

Greene County Sheriff's Office

Subject:	MISSION STATEMENT	Policy	001
Effective:	January 1, 2020	Standard Number(s): 1.1	
Rescinded:	Amended: August 17 th , 2020	Sheriff: Peter Kusminsky	
Reviewed:			

The mission of the Greene County Sheriff's Office is to uphold the spirit of the law, maintain order, and to assist the residents and visitors of Greene County when called upon.

Our vision is to strive to be a model of excellence for all law enforcement, by our teamwork, loyalty, accountability, leadership, and a commitment to performing all of our duties to the best of our ability.

Core Values:

Honor- A quality that guides you to abide by an uncompromising code of ethics.

Integrity- The quality of being honest and having strong moral principles; moral uprightness.

Dedication- The quality of being committed to a task or purpose.

Professionalism- strict adherence to courtesy, honesty and responsibility.

Loyalty- to our agency, our partners and Greene County

GREENE COUNTY SHERIFF'S OFFICE

Subject: GOALS AND OBJECTIVES						Policy 002	
Effective: January 1, 2020			Standard Number(s): 1.2				
Rescinded:		Amended: August 17 th , 2020		Sheriff Peter Kusminsky			
Reviewed:							

It shall be the policy of this Agency that personnel be advised of goals and objectives on an annual basis.

Supervisors will be required to submit not later than January 15, each year, their division's goals and objectives for the coming year and assessment of how goals and objectives submitted the previous year were met. The Sheriff will incorporate each division's goals and objectives in the development of Agency goals and objectives to be included in the Annual Report to the Greene County Legislature each year. Copies of the Annual Report will be available to all employees.

The Sheriff will conduct an annual meeting to be attended by all Agency personnel. Agency goals and objectives will be discussed and assessed by the Sheriff at this meeting.

Greene County Sheriff's Office

Subject: DEPARTMENT RESPONSE						Policy 003	
Effective: January 1, 2020			Standard Number(s): 43.3				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The GCSO shall provide law enforcement services, including emergency response, on a continuous 24 hours per day, 7 days per week basis within the boundaries of the County of Greene.

I. Procedure

- A. The Law Enforcement Division shall maintain around the clock coverage for all law enforcement services, including emergency response.
 - 1. This shall be accomplished by a two-shift system.

- B. The Criminal Investigation Branch shall maintain duty hours as prescribed by the Undersheriff and/or the Lieutenants.

- C. Special operations units, i.e. Special Weapons and Tactics, Dive Team, Hostage Negotiations, etc., are available on an on-call basis for emergency response.

Greene County Sheriff's Office

Subject: CONSTITUTIONAL RIGHTS-MIRANDA	Policy 004
Effective: January 1, 2016	Standard Number(s):
Rescinded:	Amended: Sheriff, Gregory R. Seeley
Reviewed:	

POLICY: It is very important that sworn personnel are familiar with an individual's constitutional rights while performing their duties as police officers and follow prescribed guidelines.

Deputies are expected to use good judgment and proceed in a legal manner when making arrests. Deputies are expected to follow prescribed procedures in making arrests with or without a warrant, in using force to apprehend suspects, in search or seizure and in interrogation of suspects.

I. Procedure

A. Constitutional Rights

1. A person must be informed of his or her rights (Miranda Rule):
 - a. When he or she is placed under arrest and you wish to question him or her; or
 - b. When he or she is in custody and you are interviewing him or her. **Custody should be interpreted as when a reasonable person believes he or she is no longer at liberty to leave.**
2. Before questioning any person in custody, inform him or her of rights as follows:
 - a. "You have a right to remain silent and refuse to answer any question".
 - b. "Anything you say may be used against you in a court of law".
 - c. "As we discuss this matter you have a right to stop answering my questions at any time you desire".
 - d. "You have a right to a lawyer before speaking to me, to remain silent until you talk to him and to have him present when you are being questioned".
 - e. "If you desire a lawyer but you cannot afford one, one will be provided to you without cost".
 - f. "Do you understand each of these rights I have explained to you".
 - g. "Now that I have advised you of your rights, are you willing to answer my questions without an attorney".

+If the answer to questions f and g are affirmative, rights have been waived and questioning may proceed.

+Silence cannot be regarded as a waiver of rights.

+It is essential that rights be waived knowingly, voluntarily and explicitly. If not, any information obtained will be considered by the court to be inadmissible in evidence as a confession in the people's direct case.

+It is advisable to make detailed notes concerning the advising of rights and the waiving of rights, including the times this was done.

3. If the arrest is without a warrant and at any time during questioning the person indicates in any manner he or she does not wish to talk further or wishes to have a lawyer present, stop the questioning, file an accusatory instrument with the local criminal court and arraign him or her without unnecessary delay.
 - a. After an accusatory instrument is filed, a defendant cannot waive his or her right to counsel.
 - b. If he or she indicates he or she cannot afford to retain an attorney, permit the opportunity to contact one.
 - c. If, after talking to an attorney, the defendant is willing to talk to you, the defendant must waive his or her rights in the presence of the attorney before questioning can continue.
4. If the arrest is with a warrant, questioning cannot be conducted without a lawyer present.
 - a. Arraign the suspect without unnecessary delay.
 - b. Permit the suspect to contact an attorney.
5. Any oral or written statements made by a defendant during or after arraignment are inadmissible unless preceded by a waiver of rights in the presence of counsel.
Exception: Spontaneous statements are admissible (file a 710.30 notice).
6. If a deputy is aware that a defendant is represented by an attorney in an unrelated manner, the defendant may not be questioned concerning an offense unless the defendant waives his or her rights in the presence of counsel.
Exception: Spontaneous statements.

Greene County Sheriff's Office

Subject: RACIAL PROFILING							Policy 005	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff Gregory R. Seeley				
Reviewed:								

Policy: The Greene County Sheriff's Office has an expressed prohibition against racial profiling and is forbidden by all standards set forth by the Agency.

GREENE COUNTY SHERIFF'S OFFICE

Subject: AUTHORITY AND RESPONSIBILITY						Policy 006	
Effective: January 1, 2020			Standard Number(s): 2.7				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

I. Authority and Responsibility

- A. At every level within this Agency personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities.
- B. Each Agency employee will be held fully accountable for the use of, or failure to use, delegated authority. Any employee who has any questions concerning delegated authority should bring such questions to the attention of his/her supervisor or the Sheriff or Undersheriff for prompt resolution.
- C. Any gross improper use of authority or failure to accept authority will be reported through command channels as quickly as possible. Each supervisor is accountable for the performance of the employees under their control.

II. Direction, Obedience to Orders

- A. The Sheriff is the chief executive of the Agency. His constitutional authority is derived from Article 13, Section 13 of the New York State Constitution and his general duties are pursuant to the New York State County Law, Section 650. As such, the Sheriff has full authority and responsibility for the management, direction and control of the operation and administration of the Agency. Both code and policy define certain areas of operation and administration where other officials have full responsibility or share responsibility with the Sheriff and must be complied with.

III. Supervisors Accountability

- A. **Undersheriff:** The Undersheriff acts in the absence of the Sheriff. He is responsible for coordinating the various divisions within the Agency and carrying out all assignments as directed by the Sheriff.
- B. **Patrol Captain:** Designated as in charge of Road Patrol / Operations of the Sheriff's Office. The Captain is responsible for coordinating the various divisions within the Agency and carrying out all assignments as directed by the Sheriff.
- C. **Patrol Lieutenant:** Oversees the supervision of the different Road Patrol divisions including the Criminal Investigations unit as well as specialty units. The Lieutenant works under direct supervision of the Captain.

- D. **Investigation Unit:** Investigators will be under the direct supervision of the Lieutenant and are specifically charged with immediate supervision of all subordinates assigned to his/her tour of duty and will be held responsible for the conduct, discipline and efficiency of such personnel.

- E. **Patrol Sergeants:** Patrol Sergeants are under the direct supervision of the Lieutenant and are specifically charged with immediate supervision of all subordinates assigned to his/her tour of duty and will be held responsible for the conduct, discipline and efficiency of such personnel.

- F. **Deputy Sheriff:** Deputy Sheriff's will be under the direct supervision of the patrol division Sergeants.

Greene County Sheriff's Office

Subject: AUTHORITY AND COMMAND						Policy 007	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

I. Authority and Command

A. Command is exercised by virtue of office or special assignment of officers who are eligible by law to exercise command. Subject to direction from higher command, a commanding officer has direct control over all personnel within his or her command. When officers of equal rank are present and in the performance of the same operation, the senior ranking officer shall be in command except as per paragraph 1 and paragraph 2 or unless otherwise directed.

1. When there is more than one (1) Sergeant at the scene of an incident, the Sergeant designated as "Shift Supervisor" shall be in command.

II. Duties And Responsibilities

A. A member who succeeds to any command or duty, stands in regard to his duties, in the same situation as his predecessor. The member relieved shall turn over to his successor all orders relating to that position in force at the time and all funds and properties pertaining to it. He or she shall receive, upon request, receipts showing the condition of each article so transmitted.

B. An officer relieving or temporarily filling the position of a superior in an acting capacity shall be vested with all the authority and responsibilities of the superior, but the acting officer shall not interfere with, countermand or modify the orders previously issued by the superior, except in an extreme emergency.

C. Members acting in the capacity of a higher grade shall be accorded the same obedience and respect as the permanent ranking officer.

D. Should an order conflict with any previous order issued by any other ranking officer or with any Agency or provision of the Agency's Rules and Regulations, the member to whom such order is issued shall respectfully call attention to the conflict; responsibility for counter-manding the original order then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed.

E. Issuance of orders to a subordinate does not relieve a ranking officer from the responsibility to see that orders are obeyed.

F. Ranking officers shall not perform the duties regularly assigned to a subordinate when the subordinate is available to perform them.

- G. Adherence to the chain of command shall not be by-passed except in an emergency.
- H. Ranking officers may exercise command over subordinates not of their regular command whenever, in his or her judgment, such action is necessary in order not to jeopardize the police purpose or the reputation of the Agency.
- I. Ranking officers in command of the various division of the Agency shall establish methods, techniques and procedures best suited for the accomplishment of the functional objectives of their particular division. Such procedures and techniques shall be subject to the approval of the Sheriff and shall not be in conflict with the law or any Rule and Regulation of the GCSO.
- J. Whenever authority is delegated to a member of the Agency, he or she shall be held accountable for the proper use of such authority.
- K. In order to maintain a proper chain of command, a member will, as a general rule, be required to take direct orders from and be responsible to, one ranking officer. Ranking officers, however, shall exercise direct command over lower ranks outside their usual command in all situations where the police purpose or the reputation of the GCSO is jeopardized; or if no other provision is made for personnel temporarily unsupervised. If a ranking officer requires a subordinate, not of his command, to leave a regular assignment, the ranking officer so directing will inform the subordinate's supervisor as soon as possible.
- L. At every level within this Agency, personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities.
- M. Each Agency employee will be held fully accountable for the use of or failure to use delegated authority. Any employee who has any questions concerning his or her delegated authority should bring such questions to the attention of his or her supervisor.
- N. Any gross improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.

Greene County Sheriff's Office

Subject: Command Protocol						Policy 008	
Effective: January 1, 2020			Standard Number(s): 40.3				
Rescinded:		Amended: August 17 th , 2020			Sheriff Peter Kusminsky		
Reviewed:							

The GCSO is a Para-military organization that follows a hierarchal chain of command. The Deputy Sheriff Lieutenant(s) (LED) are the direct supervisors of the Law Enforcement Division. At the scene of an investigation or unplanned incident, the ranking senior member of the LED is responsible for the investigation until a higher-ranking officer arrives on the scene and assumes command of the incident. He shall have the authority to coordinate and direct the activities of all officers participating in the investigation or incident as the incident commander. Unless such responsibility is assumed, the senior member as described above will be in charge of the investigation or incident. The Sheriff or Undersheriff will serve the investigation in a support role only.

