS DHSES Disaster Recovery Unit to provide training. A schedule for training and educating local disaster officials or organizations in the preparation of applications for federal and state disaster recovery assistance can be found on page 24.

   b) Emergency:

   - Obtaining and maintaining documents, maps, photos and video tapes of damage
   - Obtaining and reviewing procedures and forms for reporting damage to higher levels of government
   - Determining if State assistance is required in the damage assessment process

c) <u>Post-emergency</u>:

- Advise county departments and local municipalities of assessment requirements
- Selecting personnel to participate in damage assessment survey teams
- Arrange for training of personnel in damage assessment survey techniques
- Identify and prioritize areas to survey damage
- Assigning survey teams to selected areas
- Complete damage assessment survey reports and maintaining records of the reports

4. It is essential that, from the outset of emergency response actions, local response personnel keep detailed records of expenditures for:

   a) Labor used
   b) Use of owned equipment
   c) Use of borrowed, or rented equipment
   d) Use of materials from existing stock
   e) Contracted services for emergency response
   f) Submitting damage assessment reports to the NYS DHSES OEM via the Saratoga County Office of Emergency Management.

5. Damage assessment will be conducted by county and local government employees, such as Public Works engineers, highway workers, building inspectors, safety officers, code enforcement, risk managers and assessors. When necessary, non-government personnel from the fields of engineering, construction, insurance, purchasing, property evaluation and related fields may supplement the effort.

6. There will be two types of damage assessment: Public Infrastructure (PI) (damage to public property and the infrastructure); Individual assistance (IA) teams (impact on individuals and families, agriculture, private sector).

7. County and local municipality's damage assessment information will be reported to the Damage Assessment Officer and to the Saratoga County OEM.

8. Personnel from county departments and agencies, assigned damage assessment responsibilities, will remain under the control of their own departments, but will function under the technical supervision of the Damage Assessment Officer during emergency conditions.

9. All assessment activities in the disaster area will be coordinated with the on-site Incident Commander and his/her designee (when appropriate) and the EOC Manager.

10. The Emergency Manager, in conjunction with the Damage Assessment Offices, will prepare

    a) Damage Assessment Report which will contain information on:

       - Destroyed property

- Property sustaining major damage
- Property sustaining minor damage

b) Damage to private property in dollar loss to the extent not covered by insurance:

- Homes
- Businesses
- Industries
- Hospitals, institutions and private schools

c) Damage to public property in dollar loss to the extent not covered by insurance:

- Road systems
- Bridges
- Water control facilities such as dikes, levees, channels, dams, spillways
- Public buildings, equipment, and vehicles
- Publicly-owned utilities
- Parks and recreational facilities
- Any other infrastructure not listed

d) Damage to agriculture in dollar loss to the extent not covered by insurance:

- Farm buildings
- Machinery and equipment
- Crop losses
- Livestock

e) Cost in dollar value will be calculated for individual assistance in the areas of mass care, housing, and individual family grants

f) Community services provided beyond normal needs

g) Debris clearance and protective measures taken such as pumping, sandbagging, construction of warning signs and barricades, emergency levees, etc.

h) Financing overtime and labor required for emergency operations.

11. The Chairman of the Saratoga County Board of Supervisors, through the Office of Emergency Management, will submit the Damage Assessment Report to the NYS DHSES OEM. It is required for establishing the eligibility for any state and/or federal assistance.

12. Unless otherwise designated by the County Administration, the Office of Emergency Management will serve as the County's authorized agent in disaster assistance applications to State and Federal government.

13. The County's authorized agent will:

    a) Attend public assistance applicant briefing conducted by Federal and State Emergency officials
    b) Obtain from the Damage Assessment Officer maps showing disaster damage locations documented with photographs and video tapes
    c) Prepare and submit Request for Public Assistance in applying for Federal Disaster Assistance
    d) Assign local representative(s) who will accompany the Federal/State Survey Teams(s).
    e) Follow up with governor's authorized representative and FEMA
    f) Submit Proof of Insurance, if required
    g) Prepare and submit project listing if small project grant
    h) Follow eligibility regarding categorical or flexibly funded grant
    i) Maintain accurate and adequate documentation for costs on each project
    j) Observe FEMA time limits for project completion
    k) Request final inspection of completed work or provide appropriate certificates
    l) Prepare and submit final claim for reimbursement
    m) Assist in the required state audit
    n) Consult with Governor's Authorized Representative (GAR) for assistance
    o) Maintain summary of damage suffered and recovery actions taken

B. Planning for Recovery

1. Recovery risk mitigation efforts shall include community development and redevelopment.

2. Community development is based on a comprehensive community development plan prepared under direction of local planning boards with technical assistance provided by the Saratoga County Department of Planning Development.

3. Comprehensive community development plans are officially adopted by local government as the official policy for development of the community.

4. Localities with public and political support for land use planning and the corresponding plan implementation tools such as zoning ordinances, subdivision regulations, building codes, etc. have pre-disaster prevention and mitigation capability by applying these methods successfully after disasters.

5. A central focal point of analytical and coordinative planning skills, which could obtain the necessary political leadership and backing when needed, is required to coordinate the programs and agencies necessary to bring about a high quality level of recovery and community redevelopment.

6. County Government shall decide whether the recovery will be managed through existing organizations with planning and coordinative skills or by a recovery task force created exclusively for this purpose.

7. A recovery task force will:

    a) Direct the recovery with the assistance of county departments and agencies coordinated by the Office of Emergency Management

    b) Prepare a local recovery and redevelopment plan, unless deemed unnecessary

8. The recovery and redevelopment plan shall include:

    a) Replacement, reconstruction, removal, and/or relocation of damaged/destroyed infrastructure and/or buildings and their contents.

    b) Establishment of priorities for emergency repairs to facilities, buildings and infrastructures.

    c) Economic recovery and community development.

    d) New or amended zoning ordinances, subdivision regulations, building and sanitary codes.

9. The Recovery and redevelopment plan will account for and incorporate to the extent practical, relevant existing plans and policies.

10. Risk Prevention and mitigation measures should be incorporated into all recovery planning where possible.

11. Responsibilities for recovery assigned to local governments shall depend on whether or not a state disaster emergency has been declared pursuant to Article 2-B of the State Executive Law.

12. If the governor declares a state disaster emergency, then under Section 28-A the local governments shall have the following responsibilities:

    a) Any county, city, town or village included in a disaster area shall prepare a local recovery and redevelopment plan, unless the legislative body of the municipality shall determine such a plan to be unnecessary or impractical.

    b) Within 15 days after the declaration of a state disaster, any county, city, town or village included in such disaster area, shall report to the State Disaster Preparedness Commission (DPC) through DHSES, whether the preparation of a recovery and redevelopment plan has been started and, if not, the reasons for not preparing the plan.

    c) Proposed plans shall be presented at a public hearing upon five (5) days' notice published in a newspaper of general circulation in the area affected and transmitted to the radio and television media for publications and broadcast.

d) The local recovery and redevelopment plan shall be prepared within 45 days after the declaration of a state disaster and shall be transmitted to the DPC. The DPC shall provide its comments on the plan within 10 days after receiving the plan.
e) A plan shall be adopted by such county, city, town or village within 10 days after receiving the comments of the DPC.

f) The adopted plan:

- May be amended at any time in the same manner as originally prepared, revised and adopted; and

- Shall be the official policy for recovery and redevelopment within the municipality.

C. Reconstruction

1. Reconstruction consists of two phases:

   a) Phase 1-short term reconstruction to return vital life support systems to minimum operating standards;

   b) Phase 2-long term reconstruction and development which may continue for years after a disaster and will implement the officially adopted plans, policies and programs for redevelopment including risk reduction projects to avoid the conditions and circumstances that led to the disaster.

2. Long term reconstruction and recovery may include but not limited to the following duties:

   a) Scheduling planning for redevelopment;
   b) Analyzing existing State and Federal programs to determine how they may be modified or applied to reconstruction;
   c) Conducting of public meetings and hearings;
   d) Providing temporary housing and facilities;
   e) Public assistance;
   f) Coordinating State/Federal recovery assistance;
   g) Monitoring of reconstruction progress; and
   h) Preparation of periodic progress reports to be submitted to NYS DHSES OEM.

3. Reconstruction operations must conform to existing State/Federal laws and regulations concerning environmental impact.

4. The Debris Management Annex provides recommendations for replacement, reconstruction, removal or relocation of damaged or destroyed public or private facilities, proposed new or amendments to zoning, subdivision, building, sanitary or fire prevention regulations and recommendations for economic development and community development in order to minimize the impact of any potential future disasters on the community.

5. Reconstruction operations in and around designated historical sites must conform to existing State and FEMA guidelines.

    a. Saratoga County has provisions for cooperation with state and federal agencies in recovery efforts.

D. Public Information on Recovery Assistance

1. Public Information Officers are responsible for making arrangements with the broadcast media and press to obtain their cooperation in adequately reporting to the public on:

    a) The emergency assistance available to the public;
    b) The agency providing the assistance;

    c) Who is eligible for assistance;
    d) What kinds of records are needed to document items which are damaged or destroyed by the disaster;
    e) What actions are needed to apply for assistance; and
    f) Where to apply for assistance.

2. The following types of assistance may be available:

    a) Food stamps (regular and/or emergency);
    b) Temporary housing (rental, mobile home, motel);
    c) Unemployment assistance and job placement (regular and disaster unemployment);
    d) Veteran's benefits;
    e) Social Security benefits
    f) Disaster and emergency loans (Small Business Administration, Farmers Home Administration);
    g) Tax refund;
    h) Individual and family grants; and
    i) Legal assistance.

3. All the above information will be jointly prepared jointly by the Federal, State, County and local PIOs as appropriate and furnished to the media for reporting to the public.

2023 Agreement with County of Warren.pdf

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OFFICE OF THE
COUNTY ATTORNEY
MICHELLE W. GRANGER, ESQ., COUNTY ATTORNEY

518.884.4770
SARATOGACOUNTYNY.GOV
40 MC MASTER ST, BALLSTON SPA, NY 12020

SERVICE BY EMAIL NOT ACCEPTED

First Assistant Attorney
Maribeth A. Hunt, Esq.
Assistant Attorneys
Jacqualine C. Lombardo, Esq.
Nicholas M. Martin, Esq.
Andrew J. Proler, Esq.
Ann Flower E. Stitt, Esq.

MEMORANDUM

DATE: August 25, 2023

TO: Michael Zurlo
Sheriff

FROM: Michelle Granger
Saratoga County Attorney's Office

SUBJECT:

Vendor Name	:	**County of Warren**	
Vendor Address	:	1400 US 9, Lake George, NY	
Vendor I.D. #	:	N/A	
Contract Amount	:	N/A	Per Res: 207-2023
Contract Period	:	N/A	
Contract I.D.#	:	N/A	
Purpose of Agreement	:	Share equipment and resources	

Attached, please find one fully executed copy of the above referenced contract, which had been executed by the Chairman of the Board of Supervisors on August 24, 2023.

Please send this contract to the above-named vendor.

cc: Clerk, Board of Supervisors, w/enclosure
County Auditor, without enclosure
County Administrator without enclosure

INTERMUNICIPAL AGREEMENT
SHERIFF'S OFFICE COOPERATION BETWEEN THE COUNTY OF SARATOGA AND THE COUNTY OF WARREN

This agreement is made this 24th day of August, 2023 between the COUNTY OF SARATOGA, a municipal corporation with its principal place of business at 6012 County Farm Road, Ballston Spa, New York, and the COUNTY OF WARREN, a municipal corporation with its principal place of business at 1400 U.S. 9 Lake George New York.

RECITALS

WHEREAS, Section 119-o of the General Municipal Law permits municipal corporations to enter into agreement for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service, and

WHEREAS, the parties hereto have experienced within their jurisdictions a need for the joint response of both parties' police agency resources to deal with certain criminal acts or threats including but not limited to large scale protests, narcotics related crimes / investigations, unexpected circumstances warranting law enforcement response which overwhelms the daily staffing levels of a primary agency requiring a law enforcement response from surrounding agencies until the situation is mitigated or the primary agency can have their own resources respond and safely assume control, or other instances amounting to emergency circumstances that may be more effectively dealt with through the use of sharing resources for long term events such as natural disasters,

NOW, THEREFORE, the parties hereto do mutually agree pursuant to the terms and provisions of the Shared Services Cooperation Agreement as follows:

ARTICLE 1:

Purpose of Agreement. The purpose of this Agreement is to:

1. Formalize the relationship between the Saratoga County Sheriff's Office and the Warren County Sheriff's Office and the use of their combined law enforcement resources.

2. Eliminate the need to follow the formal procedure set forth in General Municipal Law §209-m to request assistance from the other (party) (parties) in the form of personnel and/or equipment;

3. Provide for more efficient utilization of law enforcement resources and services; and

4. Make available to each participating entity, any resource necessary as determined by the Sheriff of Saratoga County and the Sheriff of Warren County through mutual agreement in the event of an emergency in accordance with the provisions of this Agreement.

ARTICLE 2:

Personnel and Equipment. Each party agrees that their police department may supply personnel, equipment and other available resources to the other upon request in the event of an emergency or investigation, if their respective Sheriff, or his designee; or Chief, or his designee, deems it appropriate. The number of personnel, if any, and the amount or type of equipment to be dispatched by the responding party shall be determined by that agency's Sheriff, or his designee; or Chief, or his designee.

ARTICLE 3:

Retained Personnel and Equipment. Each party agrees that the responding party may hold back sufficient personnel and equipment to provide adequate protection within the territory of the responding party. Should a need for the loaned personnel and equipment arise within the territory of the responding party, then the responding (party) (parties) may recall such personnel and equipment or any part thereof. The responding (party) (parties) shall inform the requesting party of its intent to withdraw from the situation.

ARTICLE 4:

Compensation. In accordance with the provisions of General Municipal Law §119-o(3)(b) each party shall be liable for salaries and other compensation due to their own employees for the time the employees are undertaking services pursuant to this Intermunicipal Agreement.

Neither party, as a requesting party, shall be obligated to compensate the responding party for services rendered by or injuries to the responding parties' personnel, or for the use or damage to the responding parties' equipment. Specifically, and without limiting the foregoing, the requesting party shall have no obligation for payment of wages or withholding for unemployment, workers' compensation, or for the payment of any other benefits to the personnel of the responding party.

ARTICLE 5:

Control of Personnel and Equipment. The Incident Commander of the requesting party shall be in command of the operation(s) under which the equipment and personnel sent by the responding party shall service; provided that the responding personnel and equipment shall be under the immediate supervision of the officer in charge of the responding party, if more than one officer responds. Command, however, may be relinquished to a ranking or senior officer of the party rendering assistance under the terms of this Agreement.

ARTICLE 6:

Privileges and Immunities. To the extent permitted by law, all the powers, duties, rights, privileges and immunities from liability which surround the activities of any participating agency's members or agency when performing its functions within the public agency's territorial limits shall apply to the activities of that agency's members while furnishing law enforcement services outside its territorial limits under the terms of this agreement.

Specifically, pursuant to General Municipal Law §119-n(c) and §119-o, police officers assisting another local government outside their normal territorial jurisdiction shall have all powers and authority of law enforcement officers in such other jurisdiction as provided by law, including, but not limited to, the power of arrest.

ARTICLE 7:

Line of Duty Death or Injury. The effect of the death, injury or disability of any officer who is killed, injured or disabled outside the territorial limits of either party while in the performance of this Agreement, shall be the same as if they were killed, injured or were to become disabled while that officer was functioning within its own territorial limits, and such injury or death shall be considered in the line of duty.

ARTICLE 8:

Liability and Indemnification. Neither party shall incur any liability or responsibility for the failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

Neither party shall be required to indemnify the other for any claim arising out of participating under this Agreement. Each party shall be responsible for defending its own respective entity in any action or dispute that arises in connection with or as a result of this Agreement and that each party will be responsible for bearing their own costs, damages, losses, expenses and attorney's fees. Each party shall be obligated to notify the other of any claims or lawsuits received arising out of any shared service event.

Each party hereto hereby expressly waives all claims of whatever type or nature, except for gross negligence, against the other and its personnel, which may arise out of the performance of this Agreement.

ARTICLE 9:

Administration. It is the intention of the participants that no separate legal entity is created by this Agreement to carry out its provisions. To the extent this Agreement requires administration other than as set forth herein, it shall be administered by the governing bodies or an appointee of the governing bodies hereto acting as a joint board. No real or personal property shall be acquired by the participants because of this Agreement. Each party shall have equal access to the records created by the other party related to incidents responded to under this Agreement.

ARTICLE 10:

Compliance with Laws. Each participant agrees that each will comply with all applicable federal, state, and local laws, and rules and regulations applicable to the respective entities and employees in connection with the performance of this Agreement.

ARTICLE 11:

Approval, Duration and Termination. This Agreement shall not be effective until approved by a majority vote, as required by General Municipal Law §119-o, of the governing body of each party. This is the entire Agreement between the parties governing the subject matter herein and may only be changed, modified or amended by written agreement of the parties of the authorized representatives of the parties, subject to the requirements of ARTICLE 1 of the Agreement.

ARTICLE 12:

Notices. In the event that it is necessary for (either) (any) (party) (parties) to transmit to (either) (any) (party) (parties) written notice or communications that are anticipated in accordance with the terms and provisions of the Agreement, the same shall be considered delivered upon personal delivery and/or the same by ordinary mail to the following persons and/or addresses:

Michael H. Zurlo, Sheriff
Saratoga County Sheriff's Office
6010 County Farm Rd
Ballston Spa, NY 12020

James LaFarr, Sheriff
Warren County Sheriff's Office
1400 U.S. 9
Lake George NY, 12845

Delivery by mail shall be considered accomplished or complete when the notice or communication is appropriately enclosed in an envelope or similar wrapping with postage attached and deposited in a receptacle maintained or owned by the United States Postal Service for the deposit or acceptance of mail.

ARTICLE 13:

Electronic Signature. This Agreement may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument. Documents executed, scanned and transmitted electronically and electronic signatures shall be deemed original signatures for purposes of this Agreement and all matters related thereto, with such facsimile, scanned and electronic signatures having the same legal effect as original signatures.

ARTICLE 14:

Governing Law. It is understood and agreed by and between the parties that for the purposes of legal actions and/or proceedings, New York State Law shall be the governing law.

ARTICLE 15:

Assignment. This agreement may not be assigned, in whole or in part, by either party without the written consent of the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year above written.