The chain of command (direct lines of communications upward and downward) always applies to administrative matters and only direct lines of communications are used for administrative matters. All employees are encouraged to actively pursue functional lines of communications, regardless of rank or unit. Sound management principles require that during certain situations employees interact outside the chain of command. This is not intended to circumvent the chain of command but rather to supplement it for those situations where interactive communication is necessary to fulfill the mission and objectives of the organization.

Generally, administrative matters are handled through the chain of command with decisions made at the lowest supervisory level possible. Matters in dispute are processed upward through the command structure. Conversely, supervisors should disseminate orders and assignments downward through the chain of command to avoid confusion and conflicts. Tactical situations use a combination of direct and functional lines of communications. Disagreements with the decision of a supervisor are ALWAYS escalated through the chain of command. If there is a doubt whether direct lines of communication (chain of command) or functional lines of communications should be used, the chain of command is always appropriate.

Greene County Sheriff's Office

Subject: SUPERVISOR RESPONSIBILITY: PRELIMINARY INVESTIGATION							Policy 009	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley				
Reviewed:								

I. Procedure:

A. The shift supervisor will automatically respond to the following incidents, and if verified, make appropriate notifications as prescribed:

1. Homicide
2. Attempted homicide
3. 1st degree Rape, Sodomy, Assault
4. Kidnapping
5. Armed Robbery
6. Larceny involving loss in excess of \$3000
7. Major burglaries
8. Suicides and suspicious deaths
9. Search warrant executions
10. Fatal motor vehicle accidents
11. Multiple serious injury motor vehicle accidents
12. Any motor vehicle accident involving a GCSO vehicle.

B. The shift supervisor will notify the Lieutenant during the following incidents:

1. Serious injury to a deputy
2. Serious accident involving an Agency vehicle
3. Major crimes of a serious degree (e.g. murder, assault where death may occur)
4. Disaster, catastrophes or severe weather producing emergency conditions

5. Barricaded person and hostage situations
 6. Serious accident, injury or incident involving Agency personnel or property
 7. Any other incident where the supervisor feels the Sheriff should be notified.
- C. Patrol supervisors will be required to respond and assume command of the following incidents:
1. Serious injury to a deputy
 2. Accident involving an Agency vehicle
 3. Serious complaint or incident involving a deputy
 4. Serious accident, injury or incident involving Agency personnel or property
 5. Disasters, catastrophes or severe weather producing emergency conditions
 6. Major crimes:
 - (a) Homicides
 - (b) Attempted homicides
 - (c) 1st degree Rape, Sodomy, Assault
 - (d) Kidnapping
 - (e) Armed Robbery
 - (f) Burglary
 - (g) Grand Larceny 1st, 2nd 3rd degree
- D. Upon assuming command of one of the aforementioned incidents, the Patrol Supervisor will:
1. Ensure that deputies conduct a thorough preliminary investigation.
 2. Ensure that the deputies preliminary investigation is adequate to provide follow-up if deemed necessary and to notify Criminal Investigation Division if needed.
 3. Review preliminary reports as soon as possible:
 - (a) To determine if investigation is complete.
 - (b) To verify correct crime classification, legibility and sufficiency of information.
 - (c) To notify Criminal Investigation Branch immediately of follow-up if it is an investigator function at which time the Criminal Investigation Branch will assume command of the criminal investigation.
 4. Brief oncoming supervisor of investigation and if not completed for a valid reason, pass same on for completion by the next shift.
 5. Scrutinize reports completed by patrol personnel during the course of their tour of duty for errors and/or omissions and forward for follow-up or to Records Office.

Greene County Sheriff's Office

Subject: DEPUTIES RESPONSIBILITY: PRELIMINARY INVESTIGATION	Policy 010										
Effective: January 1, 2020	Standard Number(s): 40.1,40.2										
Rescinded:	Amended: August 17 th , 2020 Sheriff Peter Kusminsky										
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POLICY: Personnel of the GCSO will conduct vigorous and thorough investigations of all offenses observed or brought to their attention.

I. Procedure

A. Patrol personnel will:

1. Proceed to the incident scene immediately but cautiously, being alert for possible suspects or suspect vehicles.
2. Upon arrival, aid and comfort the victim and secure the scene to protect evidence.
3. Locate and identify witnesses.
4. Transmit to other police units information of immediate relevance directed at intercepting the suspect or suspect vehicle.
5. Focus investigative efforts on the search for solvability factors.
6. Obtain and record a complete description of the crime and property taken (serial numbers, model, color, etc.,) or property damaged.
7. Expend the amount of time necessary to conduct a thorough preliminary investigation, bounded by the character of inquiry appropriate in each case and supervisory approval.
8. Continue the preliminary investigation until:
 - A. All useful information has been obtained from victim(s), witnesses, neighbors or other people present in the area.
 - B. All useful evidence has been identified and preserved at the crime scene and in the immediate area.
9. At the conclusion of the preliminary investigation:
 - A. Enter a recommendation as to the follow-up on the incident report.
 - B. Advise the victim of the current case status.

C. Offer the services of Crime Victim Assistance.

10. Conduct follow-up investigations as needed.

B. Patrol Supervisors will:

1. Ensure that deputies conduct thorough preliminary investigations and complete follow-up investigations on assigned cases.
2. Ensure that deputies devote a suitable amount of time to assure quality of preliminary investigations consistent with the need to maintain other police services.
3. Review preliminary investigation reports as soon as possible to:
 - (a) Determine investigatory completeness in the search for solvability factors and the justification of same. If incomplete, investigation will be returned for completion.
 - (b) Assure correct crime classification, legibility, sufficiency of information, etc.
 - (c) Dependent upon urgency, notify the Criminal Investigation Division.
4. Brief the supervisor of the on-coming shift to exchange information and if for a valid reason a preliminary investigation cannot be completed, pass it on for completion.

II. Investigative Suspension Guidelines

A. For the purpose of this policy, a solvability factor will be deemed to be present if any of the following factors are apparent at the end of the preliminary investigation process:

1. The suspect or accomplice has been named (e.g. full names, partial names, nicknames or aliases).
2. A full description or a distinctive partial description of the suspect or accomplice is available.
3. Significant data is available about the suspect(s) or accomplice(s) such as addresses or locations frequented.
4. A victim or witness could possibly identify the suspect or accomplice.
5. Any property associated with the crime is traceable. However, a case may be suspended after teletype entry if no investigative activity can be performed based upon this one solvability factor.
6. The suspect's or accomplice's vehicle license number is known completely or sufficiently known to be traceable.
7. A good description of the vehicle is known or a distinctive description of part of the vehicle is known and traceable.
8. A suspect's fingerprint(s) is obtained.
9. Significant physical evidence, either traceable or uniquely distinctive, is developed.
10. An unusual, distinctive or significant modus operandi is identified.
11. There was an opportunity for someone other than the suspect(s) to commit the crime.

12. Any other significant reason exists to believe that the crime may be solved with a reasonable amount of investigative effort (e.g. the crime may arouse significant public interest giving rise to the possibility of the public supplying useful information on the case).

III. Notifications

- A. Notifications will be made in accordance with provisions established in Rules and Regulations 022, "Emergency Notifications" and 022A, "Sheriff Notifications".

IV. Investigations

- A. Virtually all investigations are initiated by Patrol Deputies. Depending on the nature of the offense and level of assistance or follow-up required, Road Patrol supervisors will refer the incident to the Criminal Investigation Branch who will work the case with the initial case officer or assign it back to the Road Patrol for follow-up and closure.

GREENE COUNTY SHERIFF'S OFFICE

Subject: CONFLICT OF ORDERS						Policy 011	
Effective: January 1, 2020			Standard Number(s): 2.7				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: To permit effective supervision, direction and control, employees should promptly obey any lawful order from a superior including any order relayed from a superior by an employee of the same or lesser rank.

- A. In the event an employee is given two apparently lawful but different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified.
- B. In the event an employee receives conflicting orders, the employee should inform the person giving the last order of the conflict of orders. That person giving the conflicting order should then resolve the conflict by either retracting, modifying or requesting the employee to comply with the latest order.
- C. In the event the conflicting order is not altered or retracted, the employee will not be held responsible for disobedience of the order or directive as previously issued.

GREENE COUNTY SHERIFF'S OFFICE

Subject: JOB CLASSIFICATIONS						Policy 012	
Effective: January 1, 2020			Standard Number(s): 2.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

1. Sheriff

The Sheriff oversees and directs the operations of the Greene County Sheriff's Office.

2. Undersheriff

- A. Assists the Sheriff in planning and directing the Agency.
- B. Acts in the absence of the Sheriff.
- C. Oversees day-to-day operations of the divisions within the Agency.

Assists the Sheriff in developing, implementing and enforcing Agency policies.

3. Captain

Supervisory position, third in command. The Captain will assist with the administration, control and operations of the GCSO, road patrol and Investigators. The Captain works under the supervision of the Sheriff and Undersheriff. The Captain will assume control at the request of or in the absence of the Sheriff or Undersheriff. The Captain's responsibilities include, but are not limited to;

- Supervises and directs the activities of subordinate personnel.
- Assists the Sheriff and Undersheriff in formulating policies and procedures for the department.
- Assists the Sheriff and Undersheriff with administrative matters, which may include budget preparation, personnel matters, legal issues and other department concerns.
- Represents the Sheriff on various committees and boards.
- Acts as a liaison and coordinates with local, state and federal police agencies to ensure efficient operation of the GCSO.
- Provides and/or coordinates specialized training for department personnel.
- Prepares and maintains a variety of records and reports.
- Assumes responsibility in the absence of the Sheriff and Undersheriff.

4. Law Enforcement Division

- A. The Road Patrol Division, commanded by the Captain, is responsible for general police services throughout the County and is comprised of a Lieutenant, Sergeants, Deputy Sheriffs and specialized unit personnel.

Lieutenant:

Supervisor of all patrol, uniformed operations and over sees the Criminal Investigation Unit of the Agency; assists in planning and directing the Agency; develops policy for the Division; assigns duties and details and reviews performance; investigates complaints of misconduct and administers discipline; handles grievances; authorizes advance schedule and leave including overtime.

Inspects personnel and equipment; prepares State and local reports; directs patrol activities; annual review of the manual and active orders, making recommendations for change to the Sheriff and Undersheriff and represents the Sheriff as directed.

Receives complaints from the public concerning crimes and emergencies; responsible for supervision and maintenance of all departmental equipment; receives personnel complaints from the public and investigates the same; represents the Sheriff as directed.

Sergeant:

Supervises uniform duties and communication personnel; makes daily assignments of uniform patrol; schedules days off and vacations; schedules details for Family Court, civil process, warrants, etc.; supervises fatalities, suicides, unattended deaths, severe personal injury accidents.