Approved as to Form:

Saratoga County Attorney

COUNTY OF SARATOGA

By

Theodore T. Kusnierz, Jr, CHAIRMAN
Board of Supervisors
Per Res#207-2023
Date: 8-24-23

Approved as to Form:

Warren County Attorney, Assistant

COUNTY OF WARREN

By

Kevin B. Geraghty, CHAIRMAN
Board of Supervisors

STATE OF NEW YORK)
) ss.:
COUNTY OF SARATOGA)

On the 24th day of August, in the year 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Theodore T. Kusniers, JR personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

THERESE M. CONNOLLY
STATE OF NEW YORK
NOTARY PUBLIC
Qualified in Saratoga County
01C06418731
MY COMMISSION EXPIRES 06/21/2025

Therese M. Connolly
Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF WARREN)

On the 27 day of May, in the year 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared **Kevin B. Geraghty** personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

ROBERT WILLIAM TERWILLIGER, ESQ.
Notary Public, State of New York
No. 02TE6157876
Qualified in Ulster County
Commission Expires 02/04/2023

Robert William Terwilliger
Notary Public

Warren County Board of Supervisors

RESOLUTION NO. 221 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, BRAYMER, SEEBER, DICKINSON, DRISCOLL, MCDEVITT AND DIAMOND

AUTHORIZING INTERMUNICIPAL AGREEMENT WITH SARATOGA COUNTY FOR SHARED POLICE AND RELATED LAW ENFORCEMENT RESOURCES, PERSONNEL AND EQUIPMENT WITH THE SARATOGA COUNTY SHERIFF'S OFFICE

WHEREAS, Warren County would like to enter into an Intermunicipal Agreement with Saratoga County for shared police and related law enforcement resources, personnel and equipment with the Saratoga County Sheriff's Office, at no cost to the County, for a term commencing upon execution by both parties and continuing unless terminated by either party upon thirty (30) days written notice, and

WHEREAS, the Criminal Justice & Public Safety Committee has approved this request, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an Intermunicipal Agreement with Saratoga County for shared police and related law enforcement resources, personnel and equipment with the Saratoga County Sheriff's Office, at no cost to the County, for a term commencing upon execution by both parties and continuing unless terminated by either party upon thirty (30) days written notice, in a form approved by the County Attorney.

BOARD OF SUPERVISORS

8/15/2023

RESOLUTION 207 - 2023

Introduced by Public Safety: Supervisors Lant, Butler, Grasso, Hammond, Raymond, Tollisen, and K. Veitch

AUTHORIZING INTERMUNICIPAL AGREEMENTS WITH THE SARATOGA COUNTY SHERIFF'S OFFICE AND PARTICIPATING MUNICIPALITIES FOR THE PURPOSE OF SHARING TACTICAL TEAM PERSONNEL, EQUIPMENT AND RESOURCES

WHEREAS, pursuant to the provisions of New York State General Municipal Law §119-o, municipal corporations are permitted to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service; and

WHEREAS, the Saratoga County Sheriff's Office maintains a Special Operations Team, Crash Reconstruction unit, UAS Unit, Marine Patrol and general police patrols; and

WHEREAS, the Saratoga County Sheriff's Office and the Fulton, Montgomery, Warren, and Washington County Sheriff's Offices have experienced within their jurisdictions a need for the sharing of resources or the need for general police back-up when dealing with certain criminal cases, scenes or investigations during which a joint response is the most effective way to respond to such situations; and

WHEREAS, our Public Safety Committee and Sheriff Zurlo have recommended that the County enter into a cooperative agreement with the Counties of Fulton, Montgomery, Warren, and Washington for the purpose of the mutual sharing of Sheriff's Office personnel, equipment and resources; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a cooperative agreement with the Counties of Fulton, Montgomery, Warren, and Washington pursuant to General Municipal Law §119-o for the purpose of the mutual sharing of Sheriff's Office personnel, equipment and resources; and; and be it further

RESOLVED, that the form and content of such agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

August 15, 2023 Regular Meeting
Motion to Adopt: Supervisor Tollisen
Second: Supervisor Barrett

AYES (199263.5): Eric Connolly (11831), Joseph Grasso (4328), Philip C. Barrett (19014.5), Jonathon Schopf (19014.5), Eric Butler (6500), Diana Edwards (819), Michael Smith (3525), Kevin Veitch (8004), Arthur M. Wright (1976), Kevin Tollisen (25662), Mark Hammond (17130), Thomas Richardson (5163), Scott Ostrander (18800), Theodore Kusnierz (16202), Ian Murray (5808), Matthew E. Veitch (14245.5), John Lawler (8208), John Lant (17361)
NOES (0):
ABSENT (36245.5): Jean Raymond (1333), Willard H. Peck (5242), Sandra Winney (2075), Tara N. Gaston (14245.5), Edward D. Kinowski (9022)

SCSO 9.41 Form FILLABLE.pdf

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SARATOGA COUNTY SHERIFF'S OFFICE

Sheriff@SaratogaCountyNY.gov

MICHAEL H. ZURLO
SHERIFF

Jeffrey R. Brown
Undersheriff

Patrick M. Maswich
Chief Deputy

DATE: _____ **CFS #:** _____ **Case #:** _____

EMERGENCY ADMISSION (MHL §9.41) or VOLUNTARY TRANSPORT

PERSON'S NAME (LAST, FIRST, MI): _____

SEX: _____ **DOB:** _____

ADDRESS: _____

I, _____, a police officer of the Saratoga County Sheriff's Office, have taken into custody the above-named person who appears to be mentally ill and is conducting him/herself in a manner likely to result in serious harm to him/herself or others.* I have removed or directed the removal of this person to the Saratoga Hospital emergency department.

OR

At the above-named person's request, I, _____, a police officer of the Saratoga County Sheriff's Office, have transported the above-named person to the Saratoga Hospital emergency department for a voluntary mental health evaluation.

BASIS FOR TRANSPORT: _____

_____

_____

_____

_____

_____

_____

_____

*"Likely to result in serious harm" means: (a) a substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself ("other conduct" shall include the person's refusal or inability to meet his or her essential need for food, shelter, clothing, or health care, provided that such refusal or inability is likely to result in serious harm if there is not immediate hospitalization), or (b) a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

signedMOUovertime_0001.pdf

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MEMORANDUM OF AGREEMENT
by and between
SARATOGA COUNTY SHERIFF'S OFFICE
and
SARATOGA COUNTY DEPUTY SHERIFFS'
POLICE BENEVOLELENT ASSOCIATION

THIS MEMORANDUM OF AGREEMENT is made on February____, 2025 by and between Saratoga County Sheriff's Office ("County") and the Saratoga County Deputy Sheriffs' Police Benevolent Association ("PBA") as follows:

WHEREAS, the County and the PBA have negotiated an "Overtime Policy" pursuant to the terms of this Memorandum of Agreement;

WHEREAS, unless otherwise noted, all changes shall be prospective from the signing of this MOA; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby stipulate and agree as follows:

1. The recitations of the facts and circumstances set forth in all of the preceding "WHEREAS" clauses are expressly incorporated herein and form a part of the terms of this Memorandum of Agreement."

2. **OVERTIME POLICY**

PURPOSE: The purpose of this Policy is to establish guidelines for filling overtime shift opportunities. The Sheriff's Office will meet the demands of the community for services needed and provide adequate protection for the public. These needs may be influenced by many factors including, but not limited to: the time of day and day of week; special events; crime trends, weather emergencies; and any other situation of an exigent nature requiring additional police coverage.

POLICY: It shall be the policy of the Sheriff's Office to:

A. Provide a fair and equitable system for assigning overtime.
B. Assign overtime first on a voluntary basis when possible, followed by a mandated/ordered basis with seniority being the determining factor insofar as it is practical.
C. Assign overtime by appropriate rank based upon assignment.
D. Utilize overtime solely to ensure the continued safety of the public and department employees while ensuring the achievement of the department's mission and goals.
E. Comply with all federal, state, and local laws, rules, regulations, and standards as applicable to this Policy.

III. Definitions

1. COMMAND STAFF: Shall mean Sheriff, Undersheriff, Chief Deputy, and Captains
2. SUPERVISOR: Shall mean Lieutenant, Sergeant, and Senior Investigator
3. SENIORITY: Shall be defined as specified in the collective bargaining agreement between the County of Saratoga Sheriff and the Saratoga County Deputy Sheriff's Police Benevolent Association.
4. OFF-DUTY: Shall mean any time that an employee is not scheduled to work a regularly-scheduled tour of duty or an overtime shift on the date where an overtime opportunity occurs.
5. ON-DUTY: Shall mean any date that an employee is scheduled to work a regularly scheduled tour of duty.
6. DETAIL OR SPECIAL EVENT: Shall mean any occasion or function which is not routinely scheduled by the Sheriff's Office including, but not limited to: DWI enforcement details; traffic safety enforcement; and regattas.
7. EMERGENCY BASIS: Shall mean any shift which is scheduled to commence 4 hours or less from the time that overtime is determined to be necessary.
8. NON-EMERGENCY BASIS: Shall mean any shift which is scheduled to commence more than 4 hours from the time overtime is determined to be necessary.
9. Overtime List for Deputy Sheriff Assignments: Voluntary overtime for Deputy Sheriff assignments shall be canvassed via a list of employees in the rank of Deputy Sheriff's only and shall be based on seniority within title. Involuntary overtime shall be canvassed by the same list but shall be accomplished via inverse seniority based on seniority within title.
10. Overtime List for Sergeant Assignments: Voluntary overtime for sergeant assignments shall be canvassed via a list of employees in the rank of sergeant only and shall be based on seniority within title. Involuntary overtime shall be canvassed by the same list but shall be accomplished via inverse seniority based on seniority within title.
11. Overtime List for Investigator Assignments: Voluntary overtime for investigator assignments shall be canvassed via a list of employees in the rank of investigator only and shall be based on seniority within title. Involuntary overtime shall be canvassed by the same list but shall be accomplished via inverse seniority based on seniority within title.
12. Overtime List for Senior Investigator Assignments: Voluntary overtime for senior investigator assignments shall be canvassed via a list of employees in the rank of senior investigator only and shall be based on seniority within title. Involuntary overtime shall be canvassed by the same list but shall be accomplished via inverse seniority based on seniority within title.
13. Overtime List for Lieutenant Assignments: Voluntary overtime for lieutenant assignments shall be canvassed via a list of employees in the rank of lieutenant only and shall be based on seniority within title. Involuntary overtime shall be canvassed by the same list but shall be accomplished via inverse seniority based on seniority within title.

In General:

The Shift Lieutenant (or Sergeant in the Lieutenant's absence) is to check the schedule for projected overtime and potential mandates over the weeklong period (Always be one week ahead and use: Monday - Sunday) and put out a department wide email (including admin) indicating the overtime dates / shifts available, specifically noting if any mandates that are projected.

Give members until Friday am (0800 hrs.) to respond, to voluntarily fill the overtime. Whatever shifts are NOT filled and will REQUIRE a mandate, the mandate will be filled based off of the overtime list for the corresponding rank from least senior to most seniority. Once that member is mandated, it is concrete. They are obligated to work it, and/or it is on them to have someone else cover it for them. Either way will satisfy their mandate. They should then be moved to the bottom of the overtime list.

Overtime that Occurs after the above has been followed:

Voluntary Overtime Offering

Upon Emergency Basis:

The shift Lieutenant or in his absence the shift Sergeant shall offer the assignment to those employees who are currently on duty, if they are not limited by time already worked that shift. No employee may be offered the overtime if said hours will cause them to work more than 16hrs total for that shift. If no employee volunteers for the overtime, the rank appropriate involuntary overtime list will be used to mandate one of the members on-duty.

Upon Non-Emergency Basis:

When attempting to fill any non-emergency overtime, the employee so designated to distribute the overtime will contact the most senior eligible employee on the Voluntary Overtime List. The employee so designated to distribute the overtime shall make note of the time of the contact. The assignment shall be provided to the first employee who agrees to such work in seniority order. Once the assignment is accepted, the following employees shall be rotated to the bottom of the Voluntary Overtime List:

- Any employee(s) who accepted the assignment
- Any employee(s) who declined the assignment
- Any employee(s) who failed to answer the call, text, or e-mail on the contact.

It shall be deemed acceptable to contact employees in-person, by text, by email, and/or by telephone call.

Voluntary Overtime for Another Rank

If the overtime list for "Deputy" is exhausted and there are no volunteers, the overtime will be offered to ranking members within the bargaining unit using a list created and maintained by date of hire for all ranks above Deputy Sheriff. The same rules regarding seniority within these ranks will apply. The awarding of "Deputy "overtime by any of these ranks will be considered an overtime shift on their applicable overtime list and the list created and maintained by date of hire for all ranks above Deputy Sheriff.

If the overtime list for "Investigator" is exhausted and there are no volunteer the overtime may be offered to the following rank in this order, Senior Investigator. The same rules regarding seniority within these ranks will apply. The awarding of "Investigator" overtime by any of these ranks will be considered an overtime shift worked on their applicable overtime lists.

If the overtime list for "Sergeant" is exhausted and there are no volunteers, the overtime may be offered to the following ranks in this order, Lieutenant. The same rules regarding seniority within these ranks will apply. The awarding of "Sergeant" overtime by any of these ranks will be considered an overtime shift on their applicable overtime lists.

Mandated Overtime

Upon Emergency Basis:

After following the Volunteer Offering Upon Emergency Basis listed above the shift Lieutenant or Sergeant in the Lieutenant's absence shall:

Shift Lieutenant (or Sgt. in Lt. absence) puts out department wide email (including admin) indicating there was a sick call, etc. and there is an opening available for overtime which if not filled will result in a mandate. After a reasonable amount of time (at the supervisor's discretion, but no less than 1 hour, if applicable), if the shift has not been covered voluntarily, a deputy from the on-duty shift is to be mandated. They should be advised at this point and no sooner. This should be filled based off of the department seniority list (per each rank: deputies for deputies, sgt's for sgt's) on the shift currently working and have not been mandated already. They should be advised the same: they are obligated to work it, and/or it is on them to have someone else cover it for them. Either way will satisfy their mandate. The completion of the mandate would satisfy the originally assigned deputy, not the one volunteering to cover it. Again, they should not be mandated again until the entire membership (within their rank) has been mandated, and the list rolls over and starts again (unless emergency situations exist).

*** Additional notes***

Supervisors will make every attempt possible to fill known overtime with at least one week notice.

The mandate list resets with the calendar year, starting with the least senior member in each rank.

Members are not to be mandated on their RDO's, previously scheduled time off, or previously scheduled training, unless otherwise approved by the Sheriff or his designee. This will only occur if all other options are exhausted, and the staffing is necessary to maintain the safe operations of the Sheriff's Office.

If no shift Lieutenant is working and a member is to be mandated, a Captain is to be contacted for approval.

The shift Lieutenant, or Captain in his absence, can use discretion if a member advises he is unable to work for a reasonable reason.

GENERAL POLICY RULES:

1. Voluntary and Involuntary Overtime Lists shall be maintained with the tracking of times and dates that employees are contacted, have accepted, refused, or been mandated overtime.
2. The Voluntary and Involuntary lists shall re-set under the seniority-based settings for shifts beginning January 1 (12:00a).
3. An attempt to disburse overtime assignments shall be made to the appropriate rank first and then move to the next list.
4. Exceptions to this Policy apply for assignments which have pre-qualification obligations (see attached list).
5. Eligibility for overtime assignments will also be affected by the number of consecutive hours an employee has worked prior to the overtime assignment. It shall be the intent to limit the total hours worked to 16 consecutive hours.
6. In the event an employee who was awarded volunteer overtime becomes unable to work said overtime, he or she must notify their immediate supervisor or Command Staff immediately. The overtime opportunity will then be filled in accordance with this Policy. At no time will employees swap or otherwise trade overtime shifts without the express approval of a member of the Command Staff.
7. No employee of a rank less than sergeant shall be utilized as "acting sergeant" to fill supervisory staffing requirements.
8. Any employee accepting "Deputy" or "Sergeant" overtime for patrol coverage or uniform supervision duties shall be mandated to be in uniform, utilizing a marked patrol vehicle, and responsible for a zone assignment subject to the orders of the employee's supervisor. Their rank responsibilities shall be handled by the employees currently on duty in that rank unless exigent circumstances exist.
9. The Command Staff shall have the discretion to direct that overtime opportunities that arise due to an emergency situation may be awarded outside the parameters of this Policy (e.g.- natural disasters such as tornado or earthquake, terrorist attacks, civil unrest, mass casualty situations, active crime scenes, etc). In such

cases, the employee awarded the overtime shall be relegated to the bottom of the Voluntary Overtime List. This provision shall only be used on an emergency basis.

10. This Policy shall be implemented on a trial basis and re-visited and subject to modification in six (6) months from the date of implementation. The Sheriff and the PBA reserves the right to terminate this Policy on written notice at the end of the trial period or any extension thereof. Upon such termination, the parties shall meet in good faith to discuss a successor procedure for canvassing overtime.
11. The exclusive remedy for any violation of this Policy shall be that the affected employee will be given preference for the next available overtime opportunity.

O.T. POLICY EXEMPTIONS LIST/CRITERIA

In acknowledgement that certain overtime assignments will require specialized training and experience, the following details shall not have accrued overtime, when acting exclusively in that capacity, affect their position on the Voluntary Overtime list:

1. Special Operations Team
2. Dive Team
3. Drone Operators
4. Drug Recognition Experts
5. School Resource Officers (when at their assigned school/district event. Any second or additional employees assigned shall be in accordance with this Policy)
6. K9 handlers
7. Firearms Instructors
8. Crash Reconstruction Unit
9. Narcotics Unit
10. EVOC Instructors

Call-in overtime for these members will be done utilizing I AM Responding (IAR).

The overtime for these members will be awarded based upon date of hire seniority, regardless of rank, unless a team leader is required.

SARATOGA COUNTY SHERIFF'S OFFICE:

Date: 3-24-25

SARATOGA COUNTY DEPUTY SHERIFFS' POLICE BENEVOLELENT ASSOCIATION:

President

Date: 2/17/25

SCSO 9.41 Form.pdf

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SARATOGA COUNTY SHERIFF'S OFFICE

Sheriff@SaratogaCountyNY.gov

MICHAEL H. ZURLO
SHERIFF

Jeffrey R. Brown
Undersheriff

Patrick M. Maswich
Chief Deputy

CFS #: _____ **Case #:** _____

EMERGENCY ADMISSION (MHL §9.41) or VOLUNTARY TRANSPORT

PERSON'S NAME (LAST, FIRST, MI): _____

SEX: _____ **DOB:** _____

ADDRESS: _____

I, _____, a police officer of the Saratoga County Sheriff's Office, have taken into custody the above-named person who appears to be mentally ill and is conducting him/herself in a manner likely to result in serious harm to him/herself or others.* I have removed or directed the removal of this person to the Saratoga Hospital emergency department.

OR

At the above-named person's request, I, _____, a police officer of the Saratoga County Sheriff's Office, have transported the above-named person to the Saratoga Hospital emergency department for a voluntary mental health evaluation.

BASIS FOR TRANSPORT: _____

_____

_____

_____

_____

_____

_____

_____

_____

*"Likely to result in serious harm" means: (a) a substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself ("other conduct" shall include the person's refusal or inability to meet his or her essential need for food, shelter, clothing, or health care, provided that such refusal or inability is likely to result in serious harm if there is not immediate hospitalization), or (b) a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

2023 Agreement with County of Fulton.pdf

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OFFICE OF THE COUNTY ATTORNEY

MICHELLE W. GRANGER, ESQ., COUNTY ATTORNEY

518.884.4770

SARATOGACOUNTYNY.GOV

40 MC MASTER ST, BALLSTON SPA, NY 12020

First Assistant Attorney
Maribeth A. Hunt, Esq.

Assistant Attorneys
Jacqualine C. Lombardo, Esq.
Nicholas M. Martin, Esq.
Andrew J. Proler, Esq.
Ann Flower E. Stitt, Esq.

SERVICE BY EMAIL NOT ACCEPTED

MEMORANDUM

DATE: August 25, 2023

TO: Michael Zurlo
Sheriff

FROM: Michelle Granger
Saratoga County Attorney's Office

SUBJECT:

Vendor Name	:	**County of Fulton**	
Vendor Address	:	2712 NY-29, Johnstown, NY 12095	
Vendor I.D. #	:	N/A	
Contract Amount	:	N/A	Per Res: 207-2023
Contract Period	:	N/A	
Contract I.D.#	:	N/A	
Purpose of Agreement	:	Share equipment and resources	

Attached, please find one fully executed copy of the above referenced contract, which had been executed by the Chairman of the Board of Supervisors on August 24, 2023.

Please send this contract to the above-named vendor.

cc: Clerk, Board of Supervisors, w/enclosure
County Auditor, without enclosure
County Administrator without enclosure

RCG
#149 of
2022

INTERMUNICIPAL AGREEMENT
SHERIFF'S OFFICE COOPERATION BETWEEN THE COUNTY OF SARATOGA AND THE COUNTY OF FULTON

This agreement is made this 24th day of August, 2023 between the **COUNTY OF SARATOGA,** a municipal corporation with its principal place of business at 6012 County Farm Road, Ballston Spa, New York, **COUNTY OF FULTON**, a municipal corporation with its principal place of business at 2712 NY-29, Johnstown, NY 12095.

RECITALS

WHEREAS, Section 119-o of the General Municipal Law permits municipal corporations to enter into agreement for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service, and

WHEREAS, the parties hereto have experienced within their jurisdictions a need for the joint response of both parties' police agency resources to deal with certain criminal acts or threats including but not limited to large scale protests, narcotics related crimes/investigations, unexpected circumstances warranting law enforcement response which overwhelms the daily staffing levels of a primary agency requiring a law enforcement response from surrounding agencies until the situation is mitigated or the primary agency can have their own resources respond and safely assume control, or other instances amounting to emergency circumstances that may be more effectively dealt with through the use of sharing resources for long term events such as natural disasters;

NOW, THEREFORE, the parties hereto do mutually agree pursuant to the terms and provisions of the Shared Services Cooperation Agreement as follows:

ARTICLE 1:

Purpose of Agreement. The purpose of this Agreement is to:

1. Formalize the relationship between the Saratoga County Sheriff's Office and the Fulton County Sheriff's Office and the use of their combined law enforcement resources.

2. Eliminate the need to follow the formal procedure set forth in General Municipal Law §209-m to request assistance from the other (party) (parties) in the form of personnel and/or equipment.

3. Provide for more efficient utilization of law enforcement resources and services; and

4. Make available to each participating entity, any resource necessary as determined by the Sheriff of Saratoga County and the Sheriff of Fulton County through mutual agreement in the event of an emergency in accordance with the provisions of this Agreement.

ARTICLE 2:

Personnel and Equipment. Each party agrees that their police department may supply personnel, equipment, and other available resources to the other upon request in the event of an emergency or investigation, if their respective Sheriff, or his designee; or Chief, or his designee, deems it appropriate. The number of personnel, if any, and the amount or type of equipment to be dispatched by the responding party shall be determined by that agency's Sheriff, or his designee; or Chief, or his designee.

ARTICLE 3:

Retained Personnel and Equipment. Each party agrees that the responding party may hold back sufficient personnel and equipment to provide adequate protection within the territory of the responding party. Should a need for the loaned personnel and equipment arise within the territory of the responding party, then the responding (party) (parties) may recall such personnel and equipment or any part thereof. The responding (party) (parties) shall inform the requesting party of its intent to withdraw from the situation.

ARTICLE 4:

Compensation. In accordance with the provisions of General Municipal Law §119-o(3)(b) each party shall be liable for salaries and other compensation due to their own employees for the time the employees are undertaking services pursuant to this Intermunicipal Agreement.

Neither party, as a requesting party, shall be obligated to compensate the responding party for services rendered by or injuries to the responding parties' personnel, or for the use or damage to the responding parties' equipment. Specifically, and without limiting the foregoing, the requesting party shall have no obligation for payment of wages or withholding for unemployment, workers' compensation, or for the payment of any other benefits to the personnel of the responding party.

ARTICLE 5:

Control of Personnel and Equipment. The Incident Commander of the requesting party shall be in command of the operation(s) under which the equipment and personnel sent by the responding party shall service; provided that the responding personnel and equipment shall be under the immediate supervision of the officer in charge of the responding party, if more than one officer responds. Command, however, may be relinquished to a ranking or senior officer of the party rendering assistance under the terms of this Agreement.

ARTICLE 6:

Privileges and Immunities. To the extent permitted by law, all the powers, duties, rights, privileges, and immunities from liability which surround the activities of any participating agency's members or agency when performing its functions within the public agency's territorial limits shall apply to the activities of that agency's members while furnishing law enforcement services outside its territorial limits under the terms of this agreement.

Specifically, pursuant to General Municipal Law §119-n(c) and §119-o, police officers assisting another local government outside their normal territorial jurisdiction shall have all powers and authority of law enforcement officers in such other jurisdiction as provided by law, including, but not limited to, the power of arrest.

ARTICLE 7:

Line of Duty Death or Injury. The effect of the death, injury, or disability of any officer who is killed, injured, or disabled outside the territorial limits of either party while in the performance of this Agreement, shall be the same as if they were killed, injured, or were to become disabled while that officer was functioning within its own territorial limits, and such injury or death shall be considered in the line of duty.

ARTICLE 8:

Liability and Indemnification. Neither party shall incur any liability or responsibility for the failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

Neither party shall be required to indemnify the other for any claim arising out of participating under this Agreement. Each party shall be responsible for defending its own respective entity in any action or dispute that arises in connection with or as a result of this Agreement and that each party will be responsible for bearing their own costs, damages, losses, expenses, and attorney's fees. Each party shall be obligated to notify the other of any claims or lawsuits received arising out of any shared service event.

Each party hereto hereby expressly waives all claims of whatever type or nature, except for gross negligence, against the other and its personnel, which may arise out of the performance of this Agreement.

ARTICLE 9:

Administration. It is the intention of the participants that no separate legal entity is created by this Agreement to carry out its provisions. To the extent this Agreement requires administration other than as set forth herein, it shall be administered by the governing bodies or an appointee of the governing bodies hereto acting as a joint board. No real or personal property shall be acquired by the participants because of this Agreement. Each party shall have equal access to the records created by the other party related to incidents responded to under this Agreement.

ARTICLE 10:

Compliance with Laws. Each participant agrees that each will comply with all applicable federal, state, and local laws, and rules and regulations applicable to the respective entities and employees in connection with the performance of this Agreement.

ARTICLE 11:

Approval, Duration and Termination. This Agreement shall not be effective until approved by a majority vote, as required by General Municipal Law §119-o, of the governing body of each party. This is the entire Agreement between the parties governing the subject matter herein and may only be changed, modified, or amended by written agreement of the parties of the authorized representatives of the parties, subject to the requirements of ARTICLE 1 of the Agreement.

ARTICLE 12:

Notices. In the event that it is necessary for (either/any) (party/parties) to transmit to (either/any) (party/parties) written notice or communications that are anticipated in accordance

with the terms and provisions of the Agreement, the same shall be considered delivered upon personal delivery and/or the same by ordinary mail to the following persons and/or addresses:

Michael H. Zurlo, Sheriff
Saratoga County Sheriff's Office
6010 County Farm Rd
Ballston Spa, NY 12020

Richard Giardino, Sheriff
Fulton County Sheriff's Office
2712 NY-29
Johnstown, NY 12095

Delivery by mail shall be considered accomplished or complete when the notice or communication is appropriately enclosed in an envelope or similar wrapping with postage attached and deposited in a receptacle maintained or owned by the United States Postal Service for the deposit or acceptance of mail.

ARTICLE 13:

Governing Law. It is understood and agreed by and between the parties that for the purposes of legal actions and/or proceedings, New York State Law shall be the governing law.

ARTICLE 14:

Assignment. This agreement may not be assigned, in whole or in part, by either party without the written consent of the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year above written.

Approved as to Form:

Saratoga County Attorney

COUNTY OF SARATOGA

By _____
Theodore T. Kusnierz, Jr, CHAIRMAN
Board of Supervisors, per Res# 207-2023
Date: 8-24-23

Approved as to Form:

Fulton County Attorney

COUNTY OF FULTON

By _____
, CHAIRMAN
Board of Supervisors

STATE OF NEW YORK)
) ss.:
COUNTY OF SARATOGA)

On the 24th day of August, in the year 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Theodore T. Kusnierz, Jr. personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

THERESE M. CONNOLLY
STATE OF NEW YORK
NOTARY PUBLIC
Qualified in Saratoga County
01C06418731
MY COMMISSION EXPIRES 06/21/2025

Therese M. Connolly
Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF FULTON)

On the 11 day of May, in the year 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared Gregory Fagan personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

BRIANA M CHITTENDEN
STATE OF NEW YORK
NOTARY PUBLIC
Qualified in Fulton County
01CH6353399
MY COMMISSION EXPIRES 01/23/2025

Briana M. Chittenden
Notary Public

BOARD OF SUPERVISORS

8/15/2023

RESOLUTION 207 - 2023

Introduced by Public Safety: Supervisors Lant, Butler, Grasso, Hammond, Raymond, Tollisen, and K. Veitch

AUTHORIZING INTERMUNICIPAL AGREEMENTS WITH THE SARATOGA COUNTY SHERIFF'S OFFICE AND PARTICIPATING MUNICIPALITIES FOR THE PURPOSE OF SHARING TACTICAL TEAM PERSONNEL, EQUIPMENT AND RESOURCES

WHEREAS, pursuant to the provisions of New York State General Municipal Law §119-o, municipal corporations are permitted to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service; and

WHEREAS, the Saratoga County Sheriff's Office maintains a Special Operations Team, Crash Reconstruction unit, UAS Unit, Marine Patrol and general police patrols; and

WHEREAS, the Saratoga County Sheriff's Office and the Fulton, Montgomery, Warren, and Washington County Sheriff's Offices have experienced within their jurisdictions a need for the sharing of resources or the need for general police back-up when dealing with certain criminal cases, scenes or investigations during which a joint response is the most effective way to respond to such situations; and

WHEREAS, our Public Safety Committee and Sheriff Zurlo have recommended that the County enter into a cooperative agreement with the Counties of Fulton, Montgomery, Warren, and Washington for the purpose of the mutual sharing of Sheriff's Office personnel, equipment and resources; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a cooperative agreement with the Counties of Fulton, Montgomery, Warren, and Washington pursuant to General Municipal Law §119-o for the purpose of the mutual sharing of Sheriff's Office personnel, equipment and resources; and; and be it further

RESOLVED, that the form and content of such agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

August 15, 2023 Regular Meeting
Motion to Adopt: Supervisor Tollisen
Second: Supervisor Barrett

AYES (19263.5): Eric Connolly (11831), Joseph Grasso (4328), Philip C. Barrett (19014.5), Jonathon Schopf (19014.5), Eric Butler (6500), Diana Edwards (819), Michael Smith (3525), Kevin Veitch (8004), Arthur M. Wright (1976), Kevin Tollisen (25662), Mark Hammond (17130), Thomas Richardson (5163), Scott Ostrander (18800), Theodore Kusnierz (16202), Ian Murray (5808), Matthew E. Veitch (14245.5), John Lawler (8208), John Lant (17361)
NOES (0):
ABSENT (36245.5): Jean Raymond (1333), Willard H. Peck (5242), Sandra Winney (2075), Tara N. Gaston (14245.5), Edward D. Kinowski (9022)

2023 Agreement with County of Montgomery.pdf

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OFFICE OF THE COUNTY ATTORNEY

MICHELLE W. GRANGER, ESQ., COUNTY ATTORNEY

518.884.4770

SARATOGACOUNTYNY.GOV

40 MC MASTER ST, BALLSTON SPA, NY 12020

First Assistant Attorney
Maribeth A. Hunt, Esq.
Assistant Attorneys
Jacqualine C. Lombardo, Esq.
Nicholas M. Martin, Esq.
Andrew J. Proler, Esq.
Ann Flower E. Stitt, Esq.

SERVICE BY EMAIL NOT ACCEPTED

MEMORANDUM

DATE: August 25, 2023

TO: Michael Zurlo
Sheriff

FROM: Michelle Granger
Saratoga County Attorney's Office

SUBJECT:

Vendor Name	:	**County of Montgomery**
Vendor Address	:	200 Clark Dr. Fultonville, NY 12095
Vendor I.D. #	:	N/A
Contract Amount	:	N/A Per Res: 207-2023
Contract Period	:	N/A
Contract I.D.#	:	N/A
Purpose of Agreement	:	Share equipment and resources

Attached, please find one fully executed copy of the above referenced contract, which had been executed by the Chairman of the Board of Supervisors on August 24, 2023.

Please send this contract to the above-named vendor.

cc: Clerk, Board of Supervisors, w/enclosure
County Auditor, without enclosure
County Administrator without enclosure

INTERMUNICIPAL AGREEMENT
SHERIFF'S OFFICE COOPERATION BETWEEN THE COUNTY OF SARATOGA AND THE COUNTY OF MONTGOMERY

This agreement is made this 24th day of August, 2023 between the **COUNTY OF SARATOGA,** a municipal corporation with its principal place of business at 6012 County Farm Road, Ballston Spa, New York, **COUNTY OF MONTGOMERY**, a municipal corporation with its principal place of business at 200 Clark Dr, Fultonville, NY 12072.

RECITALS

WHEREAS, Section 119-o of the General Municipal Law permits municipal corporations to enter into agreement for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service, and

WHEREAS, the parties hereto have experienced within their jurisdictions a need for the joint response of both parties' police agency resources to deal with certain criminal acts or threats including but not limited to large scale protests, narcotics related crimes/investigations, unexpected circumstances warranting law enforcement response which overwhelms the daily staffing levels of a primary agency requiring a law enforcement response from surrounding agencies until the situation is mitigated or the primary agency can have their own resources respond and safely assume control, or other instances amounting to emergency circumstances that may be more effectively dealt with through the use of sharing resources for long term events such as natural disasters;

NOW, THEREFORE, the parties hereto do mutually agree pursuant to the terms and provisions of the Shared Services Cooperation Agreement as follows:

ARTICLE 1:

Purpose of Agreement. The purpose of this Agreement is to:

1. Formalize the relationship between the Saratoga County Sheriff's Office and the Montgomery County Sheriff's Office and the use of their combined law enforcement resources.

2. Eliminate the need to follow the formal procedure set forth in General Municipal Law §209-m to request assistance from the other (party) (parties) in the form of personnel and/or equipment.

3. Provide for more efficient utilization of law enforcement resources and services; and

4. Make available to each participating entity, any resource necessary as determined by the Sheriff of Saratoga County and the Sheriff of Montgomery County through mutual agreement in the event of an emergency in accordance with the provisions of this Agreement.

ARTICLE 2:

Personnel and Equipment. Each party agrees that their police department may supply personnel, equipment, and other available resources to the other upon request in the event of an emergency or investigation, if their respective Sheriff, or his designee; or Chief, or his designee, deems it appropriate. The number of personnel, if any, and the amount or type of equipment to be dispatched by the responding party shall be determined by that agency's Sheriff, or his designee; or Chief, or his designee.

ARTICLE 3:

Retained Personnel and Equipment. Each party agrees that the responding party may hold back sufficient personnel and equipment to provide adequate protection within the territory of the responding party. Should a need for the loaned personnel and equipment arise within the territory of the responding party, then the responding (party) (parties) may recall such personnel and equipment or any part thereof. The responding (party) (parties) shall inform the requesting party of its intent to withdraw from the situation.

ARTICLE 4:

Compensation. In accordance with the provisions of General Municipal Law §119-o(3)(b) each party shall be liable for salaries and other compensation due to their own employees for the time the employees are undertaking services pursuant to this Intermunicipal Agreement.

Neither party, as a requesting party, shall be obligated to compensate the responding party for services rendered by or injuries to the responding parties' personnel, or for the use or damage to the responding parties' equipment. Specifically, and without limiting the foregoing, the requesting party shall have no obligation for payment of wages or withholding for unemployment, workers' compensation, or for the payment of any other benefits to the personnel of the responding party.

ARTICLE 5:

Control of Personnel and Equipment. The Incident Commander of the requesting party shall be in command of the operation(s) under which the equipment and personnel sent by the responding party shall service; provided that the responding personnel and equipment shall be under the immediate supervision of the officer in charge of the responding party, if more than one officer responds. Command, however, may be relinquished to a ranking or senior officer of the party rendering assistance under the terms of this Agreement.

ARTICLE 6:

Privileges and Immunities. To the extent permitted by law, all the powers, duties, rights, privileges, and immunities from liability which surround the activities of any participating agency's members or agency when performing its functions within the public agency's territorial limits shall apply to the activities of that agency's members while furnishing law enforcement services outside its territorial limits under the terms of this agreement.

Specifically, pursuant to General Municipal Law §119-n(c) and §119-o, police officers assisting another local government outside their normal territorial jurisdiction shall have all powers and authority of law enforcement officers in such other jurisdiction as provided by law, including, but not limited to, the power of arrest.

ARTICLE 7:

Line of Duty Death or Injury. The effect of the death, injury, or disability of any officer who is killed, injured, or disabled outside the territorial limits of either party while in the performance of this Agreement, shall be the same as if they were killed, injured, or were to become disabled while that officer was functioning within its own territorial limits, and such injury or death shall be considered in the line of duty.

ARTICLE 8:

Liability and Indemnification. Neither party shall incur any liability or responsibility for the failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

Neither party shall be required to indemnify the other for any claim arising out of participating under this Agreement. Each party shall be responsible for defending its own respective entity in any action or dispute that arises in connection with or as a result of this

Agreement and that each party will be responsible for bearing their own costs, damages, losses, expenses, and attorney's fees. Each party shall be obligated to notify the other of any claims or lawsuits received arising out of any shared service event.

Each party hereto hereby expressly waives all claims of whatever type or nature, except for gross negligence, against the other and its personnel, which may arise out of the performance of this Agreement.

ARTICLE 9:

Administration. It is the intention of the participants that no separate legal entity is created by this Agreement to carry out its provisions. To the extent this Agreement requires administration other than as set forth herein, it shall be administered by the governing bodies or an appointee of the governing bodies hereto acting as a joint board. No real or personal property shall be acquired by the participants because of this Agreement. Each party shall have equal access to the records created by the other party related to incidents responded to under this Agreement.

ARTICLE 10:

Compliance with Laws. Each participant agrees that each will comply with all applicable federal, state, and local laws, and rules and regulations applicable to the respective entities and employees in connection with the performance of this Agreement.

ARTICLE 11:

Approval, Duration and Termination. This Agreement shall not be effective until approved by a majority vote, as required by General Municipal Law §119-o, of the governing body of each party. This is the entire Agreement between the parties governing the subject matter herein and may only be changed, modified, or amended by written agreement of the parties of the authorized representatives of the parties, subject to the requirements of ARTICLE 1 of the Agreement.

ARTICLE 12:

Notices. In the event that it is necessary for (either/any) (party/parties) to transmit to (either/any) (party/parties) written notice or communications that are anticipated in accordance with the terms and provisions of the Agreement, the same shall be considered delivered upon personal delivery and/or the same by ordinary mail to the following persons and/or addresses:

Michael H. Zurlo, Sheriff
Saratoga County Sheriff's Office
6012 County Farm Rd
Ballston Spa, NY 12020

Jeffery Smith, Sheriff
Montgomery County Sheriff's Office
200 Clark Dr
Fultonville, NY 12072

Delivery by mail shall be considered accomplished or complete when the notice or communication is appropriately enclosed in an envelope or similar wrapping with postage attached and deposited in a receptacle maintained or owned by the United States Postal Service for the deposit or acceptance of mail.