1. **Patrol Deputy Sheriff's:** Responsible for requests for police services; investigates crimes and incidents; serves civil and Family Court papers; and performs such other duties as assigned by the Sheriff.
2. **Part Time Deputies:** Responsible for serving civil and family court papers, safety and security of Greene County Office Buildings, serves on Specialized Units and performs other duties as assigned by the Sheriff.
3. **Special Patrol Officers:** Responsible for safety and security of Greene County Office Buildings.
4. **Specialized Units:** Personnel assigned to specialized units must receive specialized training, if required, and are responsible for carrying out the duties assigned their specialized unit.
 - a. **Evidence Technicians:** Investigates, collects evidence and provides photographic or technical sketches or diagrams of crime scenes and motor vehicle accidents that result in death or serious injury.
 - b. **Hostage Negotiators:** The Hostage Negotiators are trained to defuse high stress situations to include barricaded and suicidal persons. Hostage Negotiators assist the Emergency Response Team.
 - c. **Dive Team:** The Dive Team recovers drowning victims and recovers personal and evidentiary property.

- d. **Columbia Greene Shared Services Response Team:** The CGSSRT is trained to deal with situations where conventional police tactics are not appropriate. The CGSSRT handles high risk warrant services and has developed plans and trained for situations that may occur in the Jail, Courthouse, Government Center and County schools.

- e. **Marine Patrol:** The Marine Patrol is responsible for enforcing New York State Navigation Law, educating the public on safe boating and answering complaints and investigating incidents on the Hudson River, as well as other lakes or bodies of water within Greene County.

- f. **K9 Team:** The K9 Unit provides police patrol and canine tracking, handler protection, and drug detection.

5. **Criminal Investigation Unit**

- a. The Criminal Investigation Unit is commanded by the Lieutenant and is responsible for investigating major criminal cases, serious accidents that result in death or personal injury, homicides, suicides, unattended deaths, drug cases and juvenile matters, etc. The Division conducts background investigations on Agency job applicants.

Lieutenant: Supervises all investigative functions of the Sheriff's Office; assists in the planning and directing of the Agency; develops policy for the Division; assigns duties and details and reviews performance; inspects personnel and equipment; prepares State and local reports; directs investigations; and represents the Sheriff as directed.

Investigator: Responsible for interviewing of suspects and witnesses; gathers evidence; prepares and files reports for the District Attorney's Office; assists Road Patrol with investigations; investigates criminal cases; assists other police agencies.

Civil Office Manager: Administrative and supervisory position that is accountable for the overall operation of the Civil Division and the Pistol Permit Division.

Civil Office Coordinator: Assists the Civil Office Manager in the daily operation of the civil division with responsibility of prompt preparation and disposal of all civil process, employing Deputy Sheriff's to assist in service procedures; collects and disperses monies received by the Agency.

Greene County Sheriff's Office

Subject: HIRING PROCEDURES						Policy 013	
Effective: January 1, 2020			Standard Number(s): 11.1,12.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: The purpose of this Regulation is to establish a formal policy and comprehensive guidelines to insure equal employment opportunity for all applicants, personnel and employees of the Greene County Sheriff's Office.

Policy: It is the policy of the Greene County Sheriff's Office to recruit and hire well-qualified persons to perform the many tasks necessary in providing superior law enforcement and corrections to the citizens of Greene County. It is the policy of this department that local, state and federal laws and regulations shall be fully complied with. The preliminary method of recruitment for the position of full time Police Officer/Correctional Officer within the Greene County Sheriff's Office is through the Greene County Civil Service Commission's continuous recruitment testing program.

Hiring Procedures:

1. The County of Greene will ensure equal employment opportunities.
2. This objective calls for the elimination of discrimination in employment because of race, color, religion, national origin, sex or age and to have a work environment free of discrimination.

A. Civil Service Test:

The Greene County Civil Service Commission will develop, arrange and coordinate Civil Service tests to be given for Deputy Sheriff/Police Officer, Corrections Officer, and civilian employees in accordance with Civil Service standards and qualifications.

Each applicant must pass a written civil service examination which is designed by the Civil Service Commission.

- B. The Greene County Civil Service Commission will supply the Sheriff with Civil Service Test results and a list of qualified persons as soon as they are made available.

C. Candidates selected for an interview will be contacted by telephone by the Undersheriff or his designee.

D. Physical Fitness Screening Test is done in accordance with civil service law.

E. Background Investigation:

The application will be forwarded to the CIU Senior Investigator who will conduct a thorough and complete background investigation of the applicant utilizing the GCSO Background Investigation Packet. In addition to interviewing individuals specifically listed as references on the Application for Employment, background investigators should interview, at a minimum, present and former employers, creditors, and may include former school teachers, guidance counselors and administrators (if applicable), neighbors and local police agencies.

The background investigation is designed to determine a candidate's qualification and desirability as an employee. Job qualification standards are pre-determined by job description and Civil Service requirements and testing. Investigators, therefore, should question those interviewed about a candidate's desirability as an employee. A sampling of questions might include attendance and punctuality, work ethic, responsibility and accountability, ability to work with and get along with others, receptiveness to constructive criticism, personality, temperament, credibility, personal hygiene and grooming, attitude and physical ability to perform job requirements.

While a specific number of references are not required, it is reasonable to assume other persons, in addition to those listed as references, will provide the investigator with enough information sufficient to judge a candidate's desirability for employment.

F. Personal Interview:

Applicants will be interviewed by the Sheriff, Undersheriff and Lieutenant(s). A basic set of questions will be asked of each candidate. Results of the interview will be maintained in the applicant's personnel file. The Sheriff will conduct final interviews and will determine what applicants are forwarded to the County Administrator for hiring.

G. Psychological Test:

Each candidate, prior to appointment shall undergo an emotional stability and psychological examination. Examinations shall be arranged, conducted and supervised by the GCSO. Results of the examinations shall be part of the candidate's file and securely maintained in the personnel file the candidate/employee before completion of the probationary period must pass the psychological test.

Greene County Sheriff's Office

Subject: APPOINTMENT PROCEDURE						Policy 014	
Effective: January 1, 2020			Standard Number(s): 11.1,12.1				
Rescinded:		Amended:		Sheriff Peter Kusminsky			
Reviewed:							

The appointment procedure and the probationary period for new deputies, communications and corrections officers, **full-time and part-time**, is as follows:

1. The GCSO is a civil service agency. Appointment to full time positions in the Agency shall be made from an eligible list that has been established by competitive examination. The Sheriff shall have authority to appoint new personnel.
2. An applicant and employee must be a citizen of the United States, resident of Greene County, of good moral character, possess a high school diploma or its equivalent and pass a physical examination and mental health evaluation. **Age requirements are established by Civil Service rules and vary with position.**
3. Upon completing all requirements of the New York State Civil Service Law, including the successful completion of a competitive examination, the Sheriff will conduct interviews with candidates from the appropriate eligible list.
4. Applicants are required to present themselves for an oral interview to be conducted by the Sheriff or his designee. Such interview shall be evaluated based upon a defined set of personal attributes and such evaluation shall be on a uniform set of questions.
5. The applicant shall be required to submit to a full background investigation.
6. The applicant shall provide information and sign any necessary waivers for the release of records in the following areas;
 - a) Fingerprint-based Criminal History Record;
 - b) Family
 - c) Education;
 - d) Residences (past and present)
 - e) Work Record;
 - f) DMV Record
 - g) Military History;
 - h) County Records such as liens and judgements;
 - i) Organizations and affiliations;
 - j) References and Social Contacts;
 - k) Credit Record;
 - l) Mental Health Records and History;
 - m) Medical Records and History;
 - n) Work Performance

The applicant will also sign provide information or sign waivers to obtain information for any other areas deemed necessary by the Sheriff or his designee for a thorough and complete investigation.

7. The applicant will make him or herself available for fingerprints and photos to be used for inquiry on any criminal records.

8. Applicants will be required to successfully complete an emotional stability and psychological fitness examination prior to appointment. For lateral and re-hire appointments, psychological testing conducted at any time by another law enforcement agency may be considered provided the candidate has maintained a valid police training certificate pursuant to GML 209-q.

9. Except as otherwise directed by the Sheriff, the Criminal Investigation Division shall be responsible for conducting applicant background investigations, which shall encompass all facets of the applicants' background. Upon completion the report shall be submitted to the Sheriff.

10. The Sheriff shall review applicant background investigations and the applicant's position on the eligibility list. The Sheriff may then terminate the application or he may hold the application for filling an existing vacancy.

11. All applicants for positions with the GCSO are subject to background investigations. This shall include: part-time employment; and, full-time appointments for which a Civil Service competitive examination is required.

12. Upon appointment, applicants are required to take an Oath of Office.

13. Appointments shall be probationary for a period of 12 months in accordance with the New York State Civil Service Law and the rules of the County of Greene.

14. To obtain permanent status all state mandated training must be successfully completed as prescribed by law. In addition, any other training the Sheriff deems necessary shall be completed before appointment to permanent status.

15. Upon satisfactory completion of the period of probation and successful completion of all required training, the appointment will become permanent. If the conduct, services, performance of duty, physical condition or health of personnel at any time during the probationary period is not satisfactory they may be terminated, without hearing, by the Sheriff.

Greene County Sheriff's Office

Subject:	RESTRICTIONS ON UNTRAINED DEPUTIES	Policy	015
Effective:	January 1, 2020	Standard Number(s): 32.1	
Rescinded:	Amended:	Sheriff Peter Kusminsky	
Reviewed:			

POLICY: The purpose of this Rules and Regulation is to ensure that only properly trained and certificated Deputy Sheriff's are performing the duties of police officer and to ensure that Supervisors within the GCSO are properly trained so as to provide proper supervision to their subordinates.

No Deputy Sheriff will be assigned to regular law enforcement duties until such Deputy Sheriff has successfully completed the Municipal Police Training Council (MPTC) Basic Course for Police Officers. Deputy Sheriff's who have not completed the required basic training may, however, perform regular police duties if they are accompanied by a Deputy Sheriff who has successfully completed basic training.

Patrol Sergeants, designated as first-line supervisors, will complete a MPTC approved Supervisor's Course within one year of appointment to the rank of Sergeant.

Greene County Sheriff's Office

Subject: BASIC TRAINING						Policy 016	
Effective: January 1, 2020			Standard Number(s): 32.1,32.3				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: Basic school is perhaps the most critical part of a police officer's career. There can be no substitute for proper training of police recruits and the Municipal Police Training Council (MPTC) has established specific requirements for the basic course. Every law enforcement agency has the responsibility to comply with applicable state regulations and ensure each recruit is thoroughly trained. The GCSO requires all deputies assigned to road patrol duties successfully complete the MPTC Basic School for Police Officers.

Agencies become more professional and reduce risk of lawsuits by continually updating the skills, knowledge and abilities of their employees. Appropriate topics for in-service training include, but are not limited to, new laws, court decisions, changes in policy and procedures and review of the use of force and deadly force. Additionally, specific training for personnel assigned to specialized units is very important because these assignments often require unique administrative, operational and legal skills; formal training and where appropriate re-certifications required to improve the efficiency of specialized operations and to promote officer safety.

Greene County Sheriff's Office

Subject: F. T. O.	Policy 017
Effective: January 1, 2020	Standard Number(s):32.5
Rescinded:	Amended: August 17 th , 2020
Sheriff Peter Kusminsky	
Reviewed:	

POLICY:

It is the policy of the Greene County Sheriff's Office, to maintain a Field Training Officer Program. The Program is a management system, with the goal of improving the overall effectiveness, and efficiency of the Sheriff's Office. To achieve this goal, the Program has established the following objectives.

The established Program must involve a DCJS certified Field Training Officer.

To establish a Probationary Officer, appraisal system, providing a valid, job related, post academy, evaluation of the Probationary Officer's performance.