ARTICLE 13:

Governing Law. It is understood and agreed by and between the parties that for the purposes of legal actions and/or proceedings, New York State Law shall be the governing law.

ARTICLE 14:

Assignment. This agreement may not be assigned, in whole or in part, by either party without the written consent of the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year above written.

Approved as to Form:

Saratoga County Attorney

COUNTY OF SARATOGA

By _____
Theodore T. Kusnierz, Jr, CHAIRMAN
Board of Supervisors
Per Res #207-2023
Date: 8-24-23

Approved as to Form:

Montgomery County Attorney

COUNTY OF MONTGOMERY

By _____
County Executive

STATE OF NEW YORK)
) ss.:
COUNTY OF SARATOGA)

On the 24th day of August, in the year 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared Theodore T. Kusmierski, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

THERESE M. CONNOLLY
STATE OF NEW YORK
NOTARY PUBLIC
Qualified in Saratoga County
01C06418731
MY COMMISSION EXPIRES 06/21/2025

Therese M. Connolly
Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF MONTGOMERY)

On the 22nd day of August, in the year 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared Matthew Osserfort, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Melissa Schaufelberg
Notary Public State of New York
Qualified In Montgomery County
No. 01SC6314804
Commission Expires November 17, 2022

Melissa Schaufelberg
Notary Public

BOARD OF SUPERVISORS

8/15/2023

RESOLUTION 207 - 2023

Introduced by Public Safety: Supervisors Lant, Butler, Grasso, Hammond, Raymond, Tollisen, and K. Veitch

AUTHORIZING INTERMUNICIPAL AGREEMENTS WITH THE SARATOGA COUNTY SHERIFF'S OFFICE AND PARTICIPATING MUNICIPALITIES FOR THE PURPOSE OF SHARING TACTICAL TEAM PERSONNEL, EQUIPMENT AND RESOURCES

WHEREAS, pursuant to the provisions of New York State General Municipal Law §119-o, municipal corporations are permitted to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service; and

WHEREAS, the Saratoga County Sheriff's Office maintains a Special Operations Team, Crash Reconstruction unit, UAS Unit, Marine Patrol and general police patrols; and

WHEREAS, the Saratoga County Sheriff's Office and the Fulton, Montgomery, Warren, and Washington County Sheriff's Offices have experienced within their jurisdictions a need for the sharing of resources or the need for general police back-up when dealing with certain criminal cases, scenes or investigations during which a joint response is the most effective way to respond to such situations; and

WHEREAS, our Public Safety Committee and Sheriff Zurlo have recommended that the County enter into a cooperative agreement with the Counties of Fulton, Montgomery, Warren, and Washington for the purpose of the mutual sharing of Sheriff's Office personnel, equipment and resources; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a cooperative agreement with the Counties of Fulton, Montgomery, Warren, and Washington pursuant to General Municipal Law §119-o for the purpose of the mutual sharing of Sheriff's Office personnel, equipment and resources; and; and be it further

RESOLVED, that the form and content of such agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

August 15, 2023 Regular Meeting
Motion to Adopt: Supervisor Tollisen
Second: Supervisor Barrett

AYES (199263.5): Eric Connolly (11831), Joseph Grasso (4328), Philip C. Barrett (19014.5), Jonathon Schopf (19014.5), Eric Butler (6500), Diana Edwards (819), Michael Smith (3525), Kevin Veitch (8004), Arthur M. Wright (1976), Kevin Tollisen (25662), Mark Hammond (17130), Thomas Richardson (5163), Scott Ostrander (18800), Theodore Kusnierz (16202), Ian Murray (5808), Matthew E. Veitch (14245.5), John Lawler (8208), John Lant (17361)
NOES (0):
ABSENT (36245.5): Jean Raymond (1333), Willard H. Peck (5242), Sandra Winney (2075), Tara N. Gaston (14245.5), Edward D. Kinowski (9022)

Organizational Chart 06.20.23.pdf

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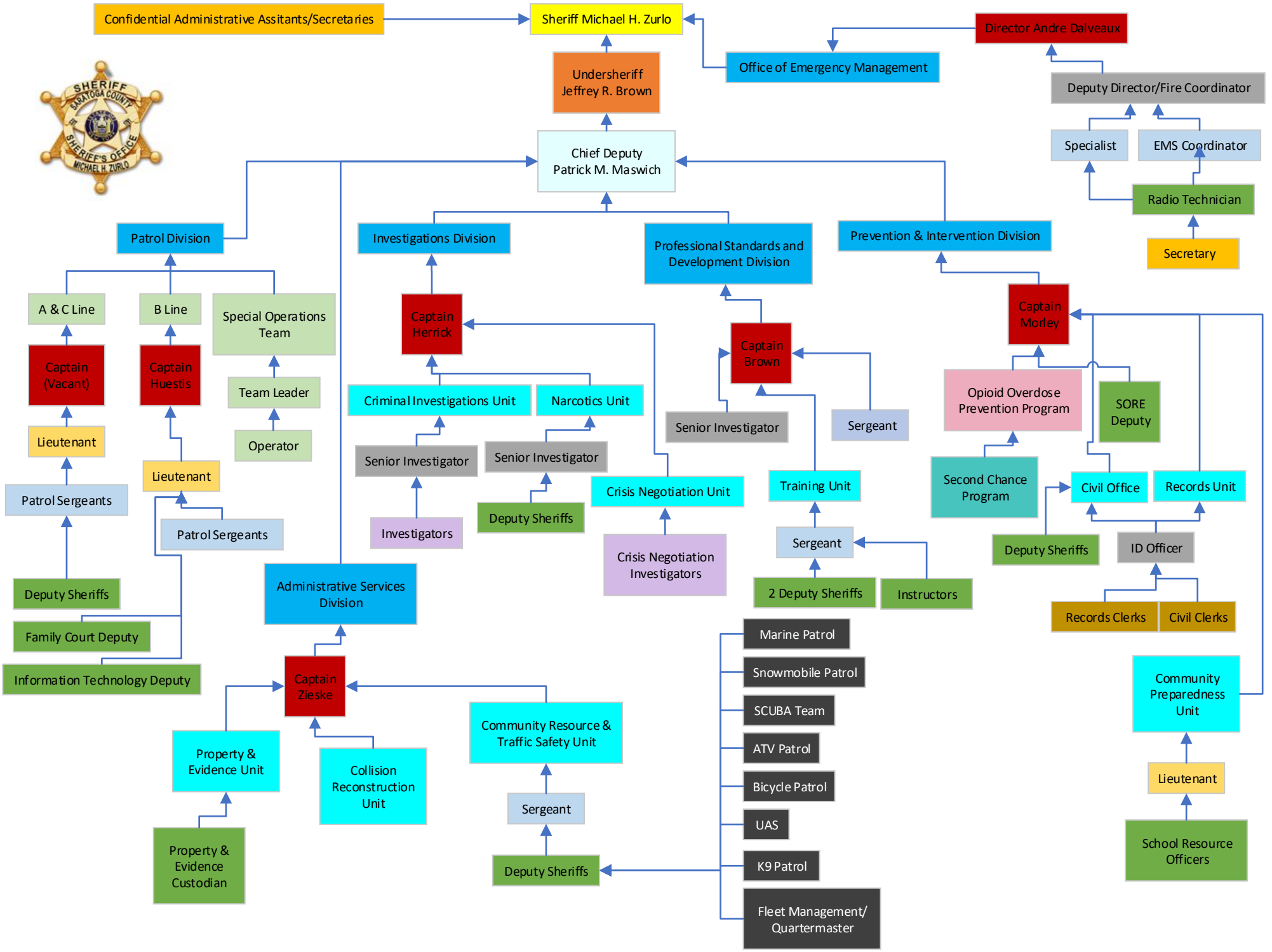
Confidential Administrative Assitants/Secretaries
Sheriff Michael H. Zurlo
Director Andre Dalveaux
Undersheriff Jeffrey R. Brown
Office of Emergency Management
Deputy Director/Fire Coordinator
Specialist
EMS Coordinator
Chief Deputy Patrick M. Maswich
Radio Technician
Secretary
Patrol Division
Investigations Division
Professional Standards and Development Division
Prevention & Intervention Division
A & C Line
B Line
Special Operations Team
Captain Herrick
Captain Brown
Captain Morley
Captain (Vacant)
Captain Huestis
Team Leader
Operator
Criminal Investigations Unit
Narcotics Unit
Senior Investigator
Sergeant
Opioid Overdose Prevention Program
SORE Deputy
Lieutenant
Lieutenant
Senior Investigator
Senior Investigator
Crisis Negotiation Unit
Training Unit
Second Chance Program
Civil Office
Records Unit
Patrol Sergeants
Patrol Sergeants
Investigators
Deputy Sheriffs
Crisis Negotiation Investigators
Sergeant
Deputy Sheriffs
ID Officer
Deputy Sheriffs
Administrative Services Division
2 Deputy Sheriffs
Instructors
Records Clerks
Civil Clerks
Family Court Deputy
Information Technology Deputy
Marine Patrol
Snowmobile Patrol
SCUBA Team
ATV Patrol
Bicycle Patrol
UAS
K9 Patrol
Fleet Management/ Quartermaster
Captain Zieske
Community Preparedness Unit
Property & Evidence Unit
Collision Reconstruction Unit
Community Resource & Traffic Safety Unit
Lieutenant
Property & Evidence Custodian
Sergeant
Deputy Sheriffs
School Resource Officers

Organizational Chart DPM 011123.pdf

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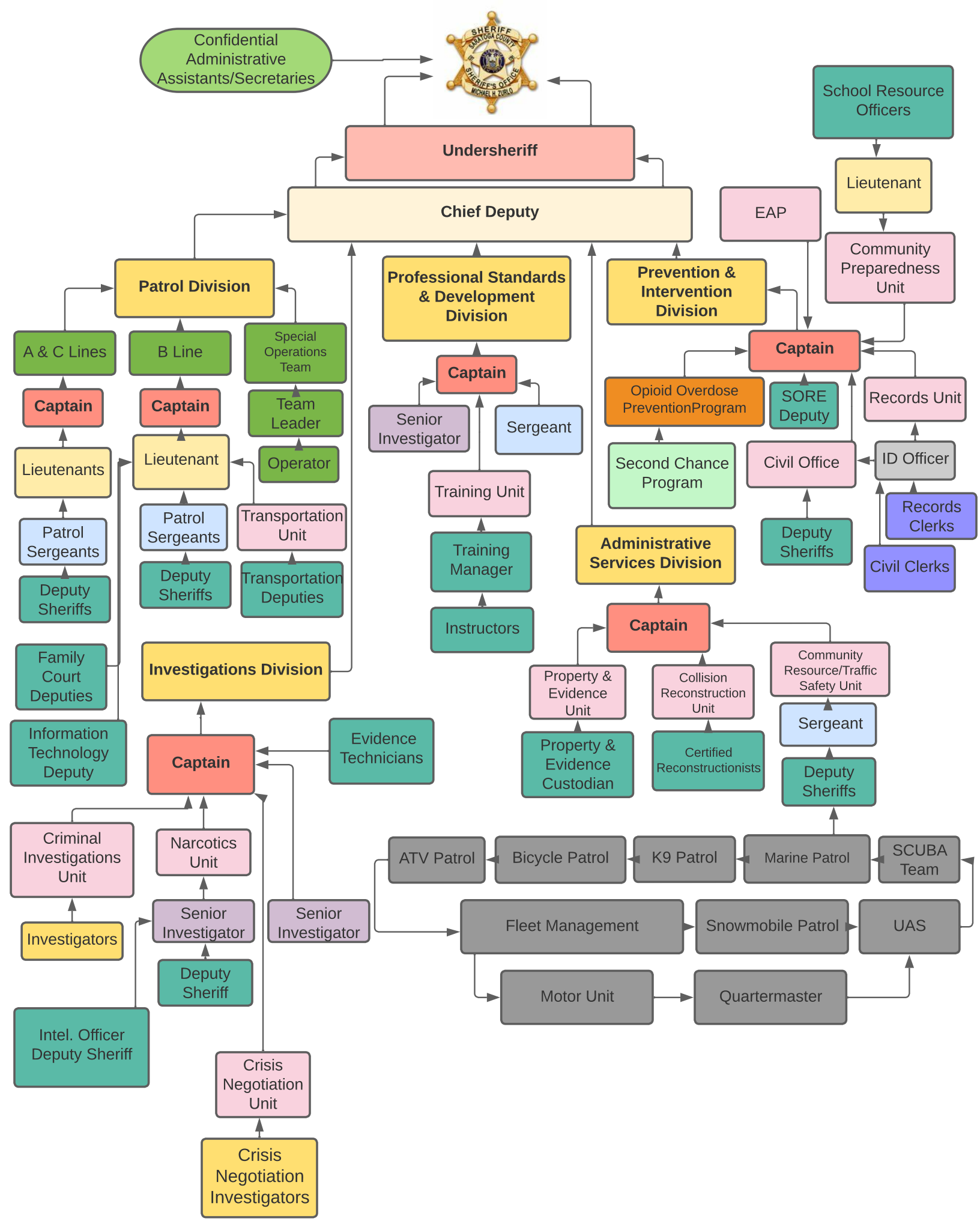
Confidential Administrative Assistants/Secretaries
Undersheriff
Chief Deputy
School Resource Officers
Lieutenant
EAP
Community Preparedness Unit
Patrol Division
Professional Standards & Development Division
Prevention & Intervention Division
A & C Lines
B Line
Special Operations Team
Captain
Captain
Captain
Captain
Opioid Overdose PreventionProgram
SORE Deputy
Records Unit
Lieutenants
Lieutenant
Team Leader
Operator
Senior Investigator
Sergeant
Second Chance Program
Civil Office
ID Officer
Patrol Sergeants
Patrol Sergeants
Transportation Unit
Training Unit
Records Clerks
Deputy Sheriffs
Deputy Sheriffs
Transportation Deputies
Training Manager
Administrative Services Division
Deputy Sheriffs
Civil Clerks
Instructors
Captain
Family Court Deputies
Investigations Division
Property & Evidence Unit
Collision Reconstruction Unit
Community Resource/Traffic Safety Unit
Information Technology Deputy
Captain
Evidence Technicians
Property & Evidence Custodian
Certified Reconstructionists
Sergeant
Deputy Sheriffs
Criminal Investigations Unit
Narcotics Unit
ATV Patrol
Bicycle Patrol
K9 Patrol
Marine Patrol
SCUBA Team
Investigators
Senior Investigator
Senior Investigator
Fleet Management
Snowmobile Patrol
UAS
Deputy Sheriff
Motor Unit
Quartermaster
Intel. Officer Deputy Sheriff
Crisis Negotiation Unit
Crisis Negotiation Investigators

SCSO Vehicle Inventory.pdf

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Saratoga County Sheriff's Office

MOTOR VEHICLE INVENTORY FORM

CFS # _____

Case # _____

Arrest # _____

MAKE: _____ **MODEL**:_____ **TYPE**:_____ **COLOR**:_____ **BODY STYLE**:_____

REGISTRATION:_____ **STATE**: _____ **VIN**:_____

OPERATOR: _____ **LICENSE** :_____ **STATE**:_____

ADDRESS: _____ _____
(street) (city) (state) (phone)

REGISTERED OWNER: _____

ADDRESS: _____ _____
(street) (city) (state) (phone)

TOWED FROM (exact location): _____ DATE: _____ TIME: _____

TOWED BY (towing firm) : _____ **TOWED TO**(storage location)_____

REASON FOR TOW:

☐ARREST ☐ PARKING VIOLATION ☐M/V VIOLATION

☐ABANDONED ☐ STOLEN ☐ACCIDENT ☐ OTHER (EXPLAIN) _____

VISIBLE DAMAGE BEFORE TOW: _____

PROPERTY NOTED MISSING (hubcaps, battery, etc.): _____

INVENTORY OF VEHICLE CONTENTS including TRUNK (description of property & location found/use back if needed):

_____

_____

_____

_____

_____

VEHICLE KEYS: ☐ w/ tow company ☐ w/ owner ☐ held as evidence ☐ held for safe keeping

LOCATION OF INVENTORY: _____**DATE**: _____ **TIME**: _____

NAME & SIGNATURE OF TOW OPERATOR: _____, _____
(print name) (signature)

PROPERTY BROUGHT TO POLICE STATION FOR SAFEKEEPING OR AS EVIDENCE (including keys):

_____

PROPERTY TAG#_____ **EVIDENCE TAG#** _____

REPORTING OFFICER: _____ **DATE**: _____ **TIME**: _____

OFFICER IN CHARGE: _____ **REVIEWED BY**: _____

1194 affidavit.pdf

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(SUPREME) (COUNTY) Court

IN THE MATTER OF THE APPLICATION OF

AFFIDAVIT

_____
(Name of Applicant)
FOR AN ORDER TO COMPEL

_____
(Name of Arrestee)
TO SUBMIT TO A CHEMICAL TEST OR TESTS,
PURSUANT TO VTL SECTION 1194(3)

State of New York
County of Saratoga

_____, being duly sworn, deposes and says that:
(Name of Officer-Applicant)

1. I am a Police Officer employed by _____ and at _____( )am ( )pm
(police agency) (time)
on _____, 20__, placed, _____ under lawful arrest for violating
(arrestee)
subdivision(s) _____ of section 1192 of the Vehicle and Traffic Law. I make this affidavit in support of an application for an order to compel the arrestee to submit to a chemical test or tests, pursuant to Section 1194(3) of the Vehicle and Traffic Law.

2. I have reasonable cause to believe the arrestee was the operator of a motor vehicle, to wit, a _____registered in the State of _____, bearing license plate number _____because_____
_____.

In the course of such operation a person other than the operator was *(killed)* or *(suffered serious physical injury)* as defined by the Penal Law Section 10.00, in that said person (*describe nature and extent of injuries).*_____
_____.

3. A breath test administered by a police officer in accordance with Section 1194(1)(b) (Field Breath Test) of the Vehicle and Traffic Law indicates that alcohol has been consumed by the arrestee

-or-

Based on the following facts, there is reasonable cause to believe that the arrestee was operating a motor vehicle in violation of Section 1192 of the Vehicle and Traffic Law *(describe specific circumstances indicating violation)*

_____
_____

4. After being placed under lawful arrest for _____ in violation of Vehicle and Traffic Law Section 1192, subsection_____, the arrestee refused to submit to a chemical test in accordance with the provisions of Vehicle and Traffic Law Section 1194, to wit: *(describe circumstances of arrest and refusal)*

_____

_____

-or-

After being placed under lawful arrest, the arrestee is unable to give consent to a chemical test in accordance with Vehicle and Traffic Law Section 1194 because *(describe incapacity)*

_____

_____

WHEREFORE, it is respectfully requested that the court issue an order requiring the arrested to submit to a chemical test or tests of his/her blood to determine the alcoholic and/or drug content of his/her blood and directing a person designated by Vehicle and Traffic Law Section 1194(4)(a) to withdraw a blood sample form the arrested for the purpose of determining the alcoholic and/or drug content thereof.