To Improve the Probationary Officer's Training Process. The Field Training Officer Program provides, post academy, on the job training to Probationary Officers. Field Training Officers serves as Role Models for the probationary Officers, in the development of; Knowledge, skills and abilities, needed for serving as a Deputy in the Greene County Sheriff's Office.

To improve the overall Applicant screening process. The Field Training Officer's Program is one phase of the Sheriff's Office's overall applicant screening process. It is designed to extend the Sheriff's Office's selection process to include on the job observations and evaluations.

To promote a professional road patrol function. The Field Training Officer Program is designated to continually upgrade, and improve the road patrol function within the Sheriff's Office, by utilizing the latest training techniques, and setting a positive example for all Deputies working in the road patrol division.

To establish a program review procedure. Providing an appraisal system that measures the effectiveness of the Sheriff's Office's selection process.

All members of the Field Training Program must follow the proper chain of command. The chain of command is as follows:

- Probationary Officer to Field Training Officer
- Field Training Officer to Sergeant in charge
- Sergeant in charge to Lieutenant in charge of the program

The Field Training program will consist of a twelve week program. This twelve weeks will include the 160 mandatory academy hours, if so applicable. If, at the end of the twelve weeks, the Probationary Officer has not met the requirements of the Field Training Program, it may be extended an additional two weeks for a total of fourteen weeks. If this two weeks remedial training is necessary, the Field Training Officer will submit a letter to the Sergeant in charge requesting formal meeting with the Sergeant in charge, Lieutenant in charge, the Probationary Officer, and any other Field Training Officer's involved with the Probationary Officer.

Any negative issues with the Probationary Officer that the Field Training Officers encounter that is not correctable with normal training methods will be documented and reported to the Sergeant in charge as soon as possible. The chain of command will be followed for addressing these issues. The Sergeant in charge will review the situation with the Field Training Officer, and both will attempt to correct the issue. Correction can be, but is not limited to; verbal warning, written memo, a formal meeting with the Lieutenant in charge, counseling memo and/or termination from the Field Training Program and GCSO employment.

If the Probationary Officer has personal issues with his/her Field Training Officer, and feels he or she is being mistreated, will advise the Field Training Officer that he or she wishes to speak with the Sergeant in charge about the situation. The Field Training Officer will notify the Sergeant in charge of the request as soon as possible.

During the Field Training Program, the Probationary Officer will shadow the scheduled shifts of his/her Field Training Officer. The Field Training Officer and shift supervisor will decide which post is most beneficial to the Probationary Officer's training for that scheduled shift. This may include, but is not limited to; a single post, multiple posts, all post or any special details.

The twelve week program will involve two Field Training Officer's. This will allow each Field Training Officer to train the Probationary Officer for a six week period.

On a case by case basis, the scheduled shifts of the Field Training Officer and Probationary Officer may be modified to aid the training of the Probationary Officer. The Sergeant in charge and the Field Training Officer will discuss a schedule prior to the beginning of their block of training. The Sergeant in charge will submit the request to the Lieutenant in charge for review.

When a Field Training Officer is done with his/her block of training, he/she will relay all the Probationary Officer's paperwork, documents and information to the next Field Training Officer. Communication with the Sergeant in charge and the other Field Training Officers involved is critical to the success of the Officer and the Program.

Daily observation reports will be completed by the Field Training Officer and reviewed with the Probationary Officer on a daily basis. Any of the Greene County Sheriff's Office Field Training paperwork should be filled out in a timely manner.

It is the responsibility of the Filed Training Officer / Probationary Officer to answer every 911 poll in his/her post and respond if he/she is assigned by dispatch. The Field Training Officer may use discretion with the minimum and maximum amounts of calls for service during a scheduled shift that the Probationary Officer handles. This will be based on Filed Training Officer's observations of the Probationary Officer's abilities at that time to handle the job related task. This may require the Field Training Officer to handle calls and or paperwork. Complaints being turned over to the Field Training Officer and the Probationary Officer by other members or dispatch that they were not assigned to will be at the discretion of the Field Training Officer and the shift supervisor.

If a Field Training Officer is not able to work his/her scheduled shift, they will notify the Sergeant in charge and the Probationary Officer as soon as possible for reassignment.

At the conclusion of the twelve or fourteen weeks of training, the second Field Training Officer will address a letter to the Sergeant in charge stating that the Probationary Officer has, or has not, met the requirements of the Field Training Program and is ready for final review. Along with this letter, all paperwork will be forwarded to the Sergeant in charge as well.

On a case by case basis, when hiring lateral transfers, or Officers with previous experience and training, the Program may be shortened to a minimum of eight weeks. If the Field Training Officer feels the Probationary Officer is capable and has met all the requirements of the Field Training Program, he or she will submit a letter to the Sergeant in charge stating this along with all documentation of the decision. The Sergeant in charge will review all paperwork. If the Sergeant in charge agrees with the decision, they will submit a letter to the Lieutenant in charge stating the same, along with all paperwork. If the Sergeant in charge does not agree, he or she will meet with the Field Training Officer and discuss the situation. If needed, a meeting with the Lieutenant in charge can be requested.

GREENE COUNTY SHERIFF'S OFFICE

Subject: SUPERVISORY TRAINING						Policy 018	
Effective: January 1, 2020			Standard Number(s): 34.1,34.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: Road Patrol Sergeants designated, as first-line supervisors will complete a Municipal Police Training Council (MPTC) approved Supervisor's Course within one year of appointment to the rank of sergeant.

Annual training to enhance managerial and supervisory skills of Sergeants and Lieutenants with supervisory responsibility will be provided by this Agency.

Greene County Sheriff's Office

Subject:	INSERVICE TRAINING	Policy	019
Effective:	January 1, 2020	Standard Number(s): 33.1, 33.2, 35.1,35.2,35.3	
Rescinded:		Amended: August 17 th , 2020	Sheriff: Peter Kusminsky
Reviewed:			

POLICY: GCSO Law Enforcement personnel will be required to attend a minimum of 32 hours of In-service training annually to include, but not be limited to, firearms training and qualification, legal updates, use of force and use of deadly force.

In-service training may include training sessions and classes offered by the GCSO, other local, county, state and federal agencies, private sector companies and institutions providing law enforcement training and MPTC courses and re-certification courses provided by MPTC approved agencies and institutions.

I. Procedure

- A. All in-service training will be documented on training records maintained by the Lieutenant. Training records are considered part of individual personnel records.
- B. In-service training classes conducted by the GCSO will adhere to the following:
 1. All in-service training will be coordinated by the Training Officer and approved by a Lieutenant or Undersheriff.
 2. Lesson plans will be prepared or approved by a certified IDC Instructor on a GCSO lesson plan format no later than one month prior to a scheduled class date.
 3. A sign-in sheet will be maintained for each class, will be signed by each attendee and attendance will be noted for all police services personnel on an individual in-service training sheet that will be maintained as part GCSO training records.
 4. Date, time, place and subject of each class will be sent via department email no later than two weeks prior to the scheduled class.
 5. Any member who is assigned to training in lieu of a regular scheduled work day is required to work their full shift even if training ends early. For example if you are a 12 hour employee and training ends after 8 hours, you must work the 4 remaining hours. If a situation like this occurs, the individual Deputy will call the shift Sergeant or Supervisor on duty and notify them that training has ended early. The Sergeant or Supervisor on duty will have the discretion to assign personnel where needed for the remaining hours. If the training is scheduled as overtime, the assigned shift ends when the training ends.

GREENE COUNTY SHERIFF'S OFFICE

Subject: SPECIALIZED TRAINING/ RECORDS						Policy 019A	
Effective: January 1, 2020			Standard Number(s): 33.3				
Rescinded:		Amended: August 17 th , 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: It is the policy of the GCSO to provide specialized training and recertification training to all personnel assigned duties that require technical training, i.e. breathalyzer operator.

It is the responsibility of the deputy, investigator or corrections officer when sent to recertification classes, to successfully complete recertification requirements. The GCSO has the option of sending personnel, who fail to meet recertification requirements, back to basic certification school.

It will be the responsibility of the appropriate Training Supervisor to maintain records of all training completed by Agency personnel who have attended training classes administered by MPTC sanctioned entities or an outside agency. The assigned training supervisor will also ensure the GCSO maintains training records, rosters, lesson plans and any other documentation for courses provided for personnel by this Agency.

All training records will be secured and maintained in the Lieutenant's office for an indefinite period of time.

All GCSO personnel assigned to any specialized units must meet the minimum training requirements for that particular unit.

Greene County Sheriff's Office

Subject: COMMUNITY RELATIONS	Policy 020								
Effective: January 1, 2020	Standard Number(s): 29.1								
Rescinded:	Amended: August 17th, 2020 Sheriff Peter Kusminsky								
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>								

Purpose: The community relations function is a responsibility of all GCSO personnel. All Agency personnel should project a positive image and become involved in community needs. The conduct of each employee reflects the Agency as a whole, and the burden of achieving the Agency's community relations objective should be shared. Every employee must be aware of the different programs that the Agency has so they can inform the community. A member of the Agency may be designated by the Sheriff as Community Relations Officer.

I. Relations With The Public

A. Courtesy

1. Personnel shall be courteous to the public in person or when on the telephone. Personnel shall be tactful in the performance of their duties, control their tempers, exercise the utmost patience and discretion and shall not engage in argumentative discussion, even in the face of extreme provocation. In the performance of their duties personnel shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudice concerning race, religion, politics, gender, national origin, life style or similar circumstances.

B. Request for Assistance

1. When any person requests assistance or advice, makes a complaint or report, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Agency procedures.

C. Citizen Complaint

1. Complaints made by a citizen against any employee of the GCSO will be filed in accordance with provisions of Rules and Regulation A26, "Personnel Complaints".

II. Interpersonal Communications

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

III. Identification

- A. All personnel shall furnish their names and, if applicable, exhibit their badge or identification card to any person requesting that information when they are on duty or holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.

IV. Request for Agency Speakers

- A. All requests for Agency personnel to speak at public gatherings, luncheons, service clubs, civic associations, etc., will be referred to the appropriate Lieutenant.
- B. The Lieutenant will evaluate the request and, if appropriate, identify the Agency member best suited to respond to the request. The Sheriff will have the final decision on personnel addressing the public.
- C. Personnel receiving a request to speak before any group on a specific topic or activity must first obtain approval from the Sheriff.

V. Meetings Attended

- A. Whenever any member is asked to attend any meeting, as a representative of the GCSO, or owing to their status as a member of this Agency, they must first obtain permission from the Sheriff prior to attending such meeting. This is to include, but not be limited to, any meetings held with Federal, State, County, Town or Village departments or governmental representatives, either appointed or elected, civic or social groups/organizations.

VI. Individual Dignity

- A. All persons have a right to dignified treatment under the law and the protection of this right is a duty which is binding on all personnel within this Agency.
- B. Personnel must treat persons with as much respect as that person will allow and be mindful that the people with whom they are dealing are individuals with human emotions and needs.

VII. Equality Of Enforcement

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

VIII. Responsiveness to the Community

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

IX. Community Access to Police Information

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

Greene County Sheriff's Office

Subject: CRIME PREVENTION						Policy 021	
Effective: January 1, 2020			Standard Number(s): 29.3				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

PURPOSE: The purpose of this policy is to define Agency policy, procedures and responsibility for crime prevention.

I. Policy:

- A. Crime prevention is the duty of the GCSO in cooperation with the citizens of the Community.
- B. The Agency seeks to prevent crime through traditional patrol, observation and investigation techniques designed to protect life and property, detect and apprehend offenders, preserve the public peace and enforcement of laws over which we have jurisdiction.
- C. Citizens of the community are encouraged to participate in crime prevention through police-citizen oriented programs.
- D. Citizen-police crime prevention programs will be coordinated by the Resident Deputy Program under the direction of the Sheriff.
- E. All personnel in the Agency share the crime prevention function while performing their duties or while assisting our community or investigating crimes.