Sworn to before me this

_____day of _____, 20__

_____
Officer-Applicant (signature)

_____
Notary

_____
Officer-Applicant (print name)

** STRIKE OUT ALL THAT IS NOT APPLICABLE**

(Supreme) (County) Court
County of Saratoga

In the Matter of the Application of

ORDER COMPELLING SUBMISSION TO A CHEMICAL TEST OR TESTS

_____,
(Name of Officer-Applicant)

For an Order to Compel

_____,
(Name of Arrestee)

To Submit To A Chemical Test or Tests, Pursuant to V.T.L. Section 1194(3).

Upon the application (affidavit) _____sworn to_____,
(Officer-Applicant) (date)
20____, for an order pursuant to section 1194(3) of the Vehicle and Traffic Law to require _____ to submit to a chemical test or tests, and sufficient reason appearing
(Name of Arrestee)
therefore, it is;

ORDERED that the arrestee submit to a chemical test or tests of his/her blood for the purpose of determining the alcoholic and/or drug content of his/her blood and it is further

ORDERED that the arrestee allow withdrawal of his/her blood and it is further

ORDERED that a person authorized pursuant to section 1194(4)(a) of the Vehicle and Traffic Law, and employed at_____withdraw 20 milliliters of blood from the
(Name of medical facility)
arrestee for the purpose of conducting such chemical test.

ENTER
_____, New York
(Location)
Date: _____,20_____
Time:_____( )am ( )pm

Judge _____
(signature)
Officer-Applicant _____
(If issued orally by Judge) (signature)
Officer-Applicant_____
(print name)

STRIKE OUT ALL THAT IS NOT APPLICABLE

SCSO Photo array form.pdf

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SARATOGA COUNTY SO PHOTO ARRAY FORM

WITNESS INSTRUCTIONS

READ THE FOLLOWING TO THE WITNESS <u>PRIOR</u> TO SHOWING THE PHOTO ARRAY

- ☐ With your consent, the procedure may be recorded using video or audio.
  Do you consent to recording? Video and Audio Δ Audio Only Δ No Δ Initial: _____
- ☐ 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 identification procedure.*)
- ☐ It consists of six photographs of individuals. Each photograph has a number associated with the photograph.
- ☐ Take whatever time you want to view the photo array.
- ☐ The perpetrator may or may not be pictured.
- ☐ Do not assume that I know who the perpetrator is.
- ☐ I want you to focus on the photo array and not look to me or anyone else in the room for guidance about making an identification 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.
- ☐ If you do make an identification I will ask you to describe your level of confidence about that identification using your own words. This question is not intended to suggest how certain or uncertain you might be about an identification. Every witness who makes an identification is asked this question.
- ☐ After you have had an opportunity to view the photo array I will ask you the following questions:
  1. Do you recognize anyone?
  2. If you do, what is the number of the photograph you recognize?
  3. From where do you recognize the person?
  4. **ONLY IF AN ID IS MADE:** Without using numbers, how sure are you?
- ☐ I may ask follow up questions.
- ☐ The investigation will continue regardless of whether or not you make an identification.
- ☐ **<u>DO NOT</u> discuss with other witnesses what you see, say or do during this procedure.**

WITNESS MUST SIGN

The above instructions have been read to me._____Date:_____

THIS PAGE OF THE FORM **MUST NOT** BE SHOWN TO THE WITNESS

SARATOGA COUNTY SO PHOTO ARRAY CASE INFORMATION SHEET

Complaint or Case Report #:_____Crime Date & Location: _____

Photo Array Date:_____Time:_____Location:_____

Crime Committed:_____Witness' Name: _____

Was Witness Transported? Yes □ No □

Transporting Officer: _____

Rank:_____Command:_____ID #: _____

Photo Array Administrator: _____

Rank:_____Command:_____ID #: _____

Investigating Officer: _____

Rank:_____Command:_____ID #: _____

Interpreter Present? Yes □ No □ Name: _____

Was the procedure video recorded? Video Only □ Audio & Video □ Audio Only □ No □

The original photo array MUST be preserved.
Attach a copy of the photo array to this form and provide the information below, if available.

Position	Name	NYSID (where applicable)	Date of Photo
1			
2			
3			
4			
5			
6			

Suspect's name:_____D.O.B._____Position:__ Was any photo altered? Yes □ No □

If yes, which? _____

Describe the alteration: _____

Comments: _____

Signature of Administrator: _____Date: _____

SARATOGA COUNTY SO PHOTO ARRAY FORM

SHOWING THE PHOTO ARRAY

Witness:_____ Administrator: _____

Procedure conducted: Δ blind Δ blinded

If blinded, indicate method: Δ One-person shuffle Δ Two-person shuffle Δ Other: _____

Instructions to the administrator showing the photo array:

- Remain neutral. Do not comment on the identification before, during or after the identification procedure. When inviting the witness, avoid addressing whether or not a person is in custody.
- Provide the photo array(s) in an envelope or folder (or in three sealed envelopes if using the "one person shuffle" method) 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.
- Where practicable and where consent has been given, video or audio record the entire procedure.
- If video or audio recording, obtain consent from the witness.
- Complete the entire CASE INFORMATION SHEET that accompanies this form.

AFTER THE WITNESS HAS VIEWED THE ARRAY, ASK THE FOLLOWING QUESTIONS

⌋ Did you recognize anyone in the photo array? _____

- **If the answer to the preceding question is negative, STOP and go to the signature line.**
- **If the answer is positive, proceed to the next question:**

⌋ If so, what is the number of the photograph that you recognize? _____

⌋ From where do you recognize that person? _____

Record the words and gestures of the witness: _____

_____

_____

CONFIDENCE STATEMENT

Without using numbers, how sure are you? _____

_____

_____

Date: _____Time:_____ Witness Signature: _____

SCSO Line up form.pdf

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SARATOGA COUNTY S.O. LINE-UP FORM

WITNESS INSTRUCTIONS

READ THE FOLLOWING TO THE WITNESS <u>PRIOR</u> TO SHOWING THE LINE-UP

- ☐ With your consent, the procedure may be recorded using video or audio.
  Do you consent to recording? Video and Audio Δ Audio Only Δ No Δ Initial: _____
- ☐ As part of our on-going investigation into a crime that occurred at (*location*) on (*date*) you are about to view a line-up. (*Use similarly neutral language to invite witness to the identification procedure.*)
- ☐ You will look through a one-way mirror and see six people in the line-up. They will not be able to see you.
- ☐ There will be a number associated with each person on the other side of the mirror.
- ☐ Take whatever time you want to view the line-up.
- ☐ The perpetrator may or may not be present.
- ☐ Do not assume I know who the perpetrator is.
- ☐ I want you to focus on the lineup and not look to me or anyone else in the room for guidance about making an identification during the procedure.
- ☐ Individuals presented in the line-up 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.
- ☐ Members of the line-up can be requested to speak, move, or change clothing.
- ☐ If one line-up member is asked to speak, move, or change clothing, then all the line-up members will be asked to do the same.
- ☐ If you do make an identification I will ask you to describe your level of confidence about that identification using your own words, without the use of numbers. This question is not intended to suggest how certain or uncertain you might be about an identification. Every witness who makes an identification is asked this question.
- ☐ After you have had an opportunity to view the line-up I will ask you the following 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?
  4. **ONLY IF AN ID IS MADE:** Without using numbers, how sure are you?
- ☐ I may ask follow up questions.
- ☐ The investigation will continue regardless of whether or not you make an identification.
- ☐ **<u>DO NOT</u> discuss with other witnesses what you see, say or do during this procedure.**

WITNESS MUST SIGN

The above instructions have been read to me._____Date:_____

THIS PAGE OF THE FORM **MUST NOT** BE SHOWN TO THE WITNESS

SARATOGA COUNTY S.O. LINE-UP CASE INFORMATION SHEET

Complaint or Case Report #:_____ Crime Date & Location: _____

Line-up Date:_____ Time:_____ Location:_____

Crime Committed:_____ Witness' Name: _____

Was Witness Transported? Yes □ No □

Transporting Officer: _____

Rank:_____ Command:_____ ID #: _____

Line-up Administrator: _____

Rank:_____ Command:_____ ID #: _____

Investigating Officer: _____

Rank:_____ Command:_____ ID #: _____

Security Officer: _____

Rank:_____ Command:_____ ID #: _____

Asst. District Attorney Present? Yes □ No □

Name of ADA:_____ Phone #: _____

Interpreter Present? Yes □ No □ Name: _____

Was the procedure video recorded? Video Only □ Audio & Video □ Audio Only □ No □ Line-up photograph taken? Yes □ No □ Witness initialed? Yes □ No □

Position	Name	Number Held	Age	Height	Weight
1					
2					
3					
4					
5					
6					

Suspect's name:_____ D.O.B._____ Position:_____

Comments: _____

Signature of Administrator:_____Date: _____

SARATOGA COUNTY S.O. LINE-UP FORM

RUNNING THE LINE-UP AND RESULTS

Witness:_____ Administrator: _____

Instructions to the administrator conducting the line-up:

- Remain neutral. Do not comment on the identification before, during or after the identification procedure. When inviting the witness, avoid addressing whether or not a person is in custody.
- After instructing the witness, stand away and out of the witness' line of sight, while still being able to observe and hear the witness.
- Where practicable and where consent has been given, video or audio record the entire procedure.
- If video or audio recording obtain consent from the witness.
- A photo should be taken of the line-up and the witness should sign the photo to attest that it represents the line-up that they viewed.
- Introduce by name all individuals present in the viewing room to the witness.
- Tell the witness when the identification procedure will begin, (e.g. "You will now look through the one way mirror.")
- If there is a need to have a line-up member speak, move, change clothing, or some other activity, then all the line-up members must do the same activity.
- Complete the entire CASE INFORMATION SHEET that accompanies this form.

AFTER THE WITNESS HAS VIEWED THE LINE-UP, ASK THE FOLLOWING QUESTIONS

⌋ Did you recognize anyone in the line-up? _____

- **If the answer to the preceding question is negative, STOP and go to the signature line.**
- **If the answer is positive, 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 the words and gestures of the witness: _____

_____

CONFIDENCE STATEMENT

Without using numbers, how sure are you? _____

_____

Date: _____Time:_____ Witness Signature: _____

SARATOGA COUNTY S.O. LINE-UP FORM

SUSPECT'S COUNSEL SHEET

Suspect's attorney present? Yes ∆ No ∆

Suspect's attorney: _____Telephone: _____

The suspect's attorney was instructed ***not*** to speak while in the viewing room with the witness.

Yes ∆ No ∆

If suspect's attorney makes requests about the line-up, record the request and whether the request was agreed to or refused:

1. Request:_____

   Agreed ∆ Refused ∆

   Reason for refusal? _____

   _____

2. Request:_____

   Agreed ∆ Refused ∆

   Reason for refusal? _____

   _____

3. Request:_____

   Agreed ∆ Refused ∆

   Reason for refusal? _____

   _____

SCSO Identification Procedures.pdf

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Saratoga County Sheriff's Office

Photo Arrays and Line-ups Identification Procedures and Forms Adopted by the Saratoga County Sheriff's Office from the Protocol created by the NYS Division of Criminal Justice Services Pursuant to Executive Law 837 (21) and Adopted by the MPTC in June 2017

Saratoga County Sheriff's Office Identification Procedures

I Purpose

In 2017 New York State's Criminal Procedure Law (CPL) was amended to permit the admissibility of photo array evidence where the procedures were conducted with safeguards to ensure accuracy. As a result of these changes, the prosecution is permitted to introduce testimony in a direct case by the person who made a photo identification – **so long as the procedure is conducted in a blind or blinded manner.** The protocols outlined here were developed to further structure the administration in a method and manner designed to ensure fair and reliable eyewitness identification procedures. This procedure was created from the protocol created by the NYS Division of Criminal Justice Services and adopted by the Municipal Police Training Council in June 2017 by and for the use of members of the *Saratoga County Sheriff's Office*.

II Photo Arrays

A. Selection of fillers

1. Fillers should be similar in appearance to the suspect in the array.

2. While ensuring that the array is not unduly suggestive, the original description of the suspect should be taken into account when selecting fillers to be used.

3. Similarities should include gender, clothing, facial hair, race, age, height, extraordinary physical features, or other distinctive characteristics.

4. An administrator should not use a filler if the administrator is aware that the filler is known to the witness.

5. There should be at least five fillers, in addition to the suspect.

6. Only one suspect should be in each array.

7. If there is more than one suspect, then different fillers should be used in separate arrays for each suspect.

8. Photo quality, color and size should be consistent. Administrators should ensure that the photos do not contain any stray markings or information about the subject. Color and black and white photos should not be mixed.

9. Any identifying information contained on any of the photos should be covered and those areas of the other photos used should be similarly covered.

B. Inviting the witness to view the array

1. When a suspect is known and the investigator calls a witness to arrange for

the viewing of a photo array, the investigator should simply advise the witness that he/she intends to conduct an identification procedure and should not say anything about the suspect. For example, the investigator should say to the witness: "We'd like you to come in to view a photo array in connection with the crime committed on (*date and location*)."

2. The investigator should avoid addressing whether or not a person is in custody.

3. Investigators should give no opinion on their perception of the witness's ability to make an identification.

4. Investigators should not inform the witness about any supporting evidence such as confessions, other identifications, or physical evidence that may have been obtained.

5. Witnesses should be prevented from speaking to the victim and any other witnesses about the identification procedure when they arrive to view the array.

C. Instructions to witness

1. Consideration should be given to providing written instructions to the witness. The instructions should be communicated in various languages when appropriate. The instructions should be read to the witness and signed by the witness after being read.

2. Before the procedure begins, the administrator should tell the witness what questions will be asked during the identification procedure.

3. The investigator should tell the witness that as part of the ongoing investigation into a crime that occurred on (*date*) at (*location*) the witness is being asked to view the photo array to see if the witness recognizes anyone involved with the crime.

4. These instructions let the witness know that they should not seek assistance from the administrator in either making a selection or confirming an identification. They also address the possibility of a witness feeling any self-imposed or undue pressure to make an identification. The instructions are as follows:

   a. The perpetrator may or may not be pictured.

   b. Do not assume I know who the perpetrator is.

   c. I want you to focus on the photo array and not to ask me or anyone else in the room for guidance about making an identification during the procedure.

5. Instructions to the witness about the quality of the photographs.
    a. 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.

    b. Photographs may not always depict the true complexion of a person; it may be lighter or darker than shown in the photo.

    c. Pay no attention to any markings that may appear on the photos, or any other differences in the type or style of the photographs.

6. The witness should be informed that if they make an identification at the conclusion of the procedure they will be asked to describe their level of confidence about that identification in their own words and should avoid using a numerical scale of any kind. Inform the witness that this question is not intended to suggest how certain or uncertain he/she might be about an identification. Every witness who makes an identification is asked this question.

7. The witness should be advised that the investigation will continue regardless of whether or not they make an identification.

8. Where the procedure is to be recorded by the use of audio or video, the witness should be informed prior to the start of the procedure, and their consent should be requested prior to the recording.

    a. The witness should sign the form indicating their consent or lack of consent.

    b. If the witness does not consent, the officer should not record the procedure.

D. Administering the procedure

1. Photo arrays must always be conducted using either a "blind procedure" or "blinded procedure". A "blind" procedure is preferable, where circumstances allow and it is practicable.

2. If the procedure is blinded, the administrator should handle and display the array so that the administrator does not know suspect's position in the array until the procedure has completed.

3. Two methods that can be used to successfully accomplish a blinded procedure are:

a. "Two person shuffle" – the array is assembled by someone other than the administrator and then it is placed into an unmarked folder for the administrator.

b. "One person shuffle" – multiple arrays are created by the administrator and the suspect's position is different in each. Three sealed envelopes containing the arrays are provided to the witness who selects one to use. The envelopes should be identical and free of any markings. The witness should sign and date the two unused envelopes across the seal. These envelopes should also be preserved.

4. Regardless of the method of administration that is to be used, the administrator should be positioned in such a way so that they are not in the witness' line of sight during the viewing of the array. Where practicable, the administrator should still be able to view the witness and hear what they say.

5. If there are multiple witnesses viewing the array, they should be prevented from speaking to each other about the identification procedure before, during, and after the process.

6. The witnesses must view the array separately. Multiple copies of the same array may be used for the same suspect for each new witness viewing the array.

7. To protect the integrity of the identification procedure, the administrator must remain neutral so as not to, even inadvertently, suggest a particular photograph to the witness.

8. Attention should be given to the location of the procedure so that the witness is not influenced by items in the room such as wanted posters or BOLO (be on the lookout) information.

9. Generally, it is not advisable for a witness to be involved in multiple procedures involving the same suspect.

E. Post viewing questions

1. After viewing the array ask the witness the following questions:

a. Do you recognize anyone?

b. If so, what number photograph do you recognize?

c. From where do you recognize the person?

2. If the witness' answers are vague or unclear, the administrator will ask the witness what he or she meant by the answer.

3. Confidence Statement

   a. Ask the witness to describe his/her certainty about any identification that is made.

   b. Ask the witness to use his/her own words without using a numerical scale. For example, say, "Without using numbers, how sure are you?"

F. Documentation

1. Document any changes made to any of the photographs used.

2. Document where the procedure took place, who was present, the date and time it was administered.

3. Preserve the photo array in the original form that was shown to each witness.

4. Each witness should complete a standardized form after viewing the array and the actual array used should be signed and dated by each witness.

5. Recording the Procedure

   a. The entire identification procedure should be memorialized and documented. Where practicable and where the witness' consent has been gained the procedure should be memorialized using audio or video recording.

   b. Where the procedure is to be recorded by the use of audio or video, the witness' consent should be obtained and documented on a form prior to recording. If the witness does not consent to the recording, the officer should not record the identification procedure and should request that the witness sign a form saying he/she refused to be recorded.

   c. Audio or video recording may not always be possible or practicable. Some reasons that may prevent the identification procedure from being recorded include, but are not limited to:

      (i) If it is law enforcement's belief that such recording would jeopardize the safety of any person or reveal the identity of a confidential informant;

(ii) recording equipment malfunctions;

(iii) recording equipment is not available because it was otherwise being used;

(iv) the identification procedure is conducted at a location not equipped with recording devices and the reasons for using that location are not to subvert the intent of this policy;

(v) inadvertent error or oversight occurs that was not the result of intentional conduct of law enforcement personnel; or

(vi) a lack of consent from the witness.

6. Any physical or verbal reaction to the array should be memorialized in a standardized manner. If this is done in writing, anything said by the witness should be verbatim.

7. The confidence statement should be documented verbatim.

8. Where an identification is made, complete a CPL 710.30 Notice. Note: Failure to provide this notice could prevent its use in court.

G. Speaking with the witness after the procedure

1. The administrator, or other appropriate person, should document the statements, comments or gestures of the witness regarding the identification procedure before talking with the witness about next steps.

2. Once the identification procedure is concluded and documented, the administrator can talk to the witness about how the case will proceed or what the next steps in the case may be.

3. The administrator should not comment or make gestures on the identification itself by saying things such as: "Great job" or "We knew you would recognize him" or even nodding his/her head in agreement.

4. The witness should be told not to discuss what was said, seen, or done during the identification procedure with other witnesses, nor should the investigator discuss any other identification procedures with the witness.

H. All members who will be involved in the administration of a photo array shall receive training on how to properly administer photo arrays.

III Live Line-ups

A. Selection of fillers

1. Fillers should be similar in appearance to the suspect in the line-up.

2. While ensuring that the array is not unduly suggestive, the original description of the suspect should be taken into account when selecting fillers to be used.

3. Similarities should include gender, clothing, facial hair, race, age, height, extraordinary physical features, or other distinctive characteristics.

4. An administrator should not use a filler if the administrator is aware that the filler is known to the witness

5. Where practicable there should be five fillers, in addition to the suspect, but in no case, should there be less than four fillers used.

6. Only one suspect should appear per line-up.

7. If necessary, all members of the line-up should be seated to minimize any differences in height.

8. If there is more than one suspect, then different fillers should be used in separate line-ups for each suspect.

9. The suspect should be allowed to pick his position within the line-up. If a prior identification was made using a photo array that number should be avoided unless insisted upon by the suspect.

10. The fillers must be instructed not to speak with each other or make unnecessary gestures. All members of the line-up should be instructed to remain still, hold the placard, and look forward unless instructed otherwise by the security officer.

B. Inviting the witness to view the line-up

1. When an investigator calls a witness to arrange for the witness to view a line-up, the investigator should simply ask the witness to come in for the identification procedure and should not say anything about the suspect. For example, the investigator should say to the witness: "We'd like you to come in to view a line-up in connection with the crime you witnessed on (*date and location*)."

2. Investigators should give no opinion on their perception of the witness' ability to make an identification.

3. The investigator should avoid addressing whether or not a person is in custody.

4. Investigators should not inform the witness about any supporting evidence such as confessions, other IDs, or physical evidence that may have been obtained.

5. Witnesses should be prevented from speaking to the victim or any other witnesses about the identification procedure when they arrive to view the line-up.

C. Instructions to witness

1. Consideration should be given to providing written instructions to the witness. The instructions should be communicated in various languages when appropriate. The instructions should be read to the witness and signed by the witness after being read.

2. Before the procedure begins, the administrator should tell the witness what questions will be asked during the identification procedure.

3. The investigator should tell the witness that as part of the ongoing investigation into a crime that occurred on (*date*) at (*location*) the witness is being asked to view the line-up to see if the witness recognizes anyone involved with that crime

4. These instructions let the witness know that they should not seek assistance from the administrator in either making a selection or confirming an identification. They also address the possibility of a witness feeling any self-imposed or undue pressure to make an identification. The instructions are as follows:

   a. The perpetrator may or may not be present.

   b. Do not assume I know who the perpetrator is.

   c. I want you to focus on the line-up and not to ask me or anyone else in the room for guidance about making an identification during the procedure.

   d. Individuals presented in the line-up 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.

5. Instructions to the witness about line-up members moving, speaking, or changing clothing:

a. Consideration should be given to telling the witness that the line-up members can be asked to speak, move or change clothing, if requested.

b. If one line-up member is asked to speak, move, or change clothing then all the line-up members will be asked to do the same.

6. The witness should be informed that if they make an identification at the conclusion of the procedure they will be asked to describe their level of confidence about that identification in their own words and should avoid using a numerical scale of any kind. Inform the witness that this question is not intended to suggest how certain or uncertain he/she might be about an identification. Every witness who makes an identification is asked this question.

7. The witness should be advised that the investigation will continue regardless of whether or not they make an identification.

8. Where the procedure is to be recorded by the use of audio or video, the witness should be informed prior to the start of the procedure, and their consent should be requested prior to the recording.

a. The witness should sign the form indicating their consent or lack of consent.

b. If the witness does not consent, the officer should not record the procedure.

D. Administering the procedure

1. Where practicable, taking into account resource limitations, a blind procedure should be used to conduct and administer a line-up, but is not required.

2. After the instructions are given, the administrator – whether the procedure is to be conducted blind or not – should stand away from the witness during the line-up, in a neutral manner, while still being in a position to observe the witness. The key is for the administrator to stand outside the witness' line of sight while the witness is viewing the line-up. This will reduce any inclination by the witness to look at the administrator for guidance.

3. Generally, it is not advisable for a witness to be involved in multiple procedures involving the same suspect.

4. Witnesses must view the line-up separately.

5. If there are multiple witnesses viewing the line-up, they should be prevented from speaking to each other about the identification procedure before, during, and after the process.

6. The position of the suspect should be moved each time the line-up is shown to a different witness, assuming the suspect and/or defense counsel agree.

7. Attention should be given to the selection of a neutral location for the procedure so that the witness is not influenced by items in the room such as wanted posters or BOLO (be on the lookout) information.

8. The security officer who is monitoring the suspect and fillers in the line-up room should remain out of view of the witness. This will eliminate the potential for any claims of inadvertent suggestions by the security officer and it also removes the potential for distracting the witness as the line-up is being viewed.

E. Post-viewing questions

1. After viewing the line-up the witness should be asked:

   a. Do you recognize anyone?

   b. If so, what is the number of the person that you recognize?

   c. From where do you recognize the person?

2. If the witness' answers are vague or unclear, the administrator will ask the witness what he or she meant by the answer.

3. Confidence statement

   a. Ask the witness to describe his/her certainty about any identification that is made.

   b. Ask the witness to use his/her own words without using a numerical scale. For example, say, "Without using numbers, how sure are you?"

F. Documenting the procedure

1. Recording the Procedure

a. The entire identification procedure should be memorialized and documented. Where practicable and where the witness' consent has been gained the procedure should be memorialized using audio or video recording.

b. Where the procedure is to be recorded by the use of audio or video, the witness' consent should be obtained and documented by the use of a form prior to recording. If the witness does not consent to the recording, the officer should not record the identification procedure and should request that the witness sign a form saying he/she refused to be recorded.

c. Audio or video recording may not always be possible or practicable. Some reasons that may prevent the identification procedure from being recorded include, but are not limited to:

(i) If it is law enforcement's belief that such recording would jeopardize the safety of any person or reveal the identity of a confidential informant;

(ii) recording equipment malfunctions;

(iii) recording equipment is not available because it was otherwise being used;

(iv) the identification procedure is conducted at a location not equipped with recording devices and the reasons for using that location are not to subvert the intent of this policy.

(v) inadvertent error or oversight occurs that was not the result of intentional conduct of law enforcement personnel; or

(vi) a lack of consent from the witness.

d. The line-up should be preserved by photograph. The witness should sign the photograph to verify that it is the line-up that he or she viewed.

2. Any physical or verbal reaction to the line-up should be memorialized in a standardized manner. If this is done in writing, anything said by the witness should be verbatim.

3. The confidence statement should be documented verbatim.

4. Document where the procedure took place, who was present, the date and time it was administered.

5. Anything the line-up members are asked to do (e.g., speak, move, or change clothing) must be documented.

6. Document all people in the viewing room with the witness and the line-up room with the suspect.

7. Document the officer or person who escorts the witnesses to and from the line-up room.

8. Document requests made by the defense counsel and whether they were granted, and if not, why not. Reasonable requests from defense counsel should be honored and documented. Any defense request for a change in the line-up that is not, or cannot be, honored must also be documented.

9. Where an identification is made, complete a CPL 710.30 Notice. Note: Failure to provide notice of the identification could prevent its use in court.

G. Defendant's right to counsel

1. There are circumstances where during a line-up a suspect may have a defense attorney present.

2. Investigators should consult with their District Attorney's Office for guidance regarding a defendant's right to counsel.

3. When in attendance, the defense attorney must be instructed not to speak in the viewing room when the witness is present.

H. Speaking with the witness after the procedure

1. The administrator, or other appropriate person, should document the statements, comments or gestures of the witness regarding the identification procedure before talking with the witness about next steps.

2. Once the identification procedure is concluded and documented, the administrator can talk to the witness about how the case will proceed or what the next steps in the case may be.

3. The administrator should not comment or make gestures on the identification itself by saying things such as: "Great job" or "We knew you would recognize him" or even nodding their head in agreement.

4. The witness should be told not to discuss what was said, seen, or done during the identification procedure with other witnesses, nor should the investigator discuss any other identification procedures with the witness.

I. All members who will be involved in the administration of a live line-up shall receive training on how to properly administer line-ups.

Alert Procedures.pdf

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New York State Missing Child, Missing College Student and Missing Vulnerable Adult Alert Procedures
(Law Enforcement Only)

The following procedure should be followed by a law enforcement agency when requesting the activation of one of the following alerts: Missing Child, Missing College Student or Missing Vulnerable Adult.

1. Request an alert via the missing person record in the eJustice IJ Portal. When requesting a Missing Vulnerable Adult Alert, always use the missing person condition of "Vulnerable Adult."

2. Upload a photo of the missing person, suspect or similar vehicle to the missing person record in the eJustice IJ Portal or e-mail the photos to missingpersons@dcjs.ny.gov .

3. Call the MPC to confirm receipt of the request and photos at 1-800-346-3543, option 1.

4. Once the alert has been activated, immediately call the MPC to inform them of any updates in the case, including when the missing person has been located.

5. When the case is resolved, MPC staff will e-mail the Post Activation Report to the requesting officer. Complete and submit the report with all known details as soon as possible.

Please note the following:

Agencies are encouraged to contact the MPC to request an alert ***as soon as possible***; there is no waiting period required. Alerts are most effective when activated as early as possible during the course of an investigation, especially when a missing person is believed to be traveling in a known vehicle.

Missing Child, Missing College Student and Missing Vulnerable Adult Alerts have a maximum activation period of 72 hours.

If the case remains unresolved after that timeframe, the alert will be converted to a standard missing person case. DCJS will continue to publicize the case on its website: www.criminaljustice.ny.gov/missing until the missing child or individual has been located, at which time a cancellation notice will be sent. If New York State Thruway and state Department of Transportation (DOT) highway signs are used to broadcast the alert, those signs are activated for a maximum of eight hours, but an extension can be requested if appropriate.

The Missing Child and Missing College Student Alert Program

The New York State AMBER Alert plan is administered by the New York State Police and is activated when an investigating law enforcement agency has reasonable cause to believe that an abduction of a child under the age of 18 has occurred **and** the child is believed to be in danger of serious bodily harm or death, either due to the actions of another or due to a proven mental or physical condition. Agencies seeking to request an AMBER Alert should contact the State Police's Communication Section (COMSEC) at (518) 457-6811.

When a missing child under the age of 21 or a college student of any age is deemed to be endangered, but the case does not meet AMBER Alert activation criteria, the **Missing Child and College Student Alert Programs** are available. A missing child or college student can be at serious risk of bodily harm or death without an abduction occurring. For example, children with Down syndrome, autism or other medical conditions can be at an extreme safety risk if they go missing.

When a **Missing Child or Missing College Student Alert** is activated, information about the missing child or college student is distributed electronically to the appropriate region/regions in the state (see the alert region map, below) to every police agency, television and radio stations and newspapers, Thruway travel plazas/toll barriers, airports, bus terminals, train stations, border crossings, individuals who have subscribed to receive alerts and others within minutes.

When a vehicle is involved in the disappearance, the Thruway and state DOT are notified and post alert messages on highway signs.

Information about the missing child/college student also is posted to the DCJS website (www.criminaljustice.ny.gov) and National Center for Missing and Exploited Children (NCMEC) website.

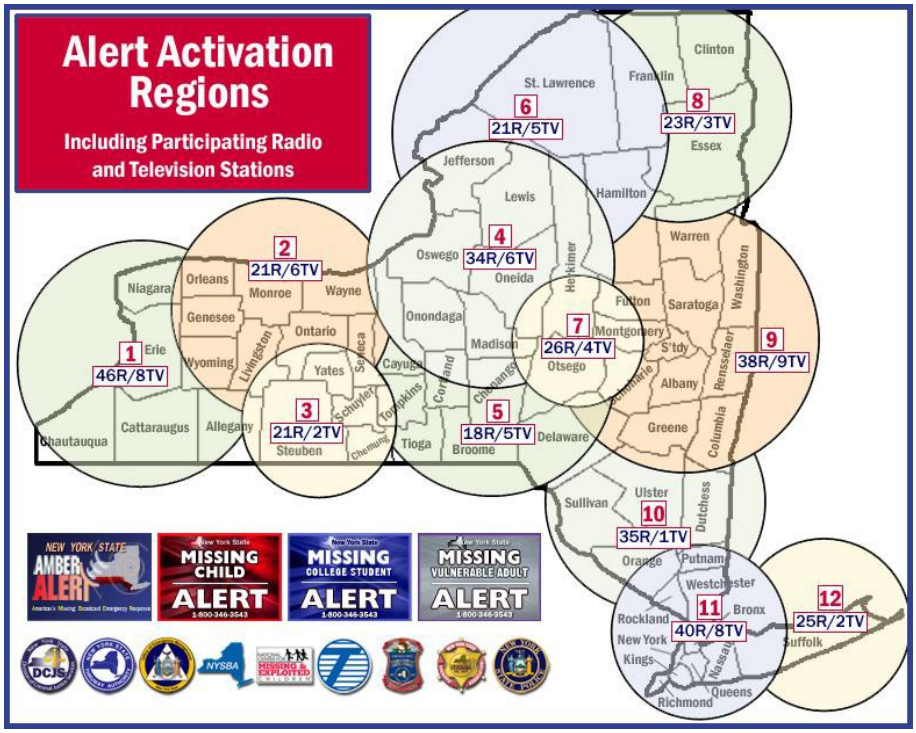
The Missing Vulnerable Adult Alert Program

The **Missing Vulnerable Adult Alert Program** is activated when an adult who is at least 18 years old with Alzheimer's disease, dementia, autism or other cognitive disorder, a brain injury or a mental disability is reported missing and is at credible risk of harm.

The **Missing Vulnerable Adult Alert** follows the exact process as described above for **Missing Child and Missing College Student Alerts**.

Other resources available to law enforcement agencies investigating urgent missing person cases:

- NYS Department of Environmental Conservation Forest Rangers: 518-408-5850
- NYS Federation of Search and Rescue: 1-866-669-9727
- A Child is Missing (a reverse 911 calling system for children or vulnerable adults): 1-888-875-2246
- National Center for Missing & Exploited Children: 1-800-843-5678 (1-800-THE LOST)



New York State Division of Criminal Justice Services
Missing Persons Clearinghouse
80 South Swan St. , Albany, New York 12210
800-346-3543 or missingpersons@dcjs.ny.gov
www.criminaljustice.ny.gov/missing

NYS Missing Person Clearinghouse (MPC) Offer of Assistance Message

NYS Missing Person Clearinghouse (MPC) Offer of Assistance Message

Pursuant to the NYS Excecutive Law, the MPC assists with cases of:
Missing children (up to age 21), College students (any age), Vulnerable adults (18 and older with cognitive impairment, mental disability
or brain disorder and credible risk of harm).

The MPC provides the following services:

- **Missing Child Alert**
- **Missing College Student Alert**
- **Missing Vulnerable Adult Alert**
- Non-Alert assistance

MPC can be contacted at 1-800-346-3543 or click the MPC Assistance button at the bottom of this screen.

*Requests for an **AMBER Alert** must be made by calling the New York State Police COMSEC at (518) 457-6811.

CLICK HERE TO REQUEST MPC ASSISTANCE

Citizen Complaint Commendation form.pdf

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MICHAEL H. ZURLO
SHERIFF

Richard L. Castle
Undersheriff

Glenn D. Sheehy
Chief

SARATOGA COUNTY SHERIFF'S OFFICE

Sheriff@SaratogaCountyNY.gov

Commendation/Complaint Form

If you would like to commend a member of the Saratoga County Sheriff's Office, or file a complaint against an employee, please use this form and write legibly. Personal information will not be disclosed to the public, unless required by law. You can submit this form by mail or return it to the Saratoga County Sheriff's Office.

I wish to file a (please check one): [ ] Commendation [ ] Complaint

If you are filing a complaint, indicate the type of complaint you wish to file (you must check one):

[ ] *Formal Complaint:* Involves a serious allegation of misconduct that will be officially investigated

[ ] *Informal Complaint:* Involves a minor complaint or concern, and I only want my complaint/concerns on record.

Information on you:

Last Name	First Name	M.I.	Date of Birth
Street Address/Apt. #	City	State	Zip Code
Home Phone	Cell Phone		Sex M [ ] F [ ]

Are you filing this on behalf of someone else? Yes [ ] No [ ] *If yes, complete section below:*

Last Name of Person	First Name	Age	Sex M [ ] F [ ]
Street Address/Apt. #	City	State	Zip Code
Relationship to You	Home Phone	Cell Phone	

Information about the incident

Location of Incident	Date of Incident	Incident Time
Names/Phone Number of any Witnesses		
Name/ID of Officers or Employees		

Details on Incident

I attest that the above information and my statement is true and correct to the best of my recollection/knowledge

Signature:	*Date:*

6010 County Farm Road
Ballston Spa, New York 12020
518-885-6761

SARATOGA COUNTY SHERIFF'S OFFICE

Sheriff@SaratogaCountyNY.gov

MICHAEL H. ZURLO
SHERIFF

Richard L. Castle
Undersheriff

Glenn D. Sheehy
Chief

Commendation/Complaint Form

6010 County Farm Road
Ballston Spa, New York 12020
518-885-6761

Canons of Police Ethics-updated.pdf

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CANONS OF POLICE ETHICS

Primary Responsibility of Job

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

Limitations of Authority

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he or she represents the legal will of the community, be it local, state or federal, they must be aware of the limitations and proscriptions which the people, through law have placed upon him. They must recognize the genius of the American system of government which gives to no man or woman, groups of, or institution, absolute power, and they must insure that as a prime defender of that system, does not pervert its character.

Duty to Be Familiar with the Law and with Responsibilities of Self and Other Public Officials

The law enforcement officer shall assiduously apply themselves to the study of the principles of the laws which he is sworn to uphold. They will make certain of their responsibilities in the particulars of their enforcement, seeking aid from their superiors in matters of technicality or principle when these are not clear; they will make special effort to fully understand their relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

Utilization of Proper Means to Gain Proper Ends

The law enforcement officer shall be mindful of their responsibility to pay strict heed to the selection of means in discharging, the duties of his office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

Cooperation with Public Officials in the Discharge of Their Authorized Duties

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. They shall be meticulous, however, in assuring themselves of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, they shall seek authority from their superior officer, giving them a full report of the proposed service or action.

Private Conduct

The law enforcement officer shall be mindful of their special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable human being. Following the career of a police officer gives no one special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, they will so conduct their private life that the public will regard them as an example of stability, fidelity, and morality.

Conduct toward the Public

The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct their official life in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where they can and require compliance with the law. They will do neither from personal preference nor prejudice, but rather as a duly appointed officer of the law discharging their sworn obligation.

Conduct in Arresting and Dealing with Law Violators

The law enforcement officer shall use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. Their office gives him no right to prosecute the violator nor to mete out punishment for the offense. They shall, at all times, have a clear appreciation of his responsibilities and limitations regarding detention of the violator; they shall conduct themselves in such

a manner as will minimize the possibility of having to use force. To this end they shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in the handling of law violators or in dealing with the law-abiding.

Gifts and Favors

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. They shall, therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

Presentation of Evidence

The law enforcement officer shall be concerned equally in the prosecution of the wrong-doer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

The law enforcement officer shall take special pains to increase his perception and skill of observation, mindful that in many situations his is the sole impartial testimony to the facts of a case.

Attitude toward Profession

The law enforcement officer shall regard the discharge of their duties as a public trust and recognize their responsibility as a public servant. By diligent study and sincere attention to self-improvement they shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance and responsibility of their office and hold police work to be an honorable profession rendering valuable service to their community and their country.