II. Purpose:

- A. Duties and Responsibilities
 - 1. Agency personnel assigned to specific crime prevention presentations shall wear the prescribed uniform per Rules and Regulations 015. The Sheriff may determine that a specific assignment would benefit by civilian attire in place of the Agency uniform.
- B. All Agency personnel will be responsible for but not limited to:
 - 1. Identifying community needs for selected crime prevention programs, crime problems and possible crime prevention solutions and taking appropriate action to implement same upon approval of the Sheriff.
 - 2. Assisting the Resident Deputy Program in the development and implementation of crime prevention programs as directed by the Sheriff.

3. Participate in crime prevention activities as assigned, such as:
 - a. Lecturing on various crime prevention topics.
 - b. Maintain liaison with individuals and community business groups.
 - c. Participating in crime prevention training.
 - d. Following up on referrals regarding crime prevention.
 - e. Evaluating programs initiated and exchange ideas with other members of the Agency or other Agency representatives.

C. Crime Prevention Records:

1. It shall be the responsibility of the Resident Deputy Program to establish and maintain crime prevention programs in accordance with the following crime prevention categories:
 - a. Crime Prevention and Property
 1. Security lighting
 2. Alarm Systems
 3. Security hardware
 4. Property identification
 - b. Crime Prevention and Business
 1. Robbery prevention
 2. Shoplifting prevention
 3. Internal theft prevention
 4. Fraudulent checks, credit cards, counterfeiting
 - c. Crime Prevention and the Person
 1. Rape Prevention
 2. Crime prevention and senior citizens
 3. Crime prevention and children
 4. Domestic violence
 5. Substance abuse prevention

Crime Prevention Programs

The Sheriff will authorize crime prevention programs to suit community needs. These programs may include programs developed by the GCSO or proven state or national programs. All employees share responsibility for implementing these crime prevention programs to help the public protect themselves from criminal acts. However, because of the specialized nature of some of the formal programs, specific employees may be assigned or detailed to be primary implementers of the programs. The following sections describe some of the formal programs administered by the GCSO.

Neighborhood Watch

The GCSO will assist communities in developing, implementing and sustaining a neighborhood watch program. We will provide training and support to neighborhood watch volunteers. All GCSO employees assigned to Communications duties should be aware of neighborhood watch groups. A patrol will ALWAYS be dispatched to a complaint from a neighborhood watch member.

Crime Victims Compensation Law

The Greene County District Attorney's Office has a comprehensive program to support crime victims in accordance with the provisions of the New York State Executive Law '642 subdivision 2.a. The program provides essential services to crime victims and witnesses involved with prosecutions of defendants and criminal investigations. It is essential that all members of the Greene County Sheriff's Office are familiar with this program and use the resources of the District Attorney's Office when dealing with victims and witnesses.

Therefore, the Greene County Sheriff's Office is fully committed and supportive of the rights of crime victims and will fully cooperate with the Greene County District Attorney's Office, scrupulously guarding the rights of crime victims.

General Procedure For Crime Victims

The following procedures relate to the treatment of crime victims in general:

All victims of crime are to be treated with dignity, respect and compassion. No action by any member of this Office should compound or exacerbate the stressful psychological condition crime victims often experience:

Victims should be allowed to contact and advise family members of their situation and to receive their support during the post crime trauma period. Contacts with family members can be managed by the investigating officer with skill and diplomacy so as not to jeopardize an effective criminal investigation. Victims have a right to prompt medical attention for any injuries sustained during the criminal episode.

Victims have a right, and we have an affirmative duty, to inform them of supportive services that are available to aid them, such as:

1. Greene County District Attorney's Office
411 main Street
Catskill, New York 12414
719-3590
2. Columbia Greene Crime Victims Service
454 Warren Street
Hudson, New York 12534
828-2503 or 758-6696 (Both lines answered 24 hours a day, after hours by an answering service)

This organization offers a wide range of free services to crime victims and their families in order to reduce the psychological, physical, and financial hardship they suffer. They provide counseling and practical help to all victims and witnesses of crime and their families.

Crime victims have a right to information regarding the progress of their particular case at all stages of the investigative and prosecutorial process. This information shall be provided by the Greene County District Attorney's Office.

Investigators and Deputies shall make every effort to have victim's property examined for evidential value in an expeditious manner by the District Attorney's Office and returned to the victim as quickly as possible.

Victims shall have a right to contact their own counsel and to receive timely notice of all required court appearances. If required to by circumstances, officers should speak to the victim's employer, explaining the necessity of the victim's appearance at court. In addition, when requested by victims, officers shall provide assistance in explaining and documenting serious financial loss to creditors.

Procedure for Sex Offense Victims

Due to the emotional and sometimes physical injury caused to victims of sexual offenses, members of the GCSO will be particularly sensitive to the needs of these victims and witnesses involved. In addition to the procedures for crime victims described above, the following additional procedures apply to victims of sex crimes:

When interviewing victims of a crime defined in article one hundred thirty (Sex Offenses) or section 255.25 (Incest) of the Penal Law, members will do so in a setting that is as private as possible under the circumstances as follows:

Officers should obtain a private setting for interviewing victims. Private setting shall mean an enclosed room from which the occupants are not visible or otherwise identifiable, and whose conversations cannot be heard from outside such room.

Only those persons directly and immediately related to the interviewing of a particular victim, the victim, a social worker, rape crisis counselor, psychologist or other professional providing emotional support to the victim, unless the victim objects to the presence of such person and requests the exclusion of such person from the interview, and where appropriate, the parent or parents of the victim, if requested by the victim, shall be present during the interview of the victim.

1. Such facilities are available at several locations throughout the Office. Should circumstances dictate that the interview take place at an outside location, the location should be carefully chosen to conform to these requirements?
2. Offices shall inform each and every victim of a crime defined in article one hundred thirty of the Penal Law in writing when possible of the availability of counseling and related services offered by the nearest such service, namely:

Rape Crisis Center of Columbia Greene
430 Warren Street
Hudson, New York 12534
828-5556 or 758-6696 (Both numbers are answered 24 hours a day, after hours by an answering service.)

Victims of crime may be entitled to compensation benefits from the New York State Crime Victims Board. The benefits cover out-of-pocket medical expenses, lost wages, funeral expenses, limited coverage for essential personal property when involving senior citizens, counseling services for sexual assault victims and homicide survivors, rehabilitative services, loss of support, and Good Samaritan benefits. Victims may contact the Columbia Greene Crime Victims Service for details.

Greene County Sheriff's Office

Subject: PERSONAL APPEARANCE						Policy 022	
Effective: January 1, 2020			Standard Number(s):14.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: It is expected that each member of the GCSO will take pride in his and her appearance and be aware the public is impressed in a positive manner by personnel who are neat, clean and business-like. Keeping this in mind, personnel assigned to the Law Enforcement Division, Corrections Division and Civil Enforcement Division are directed to strictly follow the provisions governing personal appearance contained herein.

I. Personnel will adhere to the following:

A. Report for duty beardless and clean shaven, unless directed and permitted otherwise by administration.

B. Mustaches are permitted but cannot be waxed, must be neatly trimmed and cannot extend below the upper lip nor beyond the corners of the mouth.

C. Hair must be trimmed and combed, must not extend over the ears and must be at least one inch above the collar.

D. Female personnel will wear their hair so as to comply with paragraph C above, or:

1. Wear their hair neatly upswept and contained without the use of headgear.
2. Wear their hair in a bun.
3. Hair ribbons and ornaments will not be worn but pins, combs or barrettes may be worn and should be concealed as much as possible.
4. Female personnel not required to wear uniform headgear will be exempt from the sections above, but will wear hair in a neat well-groomed manner.
5. Fingernails must be clean and cannot extend beyond the end of the finger.
6. Sideburns cannot be worn beneath the earlobe or exceed one inch in width.
7. For safety reasons earrings and necklaces are not permitted while on duty. Rings and watches may be worn.
8. Uniforms or civilian attire, whichever is required while on duty, must be neat, clean, pressed and in good repair.

9. Boots or shoes will be in good repair and shined.

E. Exceptions:

1. Personnel assigned to work undercover are exempt from clothing and personal appearance requirements.

F. Tattoos: Tattoos, visible while wearing uniform are not permitted. If an employee has tattoos not in compliance with this policy, prior to this policy being implemented, or prior to being hired, said tattoo or tattoos will be photographed and documented and he or she are not permitted to add further tattoos visible while wearing uniform.

G. Ear Rings: Ear rings will not be worn while on duty. Exceptions will be made for undercover work, as well as for females wearing civilian attire.

Greene County Sheriff's Office

Subject: PHYSICAL AND MENTAL READINESS						Policy 023	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: The overwhelming conclusion reached by many research studies supports the premise that the effects of regular participation in sound physical fitness programs in conjunction with weight control, diet and nutrition, stress management, dental health and avoidance of hypertension, substance abuse and tobacco use enhance a person's quality of life, improve productivity and bring about positive physical and mental changes. Physically fit individuals are also more likely to have enjoyable and productive lives.

In a law enforcement environment physical fitness is the ability to function effectively in physical work, training and other activities and still have enough energy left to handle emergencies that may arise.

Effective, efficient and safe public service depends on personnel being ready to perform competently and at a moment's notice. It is reasonable and logical to assume that personnel who are physically and mentally ready to perform will be better performers than those who are not physically and mentally prepared.

I. Components Of Physical Fitness

- A. Cardio respiratory Endurance: the efficiency with which the body delivers oxygen and nutrients needed for muscular activity and transports waste products from the cells.
- B. Muscular Strengths: the greatest amount of force a muscle or muscle group can exert in a single effort.
- C. Muscular Endurance: the ability of a muscle or muscle group to perform repeated movements with sub-maximal force for extended periods of time.
- D. Flexibility: the ability to move the joints or any group of joints through an entire, normal range of motion.
- E. Body Composition: the amount of body fat in comparison to total body mass.
 - 1. Improving the first three components of fitness listed above will have a positive impact on body composition and will result in less fat. Excessive body fat detracts from other fitness components, reduces performance, detracts from appearance and negatively affects one's health.

II. Principles Of Exercise

- A. Regularity: To achieve a training effect a person must exercise often. One should strive to exercise each of the first four Fitness Components at least three times a week. Regularity is also important in resting, sleeping and following a good diet.
- B. Progression: The intensity and/or duration of exercise must gradually increase to improve the level of fitness.
- C. Balance: To be effective, a program should include activities that address all the fitness components.
- D. Specificity: Training must be geared toward specific goals.
- E. Recovery: An intense session of training for a given component must be followed by an easier training session or rest day for that component and/or muscle group to help permit recovery.
- F. Overload: The work load of each exercise session must exceed the normal demands placed on the body in order to bring about a training effect.

III. Procedures

- A. The attached height/weight tables and body fat tables are offered as a guideline in determining one's physical profile.