Employee Signature _____ Date:_____

WorkplaceHarassmentPolicy20170731.pdf

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Chapter 1
Section L
Date 9/27/94
Revised 12/15/15
Opr. Human Resources
Res. 239-15

UNLAWFUL WORKPLACE HARASSMENT

POLICY

Harassment of employees on the basis of gender, sexual orientation, race, disability, age, religion, national origin, or other basis prohibited by law, including specifically, sexual harassment (hereinafter "unlawful harassment"), can violate the New York Human Rights Law and/or the Civil Rights Act of 1964. The County of Saratoga's Equal Employment Opportunity, Affirmative Action and Title VI Plan includes the policies and procedures for discrimination against employees.

Harassment is a form of employment discrimination. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Saratoga County is committed to a policy of prohibiting unlawful harassment in each and every work place in which County employees work or conduct business. Conduct which constitutes unlawful harassment will not be tolerated in any County employee or any one else who is present in a County work place, and will be treated as an act of employee misconduct.

Employees may also report complaints of unlawful harassment to either the New York State Human Rights Division or the United States Equal Employment Opportunity Commission. Saratoga County recognizes the importance of having a working environment free from unlawful harassment, and encourages the use of its complaint resolution procedure by its employees to make the County a comfortable and enjoyable place to work for all.

GUIDELINES:

1. Saratoga County will formulate and maintain an Unlawful Workplace Harassment Policy and Procedure. A copy of the policy is available upon request.

2. Each new employee will be required to review the Unlawful Workplace Harassment Policy and Procedure and will acknowledge that they have done so. The employee may access a copy through the County's Intranet site, his/her supervisor or the County of Saratoga Human Resources Department.

3. In addition, a copy of the Unlawful Harassment Policy and Procedures will be prominently displayed in the work place of each Department.

4. Each employee shall be required to attend an unlawful harassment training session at least once in every five years.

5. Supervisory personnel, including Department Heads, shall attend an unlawful harassment training session at least once in every five years.

PROCEDURES:

1. If an employee believes that unlawful harassment has occurred, the employee should inform the offending person that his/her conduct is unwelcome and should cease immediately. It is important for the victim to communicate that the conduct is unwelcome, particularly when the alleged harasser may have some reason to believe that the advance may be welcome. However, a victim of harassment need not confront his/her harasser directly, so long as his/her conduct demonstrates that the harasser's behavior is unwelcome.

   If an employee is a victim of unlawful harassment, Saratoga County affords the employee with the rights of redress and complaint resolution channels for incidents of unlawful harassment. All complaints shall be made to one of the following persons:

   A. the employee's Supervisor or Department Head
   B. the Director of Human Resources
   C. the County Attorney

   All complaints of unlawful harassment must be reported to the Human Resources Department. If an employee reports alleged harassment to his/her supervisor, the supervisor will notify his/her department head or facility supervisor who will in turn report the allegation to the Human Resources Department. The Director of Human Resources will be responsible for conducting the investigation of a filed harassment complaint.

However, in the event a member of the Board of Supervisors believes that unlawful harassment has occurred by another member of the Board of Supervisors, the complaint should be made to the County Attorney or County Administrator. Outside legal counsel will be contacted to conduct the investigation. Outside legal counsel will report the results of the investigation to the Director of Human Resources.

In the event an employee believes that unlawful harassment has occurred by the Director of Human Resources, the complaint should be made to the County Attorney or County Administrator. Outside legal counsel will be contacted to conduct the investigation. Outside legal counsel will report the results of the investigation to the County Administrator.

2. While complaints may initially be made either orally or in writing, it is preferred that complaints be reduced to writing on a complaint form provided by the County for that purpose and is available by the Department Head, Human Resources Director, the County Attorney or on the County's Intranet site.

3. The employee should be urged to sign the complaint form.

4. Within eight (8) working days from the notification of the alleged harassment, the Director of Human Resources or designee will initiate an investigation and will inform the employee of such. The employee will be informed that confidentiality will be respected as much as possible but cannot be assured in order to investigate fully and properly; that the alleged offender will be questioned about his/her side of the story; that the witnesses and other employees of the Department may be questioned; and that appropriate action against the accused will occur if he or she is found to be guilty. The County's policy against unlawful harassment should be reiterated and the employee advised to report it should the conduct continue.

5. The employee shall be assured that retaliation for the reporting of complaints of unlawful harassment will not be tolerated, and that any such retaliatory conduct shall be treated in the same manner as the report of unlawful harassment. All claims of retaliation will be promptly investigated and appropriate action will be taken.

6. In recognition of the personal nature of complaints of unlawful harassment and the emotional impact of perceived discrimination, Saratoga County will attempt to maintain the confidentiality of all complaints and investigations in a manner which is consistent with the County's investigative procedures and other laws and regulations regarding employees. For the protection of all employees who make a complaint or are accused of prohibited unlawful harassment, all witnesses interviewed during an investigation will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the person involved. To the extent a complaint made under this Policy implicates criminal conduct, Saratoga County may be required by law to contact and cooperate with the appropriate law enforcement authorities or other governmental agencies.

7. The accused employee shall be notified privately of the charges against him or her and given an opportunity to respond to those charges.

8. The Director of Human Resources or designee shall interview witnesses and other personnel who may have knowledge of the complaint or other instances of unlawful harassment.

9. The investigatory procedure shall be fully documented, including the date, time, place, and remarks about the incident. A confidential written report of the investigation including the final determination will be prepared.

10. Whether by admission by the accused employee or by the facts disclosed during the investigation, it is determined that conduct constituting unlawful harassment occurred, the offender will be advised of such determination and appropriate action shall be taken in accordance with Saratoga County's disciplinary procedures and under any applicable collective bargaining agreement or the New York State Civil Service Law. The victim will also be advised of the results of the investigation in writing and any action taken, to the extent permitted by law and the County's personnel policies and practices.

11. If the investigation is unable to determine whether the actions alleged in the complaint occurred, the accused employee will be informed that the investigation was inconclusive, but that if the complaint is later proven true, or if similar activity to that alleged in the complaint is found to occur, appropriate disciplinary action will occur. Other remedial or preventative steps may be implemented by the County. The accused employee will also be advised that it is against Saratoga County Policy for any acts of retaliation against the complaining employee to occur.

12. Saratoga County will not tolerate acts done in retaliation for reporting unlawful harassment, and retaliatory acts should be reported and will be investigated in the same way as complaints of unlawful harassment. Falsely reporting unlawful harassment is inappropriate. An employee conclusively found to have falsely reported unlawful harassment is subject to disciplinary action.

Chapter 1
Section L
Date 9/27/94
Revised 12/15/15
Opr. Personnel
Res. 239-15

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EXAMPLES OF UNLAWFUL HARASSMENT WHEN SUCH BEHAVIORS ARE UNWELCOMED

The following are examples of behavior which have been held by the Courts to constitute unlawful harassment when such behaviors are unwelcomed:

VISUAL	WRITTEN	POWER	THREATS
Ogling	Love poems	Relationships	Quid Pro Quo
Staring	Obscene poems	Request dates,	Loss of Job
Posters	Obscene letters	Sexual favors, etc.	Selection Process
Digital display of offensive images	Obscene or unwelcome emails or other digital communications		

VERBAL	NON-VERBAL
Referring to an adult as a girl, boy, hunk, doll, babe, or honey	Unwelcome Touching
Whistling at someone, cat calls	Violating Space
Making sexual comments about a person's body	Patting
Making sexual innuendoes	Grabbing
Turning work discussions to sexual topics	Pinching
Telling sexual, racial, ethnic, or religious, jokes or stories	Caressing
Asking about sexual fantasies, preferences, or history	Kissing
Touching a person's clothing, hair, or body	Giving a massage around the neck or shoulders
Asking personal questions about social or sexual life	Blocking a person's path
Making sexual, racial, or ethnic comments about a person's clothing, anatomy, or looks	Stalking a person
Repeatedly asking out a person who is not interested	Giving personal gifts
Making kissing sounds, howling, and smacking lips	Making facial expressions such as licking lips, winking, or throwing kisses
Telling lies or spreading rumors about a person's personal sex life	Making sexual gestures through body movements

COMPLAINT OF ALLEGED DISCRIMINATION

This form is to be filed as a part of the Saratoga County Procedure to initiate a Complaint of alleged sexual discrimination or harassment prohibited by the Saratoga County Unlawful Workplace Harassment Policy.

PLEASE PRINT OR TYPE:

1. Your Name: _____

   Address: _____

   City: _____ State: _____ Zip Code:_____

   Phone Number: (_____) _____

   Department of Employment with Saratoga County: _____

2. Have you also filed this charge with a Federal, State or Local Government agency?

   Yes _____ No _____

3.a. Name(s) and office address and job title of the individual who allegedly discriminated against you or harassed you. If more than one, list all.

   Name: _____

   Office/Title: _____

3.b. Describe the incidents which occurred and your reason for concluding that each was an incident of discrimination/harassment (use extra sheet if necessary).

4. Date(s) incidents of discrimination/harassment took place:

   Month: _____ Day: _____ Year: _____

5. Describe briefly what you would consider to be appropriate redress for the incident described above.

6. Identify all persons who witnessed the incidents described in "3" above.

   _____ _____

   _____ _____

7. I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief.

   _____ _____

   Signature Date

Organizational Chart DPM 01.15.23.pdf

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Confidential Administrative Assistants/Secretaries
Undersheriff
Chief Deputy
STOP-DWI
School Resource Officers
EAP
Lieutenant
Community Preparedness Unit
Patrol Division
Professional Standards & Development Division
Prevention & Intervention Division
Captain
A & C Lines
B Line
Special Operations Team
Captain
Captain
Team Leader
Lieutenants
Lieutenant
Operator
Patrol Sergeants
Patrol Sergeants
Transportation Unit
Deputy Sheriffs
Deputy Sheriffs
Transportation Deputies
Captain
Senior Investigator
Sergeant
Training Unit
Training Manager
Instructors
Opioid Overdose PreventionProgram
SORE Deputy
Records Unit
Second Chance Program
Civil Office
ID Officer
Records Clerks
Deputy Sheriffs
Civil Clerks
Administrative Services Division
Captain
Family Court Deputies
Investigations Division
Information Technology Deputy
Captain
Evidence Technicians
Property & Evidence Unit
Collision Reconstruction Unit
Community Resource/Traffic Safety Unit
Property & Evidence Custodian
Certified Reconstructionists
Sergeant
Deputy Sheriffs
Criminal Investigations Unit
Narcotics Unit
Crisis Negotiation Unit
ATV Patrol
Bicycle Patrol
K9 Patrol
Marine Patrol
SCUBA Team
Senior Investigator
Senior Investigator
Deputy Sheriff
Fleet Management
Snowmobile Patrol
UAS
Investigators
Motor Unit
Quartermaster
Intel. Officer Deputy Sheriff
Crisis Negotiation Investigators

SCSO Awards Bars.pdf

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The Sheriff's Star

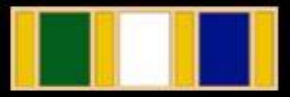
Medal of Honor

Medal of Valor

Wounded in Combat

Combat Cross

Gallantry Star



Meritorious Service

Life Saving

Drug Buster

Unit Citation

Croix De Negotiator Laurel

K9 Commendation

Grand Cordon

Exceptional Service

Honorable Service

Sheriff's Special Recognition

The Samaritan

Honorable Discharge

Education Achievement

MPTC In-person Death Notification.pdf

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In-Person Death Notifications

Model Policy

March 2023

New York State Division of Criminal Justice Services
80 South Swan Street, Albany, New York 12210

www.criminaljustice.ny.gov

In-Person Death Notifications
Model Policy

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In-Person Death Notifications
Model Policy

The In-Person Death Notifications Model Policy was developed to provide law enforcement agencies with guidance to assist them in developing their own policy and training. The use of this policy is not mandatory.

The Municipal Police Training Council (MPTC) approved the model policy in March 2023.

Acknowledgements

The New York State Division of Criminal Justice Services (DCJS) acknowledges the extensive work done by the following associations and agencies:

Law Enforcement Training Director's Association of New York State

New York State Association of Chiefs of Police

New York State Office of Victim Services

New York State Police

New York City Police Department

New York State Sheriff's Association

Niagara University First Responder Disability Awareness Training

State University of New York

In-Person Death Notifications – Model Policy

Municipal Police Training Council

I. PURPOSE

Death notification can be one of the most difficult tasks faced by law enforcement officers and an extremely traumatic event for the next of kin (NOK) and family members. The moment of notification is one that most people remember very vividly for the rest of their life. To a grieving family, the proper handling of a death notification by law enforcement that includes compassion, respect, and care when they find out their loved one has died can aid in helping families find hope and healing.

This policy is intended to provide personnel who are assigned responsibilities associated with delivering an in-person death notification to the (NOK) with the tools to properly plan, prepare, and deliver the notification, as well as conduct follow-up after the notification.

II. POLICY

When it's determined the law enforcement agency is responsible to deliver the in-person death notification, law enforcement personnel assigned will adhere to policies and procedures for the planning, delivery, and post notification processes including but not limited to, the identification of the deceased individual, the collection of accurate information regarding the deceased individual, the identification of the deceased individual's NOK and the timely delivery of the notification.

This policy is intended to allow for the individual needs of each of the police agencies in New York State regardless of size or resource limitations. Law enforcement agencies are encouraged to customize these protocols to meet their agency's needs while being mindful of the intent of the policy.

III. DEFINITIONS

A. **Decedent** - The person(s) that has/have died and is the subject of the in-person death notification.

B. **Family Assistance Center (FAC)** - A family assistance center (FAC) is a secure facility established following a mass casualty incident to provide information to next of kin about missing or unaccounted persons and the deceased, and to provide services for victims and their loved ones.

C. **Next of Kin (NOK)** - The closest relative of the decedent (e.g., spouse, parents, siblings, significant others, and children).

D. **Notification Team** - A team of two people, at least one of whom is a uniformed LEO who has experience in delivering in-person death notifications and has received training in the same. The second member may be an additional LEO, victim advocate, chaplain, social worker or other individual deemed an appropriate team member. The team is responsible for ensuring both a timely positive identification has been made of the decedent and notification of the death to the appropriate family member(s) is made in addition to any necessary follow-up support.

IV. In-Person Death Notification Procedures

A. Planning the in-person death notification

1. Gather and verify essential information using a secure means of communication (i.e., landlines, cell phones) to guard against the premature release of information to unauthorized persons.

a) Identification of decedent – Positive identification of the decedent must be made before conducting the in-person death notification to ensure there is no unnecessary trauma towards the affected NOK and others who may be mistakenly contacted. In addition, the NOK will often inquire about law enforcement's certainty of the decedent's identification. The following are Identifiers to ensure the decedent has been positively identified which may include but not be limited to:

(1) Fingerprints, DNA, and dental records

(2) Identification documents or other items found on the decedent

(3) Identification by witnesses

b) Identify details of decedent – Details and circumstances of the death must be known to deliver a proper death notification statement which may include but not be limited to:

(1) Location of death

(2) When death occurred

(3) How death occurred

(4) Other details such as:

(a) Was it a result of criminal act?

(b) Was an arrest made or suspect identified?

(5) Current location of the decedent

c) Identify decedent's legal NOK

(1) Identify the closest NOK with respect to relationship of the decedent and physical location of the NOK to deliver the notification. Identification of NOK should be conducted as quickly as possible beginning with spouse or domestic

partner, and if necessary, followed by adult child, parent, adult sibling, and other relatives until an appropriate NOK is identified.

(2) Identify, when reasonably possible given time limitations, any special or unique circumstances that may impact the delivery of the notification and affect the NOK who will be receiving the notification. This may include ascertaining whether survivors are older adults, have a disability, visually impaired, hard of hearing, have medical concerns, and/or existence of language barriers.

d) Do not release to the media or other outside resources the name of the decedent until the NOK is notified. If media has already obtained information related to the death, they should be asked to withhold the information until after the notification has been completed.

2. Notification Team

a) Team member structure

(1) Two members will comprise the team with at least one member being a law enforcement officer experienced in delivering death notifications, whenever feasible and practicable.

(a) One member will be the primary contact to deliver the notification.

(b) The second member will provide support and monitor the NOK and surroundings.

(2) Consider the following characteristics of effective team members that will aid in supporting the family during a difficult time.

(a) Strong listening skills

(b) Empathy

(c) Compassion

(d) Thoroughness

(e) Professional demeanor

(3) Consideration should be given to:

(a) Utilizing a uniform versus plain clothes officer.

(i) Uniform officer may be utilized to prevent confusion in allowing entry into a home.

(ii) In some instances, a plain clothes officer may be utilized to remove intimidating feeling or heightened anxieties a uniformed officer may create.

(b) Utilizing an investigator who may have the most facts about the case to deliver the notification.

(c) Utilizing two vehicles to deliver the notification to ensure one notifier stays with the NOK during instances such as when:

(i) A NOK in shock may need to be taken to the hospital; or

(ii) Transportation is necessary to bring other family, friends, and support to the location.

(4) Depending on the situation, a civilian who can provide necessary support to the NOK, including support after the notification is made, may also be of assistance. This may include civilians such as a:

(a) victim advocate,

(b) medical examiner,

(c) coroner,

(d) clergy person,

(e) grief counselor, or

(f) close friend of single survivor.

B. Preparing the notification

1. Notification Team will:

a) Assign pre-planned roles that includes one team member conducting the actual notification and the other serving a support role monitoring the situation.

b) Verify and confirm information gathered about decedent and NOK and tailor the notification, as necessary.

(1) Pre-determine the level of detail about the specific cause of death to be provided to the NOK.

(2) Careful consideration must be made regarding releasing certain details if the death is part of a criminal investigation.

(3) Prepare to explain to the NOK why certain details are being withheld at the time of the notification to reduce additional frustration or grief.

c) Identify any resources that will assist in tailoring the delivery of the notification giving attention to any known special considerations (see section V).

d) Discuss reactions Notification Team members may have about the decedent's death to better prepare for a calm and impartial delivery of the notification without imposing personal thoughts or religious beliefs onto the NOK.

e) Prepare in advance responses to how the NOK may react (e.g., shock, fear, anger, confusion, extreme distress, adverse physical or medical reaction).

f) Rehearse delivering the notification to ensure a clear and compassionate delivery.

2. When NOK is located out of state or otherwise an impractical distance

a) Communicate with local law enforcement in the vicinity of the NOK so that they can make the in-person notification.

b) Provide necessary information to the local police department including but not limited to:

(1) The full name, date of birth, and other identifiers of the decedent.

(2) The full name and address of the NOK to be notified.

(3) A synopsis of the circumstances surrounding the decedent's death.

(4) The name, address, and telephone number of the location where the decedent is located.

(5) Contact information of the investigating officer and their police department.

c) Consideration may be given to providing the local police department with any guidance in delivering the notification consistent with this policy.

d) Verify with the notifying agency that the notification has been made.

e) Referring Notification Team members shall be available to answer additional questions the family may have for the local police department making the notification.

3. Contact the proper foreign embassy when the decedent and their family is not a resident of the United States.

4. Follow the guidelines within this policy to conduct an in-person death notification on behalf of an outside requesting agency. This will require obtaining the necessary information from the requesting agency to ensure a properly planned and delivered notification is made.

C. Delivering the Death Notification

1. The death notification shall always be made in-person to the decedent's NOK within twenty-four hours following the identification of the decedent. If the closest NOK is unavailable or there is reason to believe there will be considerable delay in conducting an in-person death notification within such timeframe, the following steps shall be taken:

a) Document the failure or delay;

b) Notify a supervisor;

c) Evaluate time elapsed and the need to notify the next closest NOK; and

d) Conduct the notification as soon as practicable.

2. Personal items of the decedent shall not be delivered to the NOK at the time of the death notification.

3. Introduction of Notification Team to NOK

    a) Verify accuracy of the location upon arrival.

    b) Identify Notification Team by name, rank, and department affiliation to the NOK and produce credentials. If wearing a hat, take it off.

    c) Ask to speak to the immediate NOK by name and verify identity. For example ask, “Are you Dave and Mary Smith?” Confirm the relationship to the decedent.

        (1) If immediate NOK identified during planning stage is not the first contact with the Notification Team, request the individual to provide whereabouts of NOK without providing explanations at that time.

        (2) If NOK is to be notified at a place of business see Section V, F (Workplace/business notifications).

    d) Ask permission to enter the residence or, in the case of a workplace/business or other location, move to a place of privacy.

    e) Consult with the immediate NOK to determine if other members of the family who may be present are to be brought together for the notification.

    f) Ask to speak with the NOK away from young children if present unless the NOK has requested their presence while a notification is being delivered. (See Section V, A.)

    g) Encourage all parties to sit down. Notification Team should sit as well.

4. Making the notification

    a) Use plain language with warmth and compassion avoiding police jargon and gruesome details.

    b) Be sure to use the decedent’s name and avoid such terms as “remains”, “corpse” or “the body.”

    c) Begin the notification with a preparatory statement. “I am sorry to have to tell you this,” or “I have some very bad news to tell you.”

    d) Immediately follow up with the actual notification spoken plainly with compassion, but without confusing terms or euphemisms such as “passed away” or “no longer with us” to avoid creating

confusion or false hope. Examples of statements that are appropriate to use:

(1) "Your son, John, was in a car crash and he has died," or

(2) "Your wife, Mary, has had a heart attack at work and has died."

D. Post notification

1. Be prepared for unexpected responses from NOK survivors such as fainting, hysteria, and possible verbal or physical assault. Additional assistance may be needed from victim assistance providers, emergency medical technicians, or others to help calm these situations.

2. Let the NOK show emotion allowing NOK sufficient time to regain composure following delivery of the notification.

3. The NOK may have questions; be sure to answer honestly and compassionately.

a) If you don't know the answer – say so and offer to get back to them with the information.

b) If you know that there are additional steps for the NOK (e.g., identifying the decedent, law enforcement interview, etc.) then advise them.

4. The Notification Team shall **avoid**:

a) Enhancing guilt – "if only you had or had not".

b) Comparing victimization – no one's pain or grief is worse than another's.

c) Imposing religious beliefs – do not try to persuade them to your convictions.

d) Talking family members out of their grief – such as:

(1) You have to be strong and keep going on;

(2) You're not the only one suffering;

(3) Your anguish won't bring them back; and

(4) You have to get on with your life.

e) Making false promises – do not make a promise you cannot deliver, especially regarding any criminal justice system outcomes.

5. Helpful remarks that do not discount their feelings include:

a) I am so sorry.

b) It's harder than people think.

c) This must be painful for you.

d) Tell me more about him/her.

e) Go ahead and grieve.

6. Inform the NOK survivor of any chance to view the decedent's body and/or necessary visual identification. Arrangements for the viewing or visual identification of the decedent by NOK may be made by the Notification Team, including transportation to and from the hospital or morgue.

7. If an autopsy is required, the Notification Team should be able to explain the reason and provide a general non-graphic explanation of the procedure.

8. Do not leave the NOK, especially a lone survivor unattended, unless you are reasonably confident they have adequate personal control and/or support to take care of themselves and those whom they may be responsible for.

a) Gauging the need for support/assistance shall include but not be limited to:

(1) The emotional reaction and physical condition of the NOK to include:

(a) Awareness of the officer'(s) presence.

(b) Grasp of the place, time, and reality of the death.

(c) Progressive ability to express themselves is demonstrated.

(2) The availability of a support system including friends, family, close neighbors, access to clergy, means of transportation, other adults in the home, etc.

(3) Care for infants or small children, persons with disabilities, and older persons or the infirmed.

b) Support can be established by:

(1) Asking if you can call anyone for them such as relatives, friends, and clergy that can provide support and offer to wait for them to arrive.

(2) Being prepared and willing to provide transportation for individuals to bring them to the NOK.

9. Ask NOK if you can follow up in 24-hours and be sure to follow through.

10. Leave name and contact information of Notification Team members for NOK to call should any further questions arise.

11. Provide information regarding the availability of services and programs available through the NYS Office of Victim Services if the incident prompting the death notification was a crime.[1]

E. Follow-Up

1. Within 24 hours contact the NOK if permission to do so was provided by NOK.

2. Answer any additional questions or provide any further clarification, including any information on the release of the decedent to the funeral home or the release of the decedent's personal items (i.e., how to obtain them, timeframe, etc.).

3. Team members may consider providing a referral list of professionals and community resources to the NOK where appropriate.

F. Upon conclusion of the notification, the Notification Team should meet to debrief events of the notification to include reflecting on emotions/feelings and to deconstruct the actual delivery notification.

1. The process of delivering such traumatic news can leave the Notification

Team members frustrated, disappointed, and emotionally upset.

2. These feelings are normal and often best addressed in a formal manner using proper resources, such as:

a) Trained law enforcement peers.

b) Trained law enforcement chaplain(s).

c) Culturally competent mental health counselors/clinicians.

[1] Every Crime Victim Matters - A Guide to Crime Victims' Compensation In New York State: https://ovs.ny.gov/system/files/documents/2022/06/ovs-crime-victim-brochure.pdf

V. Special Considerations

A. Children

1. Death notifications shall not be made directly to a child unless the NOK has requested a child should be present while a notification is being delivered.

2. Death notifications to a child should be delivered by a person the child trusts.

   a) Members of the Notification Team can aid in delivering the notification to a child, if requested by the NOK.

   b) If assistance is requested, use age-appropriate language while sitting at the same level as the child.

B. Persons with disabilities or older adults.

1. Notification Team members should be familiar with general effective communication techniques when interacting with people with disabilities or older adults. For persons who are deaf or hard of hearing, be prepared to communicate via writing, speech (lip) reading or American Sign Language. It is the choice of the person as to what mode of communication should be utilized, not the officer.

2. If the person has an intellectual disability, the officer should use plain English/simple language. They may need to rephrase their statement.

3. Consider having a family member or support staff person who knows the individual well accompany the officer. Receive direction on how to best speak to the person and what the response may entail.

C. Language barriers

1. Utilize local language services if there is an existence of a language barrier that will impede the delivery of the notification.

2. Never use a child to translate the death notification to the NOK.

D. Social media can pose a challenge to the death notification process as the NOK could already be aware of their loved one's death. In this instance, it is important to explain to the family that it takes time to ensure accurate information is gathered before an official notification can be made.

E. Mass Casualty Events

1. Coordination in managing the death notifications among responding law enforcement agencies and the local coroner/medical examiner's office is essential and treated as a priority. Where multiple law enforcement agencies are involved, the lead agency in managing the death notification process must be clearly designated to include the responsibility of the establishment, implementation, and any necessary oversight of a Family Assistance Center.[2]

2. Determination will be made with law enforcement partners if a private area within a family assistance center should be used to make the death notifications, where practicable.

3. Notifications should be done as quickly as possible following positive victim identification. NOK are frequently aware from social media, television coverage, and communications from survivors and witnesses that their loved ones are potential casualties.

    a) When practicable, designate one Notification Team per family, with as many Notification Teams as necessary based on the circumstances.

    b) If appropriate, make notifications on a rolling basis to each family as the identity of each victim becomes verified rather than delivering the notifications only after all victims have been identified.

4. Once the notification is delivered, you may have to explain the investigative and identification process to the NOK, particularly if it may result in a delay in releasing the body of the decedent. Make sure that the NOK knows where to obtain follow-up information on when and how the decedent will be released.

5. Alert NOK that there may be a press conference or other public release of information by authorities and that the family may want to think through how to respond to or avoid press inquiries whether by phone, electronic communication or at their homes.

F. Workplace/business notifications

1. Locate the NOK's manager or supervisor upon arrival at the workplace/business requesting to meet with the employee regarding a family emergency. Do not divulge additional information.

2. Request the manager or supervisor to provide a private room.

[2] Mass Fatality Family Assistance Operations: Recommended Strategies for Local and State Agencies https://www.nmvvrc.org/media/tw5lw23j/mass-fatality-incident-family-assistance-operations.pdf

3. Follow best practices procedures outlined in Section IV for delivering an in-person death notification.

4. Offer to notify the manager or supervisor regarding the notification, if preferred by NOK. Allow the NOK to determine what information is to be shared with their manager or supervisor.

G. Criminal investigations

1. If there is an ongoing criminal investigation it is important to explain to the family members that they may be contacted to assist with the investigation.

2. When the subject or perpetrator is deceased, the same process applies when making the death notification.

3. It is suggested practice to use separate notification teams for the victim and perpetrator for death notifications. For example, a murder suicide situation or DWI crash where the drunk driver and the victim are both deceased.

4. As in any notification, avoid adding personal opinions during the notification especially if the victim and perpetrator are from the same family.

VI. Training

A. Law enforcement personnel who are assigned responsibilities associated with delivering an in-person death notification to NOK will receive training on the procedures to do so prior to conducting a notification. Periodic retraining is recommended at a frequency of every three years.

B. Training on delivering in-person death notifications will include agency procedures on the following areas to include but not be limited to:

1. Planning the in-person death notification

a) Identification of the decedent

b) Collection of accurate information regarding the decedent

c) Identification of the decedent's NOK

2. Assembling death notification team

3. Preparing for delivery of in-person death notification

4. Delivering the in-person death notification

5. Conducting post notification and follow-up

6. Addressing special circumstances

Organizational Chart DPM 11.01.22.pdf

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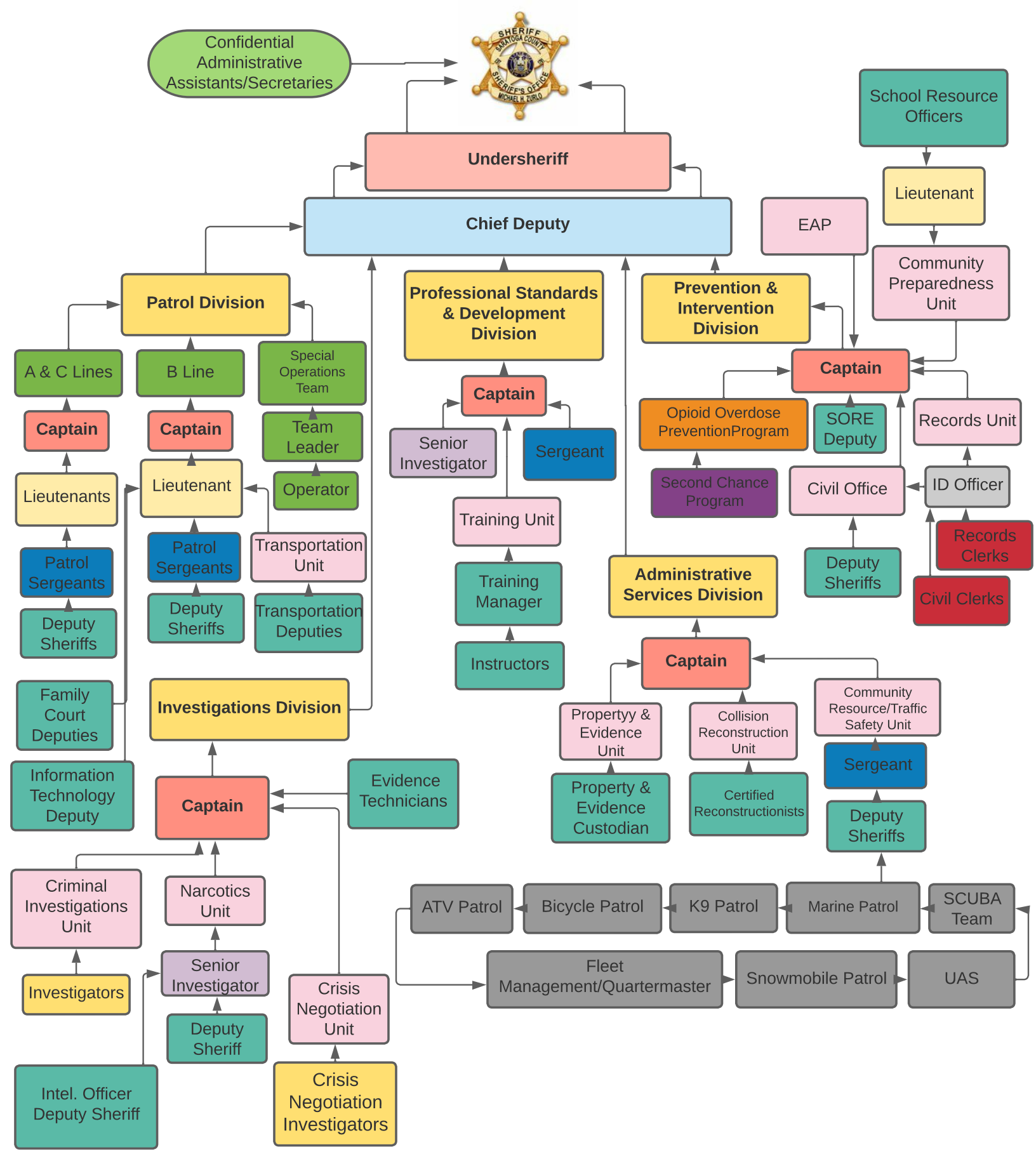
Confidential Administrative Assistants/Secretaries
Undersheriff
Chief Deputy
School Resource Officers
Lieutenant
EAP
Community Preparedness Unit
Patrol Division
Professional Standards & Development Division
Prevention & Intervention Division
A & C Lines
B Line
Special Operations Team
Captain
Captain
Captain
Captain
Team Leader
Opioid Overdose PreventionProgram
SORE Deputy
Records Unit
Lieutenants
Lieutenant
Operator
Senior Investigator
Sergeant
Second Chance Program
Civil Office
ID Officer
Training Unit
Patrol Sergeants
Patrol Sergeants
Transportation Unit
Records Clerks
Training Manager
Administrative Services Division
Deputy Sheriffs
Deputy Sheriffs
Deputy Sheriffs
Transportation Deputies
Civil Clerks
Instructors
Captain
Family Court Deputies
Investigations Division
Propertyy & Evidence Unit
Collision Reconstruction Unit
Community Resource/Traffic Safety Unit
Information Technology Deputy
Captain
Evidence Technicians
Property & Evidence Custodian
Certified Reconstructionists
Sergeant
Deputy Sheriffs
Criminal Investigations Unit
Narcotics Unit
ATV Patrol
Bicycle Patrol
K9 Patrol
Marine Patrol
SCUBA Team
Investigators
Senior Investigator
Crisis Negotiation Unit
Fleet Management/Quartermaster
Snowmobile Patrol
UAS
Deputy Sheriff
Intel. Officer Deputy Sheriff
Crisis Negotiation Investigators

Sexual_Harassment_Policy.pdf

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Chapter 1
Section U
Date 12/12/2018
Opr. Human Resources
Res. 278 - 2018

SEXUAL HARASSMENT POLICY

Purpose:

Saratoga County is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Saratoga County's commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Saratoga County. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Saratoga County's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Saratoga County. In the remainder of this document, the term "employees" refers to this collective group.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Saratoga County will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Saratoga County who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns or non-employees working in the workplace who believe they have been subject to such retaliation should inform the supervisor of their unit, the head of their department, the Director of Human Resources, or the County Attorney. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Saratoga County to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level, who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. Saratoga County will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Saratoga County will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. Saratoga County will provide all employees a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of to the Director of Human Resources and/or the County Attorney.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable and be provided to employees upon hiring.

What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which is of a sexual nature, or which is directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as: ° °
  - ° Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - ° Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - ° Sabotaging an individual's work;
  - ° Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. Saratoga County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to their supervisor, their Department Head, the Director of Human Resources and/or the County Attorney. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to their supervisor, their Department Head, the Director of Human Resources and/or the County Attorney.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and Department Heads who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Director of Human Resources and/ the County Attorney.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and Department Heads will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and Department Heads will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Saratoga County will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- All complaints shall be promptly submitted to the Human Resources Department. If the complaint concerns a member of the Human Resources Department, it should be referred to the County Attorney's Office for investigation;

- Upon receipt of a complaint, the Human Resource Department, or the County Attorney's Office if the complaint concerns a member of the Human Resource Department, will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If the complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, the person receiving the Complaint must prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.

- Request and review all relevant documents, including all electronic communications.

- Interview all parties involved, including any relevant witnesses. Any interview of a member of the local union accused of being a harasser will be conducted in the presence of a representative of the union unless such right is waived by the person accused of harassment in writing.

- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

    - A list of all documents reviewed, along with a detailed summary of relevant documents;
    - A list of names of those interviewed, along with a detailed summary of their statements;
    - A timeline of events;
    - A summary of prior relevant incidents, reported or unreported; and
    - The basis for the decision and final resolution of the complaint, together with any corrective action(s).

- Keep the written documentation and associated documents in a secure and confidential location.

- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by Saratoga County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Saratoga County, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Saratoga County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing

before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Applicability of County's Unlawful Workplace Harassment Policy

The provisions of this policy shall supersede all provisions pertaining to sexual harassment set forth in Saratoga County's Unlawful Workplace Harassment Policy, as set forth in Chapter 1, Section L, of this Policies and Procedures Manual. The provisions of the County's Unlawful Workplace Harassment Policy shall continue to apply to harassment of employees on the basis of race, disability, age, religion, national origin or other non-gender or non-sexual orientation bases prohibited by law.

COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT

Saratoga County

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 your supervisor, your department head, the Director of Human Resources or the County Attorney. 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:

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.

New 9.41 Form 2026.pdf

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Office of the

SARATOGA COUNTY SHERIFF

Jeffrey R. Brown, Sheriff

6012 County Farm Road, Ballston Spa, NY 12020 ♦ 518-885-6761

DATE: _____ **CASE #:** _____ **CFS #:** _____

SUBMITTED BY: _____ **SHIELD #:** _____

EMERGENCY ADMISSION (MHL § 9.41) OR VOLUNTARY TRANSPORT

PERSON'S NAME (L,F,M): _____

SEX: _____ **DOB:** _____ **PHONE:** _____

ADDRESS: _____

I, _____, a police officer of the Saratoga County Sheriff's Office, have taken into custody the above-named person who appears to be mentally ill and is conducting themselves in a manner which is likely to result in serious harm to the person or others.* I have removed or directed the removal of this person to the Saratoga Hospital Emergency Department (or, name other hospital: _____).

OR

At the above-named person's request, I, _____, a police officer of the Saratoga County Sheriff's Office, have transported them to the Saratoga Hospital Emergency Department (or, name other hospital: _____), for a voluntary mental health evaluation.

BASIS FOR TRANSPORT: _____

_____

_____

_____

_____

_____

_____

_____

Mental Hygiene Law § 9.01 (c) "likelihood to result in serious harm" or "likely to result in serious harm" means (1) a substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to themself, or (2) a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm, or (3) a substantial risk physical harm to the person 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.

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