WEIGHT IN POUNDS ACCORDING TO FRAME

<u>A</u> Height		<u>B</u> Small <u>Frame</u>	<u>C</u> Medium <u>Frame</u>	<u>D</u> Large <u>Frame</u>
<u>Feet</u>	<u>Inches</u>			
<u>MALES</u>				
5	2	128-134	131-141	138-150
5	3	130-136	133-143	140-153
5	4	132-138	135-145	142-156
5	5	134-140	137-148	144-160
5	6	136-142	139-151	146-164
5	7	138-145	142-154	149-168
5	8	140-148	145-157	152-172
5	9	142-151	148-160	155-176
5	10	144-154	151-163	158-180
5	11	146-157	154-166	161-184
6	0	149-160	157-170	164-188
6	1	152-164	160-174	168-192
6	2	155-168	164-178	172-197
6	3	158-172	167-182	176-202
6	4	162-176	171-187	181-207

FEMALES

4	10	102-111	109-121	118-131
4	11	103-113	111-123	120-134
5	0	104-115	113-126	122-137
5	1	106-118	115-129	125-140
5	2	108-121	118-132	128-143
5	3	111-124	121-135	131-147
5	4	114-127	124-138	134-151
5	5	117-130	127-141	137-155
5	6	120-133	130-144	140-159
5	7	123-136	133-147	143-163
5	8	126-139	136-150	146-167
5	9	129-142	139-153	149-170
5	10	132-145	142-156	152-173
5	11	135-148	145-159	155-176
6	0	138-151	148-162	158-179

Greene County Sheriff's Office

Subject: PROBATION AND EVALUATION						Policy 024	
Effective: January 1, 2020			Standard Number(s): 12.8				
Rescinded:		Amended: August 17th, 2020			SHERIFF PETER KUSMINSKY		
Reviewed:							

Purpose:

It is the policy of the GCSO to recruit and select candidates for the position of Deputy Sheriff and in accordance with the New York State Civil Service Law, as administered by the Greene County Civil Service Commission and to afford equal employment to all eligible candidates for full-time and part-time positions.

1. To be eligible for appointment, candidates must meet the prescribed standards set forth by the New York State Bureau of Municipal Police and the Greene County Civil Service Commission.
2. At the conclusion of the selection process, the Sheriff will appoint the candidate to the position of Deputy Sheriff. All appointments will be probationary for a period 78 weeks, or what has been agreed upon between the Sheriff and the deputies union, commencing with the date of full-time appointment.
3. During the probationary period, the recruit Deputy Sheriff will be evaluated ~~each week~~ daily during their field training. At least three official evaluations will be conducted and documented during this probationary period. They will include, but not be limited to;
 1. 1st FTO evaluation/sign off memo
 2. 2nd FTO evaluation/sign off memo
 3. FTO Program Supervisor Final sign off memo
 4. Yearly employee evaluation form
4. Upon being appointed by the Sheriff to the position of Deputy Sheriff, a signed acknowledgment will be placed in the deputy's personnel file. The deputy will understand that at anytime during the probationary period he or she may be terminated for any reason not prohibited by law.

Greene County Sheriff's Office

Subject: ANNUAL PERFORMANCE EVALUATION						Policy 024A	
Effective: January 1, 2020			Standard Number(s):13.1				
Rescinded:		Amended: August 17th, 2020			SHERIFF PETER KUSMINSKY		
Reviewed:							

Purpose:

It is the policy of the GCSO to conduct annual performance evaluations of all sworn personnel. This policy excludes the Sheriff and executive staff. Immediate Supervisors will conduct the performance evaluation of their subordinates. The Lieutenant will conduct evaluations on all Supervisors. All personnel conducting a performance evaluation must have successfully completed a Municipal Police Training Council (MPTC) approved Supervisor's Course. Prior to their first evaluation, a Lieutenant will go over all performance rating definitions and expectations of the Supervisor's evaluation. The Lieutenant will give the Supervisor a copy of the performance evaluation form containing all definitions. The Lieutenant will discuss the procedure and timeframe for evaluations and the expectations of the Supervisor for a fair and accurate evaluation. The Lieutenant will also review this policy and the procedure for disputed evaluations. Each Supervisor will sign the Evaluating Supervisor Acceptance Form stating they have received the definitions, and understand the expectations of management in regards to evaluating subordinates. Supervisors conducting performance evaluations will read and familiarize themselves with all definitions of performance ratings listed on the Greene County Performance Appraisal prior to each evaluation.

1. Procedure.

- a. Annual performance evaluations will be conducted on a yearly basis based on the anniversary date of the personnel, per Greene County Administrative Manual, section I-14, amended and adopted 6/17/2020.
- b. Personnel will be evaluated in the following areas;
 - Job knowledge
 - Adaptability
 - Communication
 - Decision making
 - Quality of work
 - Other factors Relevant to the position
 - Dependability
 - Performance improvements
 - Attendance
 - Overall performance rating
 - Punctuality
 - Initiative
 - Interpersonal skills
- c. At the completion of the evaluation, the evaluating Supervisor will review the evaluation form with personnel and answer any questions or concerns. The Supervisor will also go over any accommodations, concerns or recommendations they may have for the personnel.

- d. In the event of a contested evaluation report, personnel may refuse to sign the evaluation and/or attach a rebuttal to the form. Personnel may also request to have an in person meeting with the evaluating Supervisor and the next higher ranking Supervisor to discuss the evaluation.
- e. After the evaluation form is completed, the Supervisor will turn the report into the Lieutenant for review and filing.

Greene County Sheriff's Office

Subject: WORKING HOURS AND OVERTIME						Policy 025	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff Gregory R. Seeley			
Reviewed:							

WORKING HOURS AND OVERTIME:

The policies in these sections are intended to supplement the provisions of the most current agreement between the county and the organization representing the members of the LED. Any contract or agreement subsequently negotiated and approved that contradicts the policies described herein takes precedence over these policies.

Working Hours Patrol Deputies & Communications Officers

The following table describes the working hours for employees of the LED and Administrative Division.

Detail or Position	Shift	Work Schedule
Patrol	A Shift - 7PM to 7AM B Shift - 7AM to 7 PM	
Social Services & DMV	8AM to 4PM	Monday through Friday with legal holidays off
Investigators	8AM to 4PM 3PM to 11PM	Monday through Friday with legal holidays off
Sheriff, Undersheriff	8AM to 4PM or as directed by the Sheriff	Monday through Friday with legal holidays off
Administration	7AM to 3PM or 8AM to 4PM as assigned by Sheriff	Monday through Friday with legal holidays off
Civil	9AM to 5PM	Monday through Friday with legal holidays off

The above hours do not include preparation and briefing time that is determined by the labor contract in effect. Working hours for special details may be adjusted to meet the needs of the detail but must be consistent with the labor contract in effect. In the event of an emergency, work schedules may be changed as needed.

Overtime

Employees are compensated for overtime whenever required to work in excess of their normal work week regardless of the reason the overtime was incurred. Compensation is either monetary or compensatory in accordance with the labor contract in effect at the time the overtime is incurred.

Overtime procedures for Law Enforcement Division personnel described in the following sections are subject to the collective bargaining agreement in effect which takes precedence over this section should there be a conflict. The responsibility for managers and employees share insuring that the overtime policy is followed assigned to communications when the need for overtime arises. Following the policy and the contract and using good common sense should prevent conflicts over overtime.

Shift Coverage Overtime:

There is no minimum standards for shift coverage established by the Sheriff.

The following instructions apply to overtime when required for shift coverage:

1. Overtime shifts will be filled in the order they become open.
2. If there are two or more openings for overtime at the same time, each will be considered a separate call-in.
3. Members must have at least 8 hours off between shifts..

Unscheduled Overtime:

Unscheduled overtime occurs when an employee is required to work beyond his or her tour of duty due to a necessity usually associated with that tour of duty. Legitimate reasons for unscheduled overtime to be incurred include, but are not limited to:

- Investigations (accident, criminal and other) and arrests that occurred during the tour of duty requiring the assigned deputy to remain on-duty.
- Report writing and other administrative duties.
- Prisoner transportation begun during a shift.
- Any other incident or event when directed by a supervisor.

A Lieutenant approves unscheduled overtime.

Scheduled Overtime:

Overtime may be scheduled in advance

- Based upon an individual member's area of expertise or skill.
- Special details where advance sign up is required.
- Special unit activities, such as SRT and Traffic.
- Other special overtime situations as approved by the Sheriff, Undersheriff or Lieutenant.

A Lieutenant must approve all overtime that is scheduled in advance.

Court Trial Overtime:

Overtime for court trials will be paid in accordance with the labor contract in effect. Upon receipt of a court trial notice (criminal, civil or V&T), a basic SJS entry (Incident Type Trial) will be made detailing the following:

Incident

- Incident Type (Trial)
- Business Name (Name of Court)
- Incident Address (City and state of court only)
- Location Code
- Location Type (Public Access - Governmental)

Persons

- Persons (Type OT and name of defendant only)

Narrative

- Narrative (Indicate deputy's name, name of court, trial date & time)

Administration

- Reporting Officer (Member scheduled for the trial)
- Supervising Officer (A Sergeant)
- Status (Closed by Investigation - entries should be closed as soon as they are made)

Note: An SJS entry is made for all trial notices even if overtime will not be incurred. If more than one member is assigned to a trial, only one SJS entry is made. The lead deputy is the reporting officer and the rest are entered into the narrative.

If the trial is postponed, the incident may be reopened and the same incident number used for the postponed trial. Update the narrative to reflect the new trial date.

When the overtime slip is submitted, a copy of the trial notice will be attached. Record the incident number on the OT slip in the space provided.

Security Detail Shift Openings:

Refer to the labor contract in effect. If there is a conflict, the contract takes precedence. Any shift openings for the security details (COB, Mental Health) may be filled by a Sergeant or a Supervisor already working. If no such member is available the shift will be offered to part time personnel first, then to full time deputies as overtime.

Members assigned to fill the shift will call the part time list first. If a part time deputy is not found to fill the shift, then the full time member overtime list will be used.

Sign in book / Payroll sheets:

This is a reminder to everyone that you must sign in when you come to work. If you cannot physically sign the book in Catskill, a supervisor must sign you in. The responsibility will fall on the individual if this is not getting done properly.

This is also a reminder that if someone calls in sick, leaves early, or takes any time that has not been previously arranged with a Lieutenant, a time off slip must be generated by the shift supervisor and a notation must be made in the sign in book.

The following is an outline of how payroll sheets will be submitted:

- 1.) In the date column, a date must be written.
- 2.) In the reason column, a reason must be written with a brief explanation. Ex: Case#2014-001-Interview witness.
- 3.) Time start and time end must be filled in.
- 4.) Number of hours worked must be filled in.
- 5.) In the supervisor column, the authorizing supervisor **MUST** sign off on the overtime.
- 6.) In the total box at the bottom of the number of hours worked column, the total is to be figured out by the individual submitting the sheet and is to be filled in with the total of the OT you are submitting.
- 7.) Shift differential for overtime is not calculated and should be put on the bottom of the payroll sheet with a date worked. Again, the total for the shift differential will be figured out by the individual submitting the sheet and a total will be written.
- 8.) MIC and on call pay is to be indicated in red ink with the appropriate boxes filled in.
- 9.) Payroll sheets must be submitted to me no later than noon (12:00P.M.) on Wednesday of the week prior to a Thursday pay day.

Effective immediately, all members will adhere to this written order. Incomplete payroll sheets will no longer be accepted and will not be submitted for payroll.

Greene County Sheriff's Office

Subject: LEAVE POLICY						Policy 026	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

LEAVE POLICY:

The policies in the following sub-sections are intended to supplement the provisions of the most current agreement between the county and the organization representing the members of the LED. Any contract or agreement subsequently negotiated and approved that contradicts the policies described herein takes precedence over these policies. Details about the amounts of leave earned may be found in the current contract.

All Law Enforcement Division and Administrative/Civil Division personnel (excluding the Sheriff and Undersheriff) must sign in at the beginning of a tour of duty and sign out at the end of the tour unless special duty or other factor prevents signing in or out. Under those circumstances, any employee may adjust the logs to reflect the times on and off-duty at the request of the individual who cannot sign in or out. The forms used are:

- Sign-in Sheet - Uniform Personnel and non uniform Personnel. This form is maintained in a binder in the Patrol Office.
- Sheriff and Undersheriff as well as the Lieutenants do not utilize the Sign-in Sheet.

The completed forms are reviewed by the Lieutenant(s) and the Lieutenants are also submitting the payroll to the County Treasurer. All requests for time off must be submitted and approved in advance unless circumstances prohibit compliance.

The following sections describe the types of leave, how taken, and forms required before leave is taken. Accrual of time is controlled by the collective bargaining contract in effect.

Compensatory Time

Refer to the labor contract in effect for details concerning compensatory time. All compensatory time must be approved in writing in advance.

Vacation Scheduling

Employees have the right to request specific periods of vacation time that will be granted unless the work load demands of the employee's unit prevent the employee being absent. In the latter case, vacation shall be scheduled at another time mutually agreed upon by the employee and Sheriff (or designee), consistent with the rules and procedures established herein.

- 1.. One LED employee will be allowed vacation per shift. One investigator may be on vacation on any day.
2. Single day vacations may be approved when:
 - The request is submitted 72 hours in advance.
 - The request will be tentatively approved if it does not cause overtime.
 - If the circumstances change and the tentatively approved vacation will subsequently cause overtime, the approval will be rescinded.

Personal Leave

Personal Leave is leave with pay granted for the purpose of religious observance or compelling personal business that cannot be conducted at other than during working hours.

- Requests for personal leave must be submitted on the Request for Time Off form at least twenty four (24) hours in advance unless it is an emergency request.
- The same supervisors that approve compensatory time approve requests for personal leave.
- Personal leave is not automatically approved and must meet the above conditions.
- In all cases, a Request for Time Off form must be submitted and approved. If possible, the form should be submitted before the personal leave is taken.

Bereavement Leave

Bereavement leave with pay is granted to an employee for each death in the immediate family.

- Four (4) days shall be granted for the death of a husband, wife, son, daughter, brother, sister, mother or father.
- Three (3) days shall be granted for a death in the immediate family which shall include grandparent, grandchild, father-in-law, mother-in-law, step father, step mother, step- child or any other relative residing in the employee's household.
- One (1) day bereavement leave shall be granted for the death of an aunt or uncle.

In all cases, a Request for Time Off form must be submitted. If possible, the form should be submitted before the bereavement leave is taken.

Sick Leave

Absence from duty by an employee by reason of sickness or disability of himself or by reason of illness or disability of his/her family shall be allowed as described in the contract in effect for LED members. All members will complete an Employee Time Off Request for all sick leave taken. Members unable to report to duty due to illness must call Communications and an entry will be made in the department blotter. An entry will also be made on the Sign In/Out Report. A physician's certificate is required every third day unless the illness is of a considerable length or disability. Then a doctor's certificate will be required every 30 days.

Shift Exchanges

All requests to work for another department member will be submitted on the Employee Time Off Request form and approved by the Captain before a change is made to the schedule or Sign In/Out sheet.

The request will include the names of the employees and the date(s) affected. If one employee wants another employee to work for him/her and will work for that employee at a later date, the date worked will be within the same pay period (midnight the Friday before payday to midnight the Friday after payday). When working for another employee, sign in and out by your name, not the employee you are working for.

Family Medical Leave

The Family and Medical Leave Act (FMLA) of 1993 became effective on August 5, 1993. The purpose of the Law as stated in the Congressional Legislative Findings is as follows:

Because of the lack of employment policies to accommodate working parents which can force individuals to chose between job security and parenting and because there is inadequate job security for employees with serious health conditions that prevent them from working for temporary periods and in order to balance the demand of the workplace

with the needs of families, to promote the stability and economic security of families and to promote the national interest in preserving family integrity, Congress enacted the Family and Medical Leave Act.

Greene County and the Greene County Sheriff's Office are covered by the FMLA. To be eligible for the benefit of the FMLA, an employee must have worked at least twelve months for Greene County and at least 1,250 hours in the preceding twelve months. The following are defined as required leaves under FMLA:

Leave for the birth of a child and to care for the child;
Placement of a child with an employee for adoption or foster care;
Care for a spouse, child or parent with a serious health condition; and,
Leave for an employee's own serious health condition which makes the employee unable to perform the essential duties of the job (determined at the time notice is given or leave commenced, whichever is earlier).

The FMLA defines a serious health condition: *A serious health condition is an illness, injury, impairment or physical or mental condition requiring either (1) inpatient care at a hospital, hospice or residential medical care facility, or (2) continuing treatment by a health care provider.*

The total leave authorized by the FMLA is 12 weeks during a 12-month period. Greene County policy requires that accrued leave be used concurrently with FMLA leave.

Roerner, Wallens & Mineaux, Counselors at Law, titled Family and Medical Leave Act that is available through the Undersheriff or payroll clerk, may find complete details about the FMLA in a booklet.

County Policy on FMLA

The following policy is from a memorandum to department heads from the Greene County Personnel Department dated March 20, 1998.

*Attached you will find the prescribed form to be used when an employee qualifies for Family Medical Leave. You should submit the leave form any time an employee will be absent from work due to any of the reasons listed on the form. The time does not have to be for the full three-month period. However, time used under FMLA should be logged and added to any other FMLA time used within a twelve-month period beginning with the first day of FMLA. For example, an employee is out for two weeks sick beginning on March 20. Ten days should be charged under FMLA. If that employee then goes out again for the care of a spouse with a serious health condition on September 20, then FMLA time should be charged and added to the previous two weeks. Once twelve weeks have been used they are no longer entitled to FMLA until March 21 of the next year. FMLA is not to be used **only** when all other fringe time has been spent. It should be used in **conjunction** with that time. The employee does not have to request FMLA in order for it to be used. The department head may do that. Copies of FMLA forms should be sent to both Payroll and Personnel.*

The form used by the Greene County Sheriff's Office is the Per-10 - Need for Family Medical Leave. The payroll clerk will prepare the form whenever an employee is absent for more than three consecutive days for an illness or injury, or for family sick leave. When the leave is foreseeable, the employee MUST provide 30 days notice. If 30 days notice is not possible, then the employee must give notice as soon as practical. Further, when 30 days notice is possible, the employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the employer's operation. The notice may be verbal or in writing, however, the notice MUST be directed to the Sheriff, Undersheriff or payroll clerk.

Employee Time Off Request Form (Adm-11)

All requests for leave and shift exchanges must be submitted on the Employee Time Off Request form. The Captain approves employee Time Off Request forms for the UB and Administration. The Senior Investigator approves CIB requests. If neither supervisor is available, the Undersheriff or Sheriff approves requests. Time off due to sickness or bereavement must be requested and approved using the form. If the approved form is not submitted prior to the end of a pay period, the payroll clerk will count the time as unauthorized and the employee will not be paid for that time. The Sheriff or Undersheriff may authorize the sick leave time off without the form when the member

has not returned to work by the end of the pay period in which the sick leave was taken. However, the form must be completed and approved as soon as possible upon the employee's return.

Time off for vacation, compensatory time or personal leave must be submitted in advance except in cases of an emergency. As with time off for sickness, undocumented leave will result in loss of pay if not submitted prior to the end of the pay period.

ABILITY TO PERFORM REQUIRED DUTIES

Employees of the Greene County Sheriff's Office must be able to perform their duties as described in the Civil Service job description for the position held. For Corrections Officer and Deputy Sheriff positions, this generally means full and strenuous duty in the position. It is recognized that for the good of the employee and the organization, accommodations must be made when required by county, state or federal law, collective bargaining agreement and to meet the needs of the Office of Sheriff. The following sections describe some of the accommodations.

Americans With Disabilities Act (ADA)

This section applies to those individuals already employed by the Sheriff's Office. For the policy on hiring and for complete details relating to the Americans with Disabilities Act (ADA), refer to a booklet titled, Americans with Disabilities Act (ADA) prepared by Roemer, Wallens & Mineaux, Counselors at Law, which is available through the Undersheriff.

Essentially, the ADA prohibits unlawful discrimination against qualified individuals having a disability with respect to selection for employment or promotion, termination and layoff, compensation and fringe benefit payment, training and other terms and conditions of employment. The ADA covers anyone with a physical or mental impairment that substantially limits a major life activity such as caring for oneself, walking, seeing, hearing, speaking, breathing, learning and working. Specifically excluded from the definition of disabled are current use of illegal drugs and any mental disorder resulting from current use; homosexuality; bisexuality; Tran sexuality; transvestitism; sexual behavior disorders such as voyeurism; gender identity disorders not resulting from physical impairments; and/or compulsive gambling, kleptomania or pyromania.

An employee who becomes disabled is deemed to be a qualified individual under the ADA when, with or without reasonable accommodation, the employee can perform the essential functions of the position as documented in the job description on file at the Greene County Civil Service Department. Under such circumstance, the GCSO must attempt to provide reasonable accommodation to the otherwise qualified employee. Under the ADA, reasonable accommodation is:

Making existing facilities used by employees readily accessible to and usable by employees with disabilities; Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of the equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for employees with disabilities.

The GCSO will not provide reasonable accommodation for an employee who becomes disabled when the Sheriff can make a showing that the accommodation would place undue hardship upon the GCSO and/or the operation of the Office. Undue hardship could be an action that is unduly costly, extensive, substantial, disruptive or one that will fundamentally alter the nature of the job. The last condition will always be evoked for the positions of Deputy Sheriff and Corrections Officer.

Temporary Administrative / Light Duty

This section applies to Corrections Officer and Deputy Sheriff Positions only. The Sheriff may authorize an employee to perform temporary administrative / light duty under those circumstances where an employee is not covered under the ADA because his or her disability would fundamentally alter the nature of the job as described in the Civil Service job description.

The Sheriff under the following conditions may grant it:

1. The employee is not capable of performing essential functions of the position due to a

- temporary disability, injury, illness (and recovery there from) or any other medical condition that would prevent the uniform or other duty attire from being worn properly as verified by a written report of a licensed medical practitioner;
2. The employee is physically capable of performing administrative / light duty functions associated with the position without special accommodation;
 3. There is an agency need to have administrative / light duty functions performed and the function is job related;
 4. The employee assigned to temporary administrative / light duty must agree to schedule changes as needed to coincide with the administrative functions to be performed;
 5. Temporary administrative / light duty will be granted upon written request from the employee and may be granted for a maximum of six months. Extensions may be granted on a month by month basis unless it is determined that the disability is permanent;
 6. A monthly written report from a licensed medical practitioner with a status of recovery and a prognosis for return to full duty may be required and is mandatory after six months if extensions are granted;
 7. Temporary administrative / light duty scheduling will not be used to circumvent payment of overtime. Employees on temporary administrative duty will be taken out of the overtime rotation. Overtime may be granted within the scope of the administrative duty functions, but only after all other opportunities to offer overtime have been exhausted.

Maternity Policy

Once an employee has received medical confirmation that she is pregnant, she must submit a memorandum with the name and address of the attending physician and the estimated delivery date. For Corrections Officers and Deputy Sheriff personnel, medical certification from her physician that she is fit for duty must be submitted. At the completion of the fourth month of pregnancy, Corrections Officers and Deputy Sheriff personnel MAY be assigned to temporary administrative duty as described in and existing collective bargaining agreements. Other employees who are not Corrections Officers or Deputy Sheriff personnel are covered under the Americans with Disabilities Act.

Once the payroll clerk is notified that the baby was born, the employee will be sent an accounting regarding accrued leave status. Employees will be allowed 7 months after the birth of the baby to return to work. A maximum of one year MAY be granted for child-rearing purposes. During this time, the employee uses what leave accruals she has. Once the employee has exhausted all accruals, she will be on leave without pay and the date of entry will be adjusted accordingly. Provisions of the Americans with Disabilities Act and existing labor contracts apply. Provisions of the FLMA concerning intermittent duty may be used.

Greene County Sheriff's Office

Subject: INJURY / SICK LEAVE PROCEDURE						Policy 027	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

I. Injuries on Duty

- A Any employee injured in the line of duty or employment will immediately seek medical attention, if necessary, and will notify his/her immediate supervisor immediately.

- B Injured employees will immediately:
 - 1 Request a supervisor to respond to the scene of the injury.
 - 2 Submit a written report concerning all details of the injury, along with any other pertinent reports of the incident, within 24 hours.
 - 3 If the on duty injury requires medical attention from a doctor or hospital, the employee must request a written statement from the attending physician indicating the date of the injury, the actual injury, the diagnosis, etc. This original document should then be forwarded to the Sheriff immediately (within 24 hours) upon receipt but not later than 7 days following treatment.
 - 4 On duty injuries requiring treatment or resulting in lost time will necessitate the employee reporting to a medical provider as soon as possible.
 - 5 If the employee, due to the nature of his/her illness or injury, is unable to complete and submit required forms, his immediate supervisor will do so and submit in a timely manner.

- C The immediate supervisor of the injured employee will:
 - 1 Promptly respond to the scene and thoroughly investigate the circumstances of the injury.
 - 2 Interview the employee and witnesses.
 - 3 Inquire as to the specific nature of the injuries.
 - 4 Submit a written report of the injury to their supervisor according to current policy.
 - 5 Notify the injured employee's family when necessary.

- 6 The immediate supervisor or the Lieutenant(s) will notify the Sheriff immediately of any injury resulting in absence from duty.

II Sickness on Duty

- A Employees becoming ill during their tour of duty will immediately notify their supervisor of such illness. The supervisor will consult with the employee to determine whether immediate medical attention is required.
- B In the event the sick employee is excused, the supervisor shall deduct hours absent from duty from employee's accrued sick time.
- C If the employee is unable to report for his/her next scheduled tour of duty, the ill employee will follow the normal provisions for reporting illness, off duty, as specified in this Rules and Regulation.

III Procedures for 207-C Benefit Requests

The procedure for making 207-C benefits requests are described in the collective bargaining agreements between the County of Greene and the appropriate associations. Employees who wish to make a request must follow the procedures described in the applicable collective bargaining agreement.

IV Off-Duty Injuries

Employees injured while off-duty and unable to report for their next scheduled tour of duty will either personally or by a representative, report their injury and unavailability at least two (2) hours prior to the start of their tour of duty to the supervisor on duty.

V Off-Duty Illness

- A Employees becoming ill while off duty and unable to report for their next scheduled Tour of duty will, either personally or by a representative, report their illness and unavailability at least two (2) hours prior to the start of their tour of duty to the supervisor on duty.
- B Sick leave benefits and conditions will be governed per terms of the collective bargaining agreements negotiated with the Greene County Deputy Sheriff's Benevolent Association.
- C Required time off slips will be submitted the employees next working day. Failure to submit evidence of illness when required or failure to submit time off sheets will cause the absence to be considered as time off without pay.

VI Extended Sick Leave Status

- A An employee may be deemed to be on extended sick leave status when absent from duty for a period in excess of three (3) consecutive days.
- B It is the employees responsibility to notify his/her Lieutenant or immediate supervisor when extended sick leave is anticipated.
- C Employees requiring extended sick leave should make application for benefits under the Family and Medical Leave Act (FMLA). The employee must apply even if he/she has sick leave available for use.
- D Employees ineligible for FMLA benefits will request time off consistent with terms

of the current collective bargaining agreements.

VII Returning to Work

Employees who have been absent on extended sick leave will notify their Lieutenant in advance of returning. A doctor's note will be required if out for more than three days.

Duties of Commanding Officers/Supervisors

- A A Lieutenant or immediate supervisors will ensure that any subordinate becoming injured or ill on duty receives immediate medical attention as may be required.
- B Lieutenant(s) or immediate supervisors will maintain accurate records of sick leave for every employee under their command and are responsible for notifying the Sheriff of any employees exceeding the accumulation of sick leave credits.
- C Commanding officers will periodically review all sick records and will be alert to suspected cases of excessive absenteeism or abuses of sick leave. If, in their judgment there is an abuse, they will notify the Sheriff in writing.
- D Lieutenant(s) or their designees may contact members/employees at any time while they are on sick leave status. In the event of a prolonged illness, contacts will be made no less than once each week. When it is known that a member/employee will be absent for an extended period of time, the Sheriff may waive such contacts. However, such a waiver will not relieve the Lieutenant of notifying the Sheriff of an employee exceeding the accumulated sick leave credits.

VIII Miscellaneous Provisions

- A Failure to comply with the preceding requirements may relieve the Office of the Sheriff and the County of Greene of any responsibility relating to such matters.

Greene County Sheriff's Office

Subject:	OCCUPATIONAL ILLNESSES AND INJURIES	Policy	028
Effective:	January 1, 2016	Standard Number(s):	
Rescinded:	Amended:	Sheriff: Gregory R. Seeley	
Reviewed:			

Purpose: The New York State Department of Labor requires all work-related illnesses or injuries be reported by employees and a New York State Worker's Compensation Board Form C2 filed. The employer must maintain and prominently post in the work area from February 1st through April 30th each year a log and summary of reported occupational injury and illnesses on New York State Department of Labor Form DOSH-900. After that date, the log should be submitted to the County Payroll Department so a summary report may be made for all of Greene County.

Procedures:

- I Any employee with an injury or illness considered work-related will follow the procedures established by Sections II and IV of Rules and Regulations A16A.
- II The employer will complete New York State's Worker's Compensation Board Form C2 obtained from and processed by the Records Division. The C2 Form will be signed by the Sheriff or his designee and not by the employee.
 - A. In completing the C2 Form description of events relating to the injury, unless based on first hand knowledge and/or witnessed observation, the description will be prefaced by "The employee alleges...".
- III The Payroll Department will maintain a log and summary of employee work-related illnesses and injuries on New York State Department of Labor Form DOSH-900 to include the following:
 - A All work-related fatalities.
 - B All diagnosed work-related illnesses.
 - C All work-related injuries requiring medical treatment or involving loss of consciousness, restriction of work or motion or transfer to another job. (NOTE: If the injury requires medical treatment it is recordable; if only first aid is required, it is not recordable.)
- IV Records Office will prominently post the completed Form DOSH-900 in the work area from February 1st through April 30th each year.

Greene County Sheriff's Office

Subject: PROMOTIONS						Policy 030	
Effective: January 1, 2020			Standard Number(s):15.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: The purpose of this policy is to establish procedures for promotion within the GCSO.

I. Policy:

- A. It is the policy of the GCSO that promotions within the Agency must comply with Civil Service Law. The Greene County Sheriff's Office is an equal opportunity employer.
- B. The Greene County Civil Service Office shall make appropriate announcements when promotional examinations are scheduled.
- C. Promotion to civil service rank shall be job related and nondiscriminatory as outlined in Civil Service Law.
- D. The Greene County Civil Service Office shall establish an eligibility list for promotion based on civil service examinations. These lists shall be maintained by the Greene County Service Office subject to requirements of the New York State Civil Service Law.
- E. The Sheriff is responsible for the administration of the promotion selection process.

II. Procedures:

- A. When a vacancy exists within the Agency which requires the promotion of a member, the Greene County Service Office shall provide the Sheriff with a certified eligibility list of candidates.
- B. The Sheriff may request recommendations for promotion from the candidate's supervisors. In addition, the Sheriff may review past performance to assist him in his selection process.
- C. The following Agency positions are exempt from Civil Service competitive testing/appointment procedures:
 - 1. Undersheriff
 - 2. Confidential Secretary to the Sheriff

Greene County Sheriff's Office

Subject: AWARDS						Policy 031	
Effective: January 1, 2020			Standard Number(s):17.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: The purpose of this policy is to recognize outstanding service in performance of duty by personnel assigned to Law Enforcement, Corrections and Civil Enforcement Division as well as in a civilian capacity.

I. Procedure:

- A. Nomination - Nominations for any GCSO Service Award may be submitted in writing by any person assigned to the Law Enforcement, Corrections and Civil Enforcement Division. The nomination letter must include the name of the nominee, date(s) of the incident or time period cited and a thorough description of the act or incident for which the nomination is made. The nomination letter must accurately and carefully meet the criterion for the award. Nominations may be submitted to a Sergeant, Lieutenant or Criminal Investigation Unit Senior Investigator.

- B. Award Authority – The award authority is the Greene County Sheriff.

Display of Award and Service Bars

The award or service bars may be worn on the uniform shirt only. When worn, each member is required to display an award in the prescribed manner and position as outlined below:

Awards

1. When worn, the award shall be placed centered, with the bottom of the award above and aligned with the top seam of the left breast pocket.

2. If a member has more than one (1) decoration, the awards will be worn in the order of precedence on the award bar on an awards holder that is attached to the back of the badge. The awards will be in order above the badge.

3. If a member is awarded a Sheriff's Office decoration more than once, a star placed on the award shall represent the additional award. The star shall be centered for the first subsequent award and balanced on the award for additional awards. A bronze star shall represent one (1) additional award of a decoration. The fifth (5th) award of the decoration shall be represented by a single silver star, and a bronze star will be added to the Silver Star with each additional award of the decoration from the sixth (6th) through the ninth (9th). Two (2) silver stars shall represent the tenth (10th) award of a decoration and alternating bronze and silver stars will be added up to the fifteenth (15th) award of the decoration.

4. The Silver Star shall be worn to the right of any subsequent bronze star on the award.

Special Skills Bar (Firearms Proficiency, DARE Instructor, Firearms Instructor, Certified IDS Instructor)

1. Worn below and aligned with the bottom seam on the right breast pocket and centered on the pocket in a single row for a maximum of three bars.
2. If a member wears all four bars, they are worn in two rows of two.
3. The DARE Instructor pin is worn centered and above the seam of the right pocket.

Police Service Indicator

Worn under the nametag below the top seam of the right pocket and centered on the pocket.

When Awards Are Displayed

As a practical matter, most awards are not worn when on routine patrol when wearing awards is optional. While on patrol, a Deputy should not wear more than the highest award earned on the right pocket. All bars that are placed on and above the left pocket may be worn (DARE instructor, firearms proficiency, firearms instructor and certified police instructor). Corrections employees never wear awards while on duty in the Correctional Facility for safety reasons.

Official Awards

The following is the list of official awards for the Greene County Sheriff's Office and their order of precedence. The actual awards are posted in the main lobby of the Sheriff's Office and in the main hall of the Law Enforcement Division.

Awards Associated with Commendations

All of the following awards are worn on the left breast above the pocket as described in 3.9.1.2:

Military Service Awards

Members may wear the following awards if they have served in the armed forces during one of the periods indicated. The member MUST prove that he or she has earned the award and the cost is at the member's expense.

- Korean Service
- Vietnam Service
- Special Campaigns
- El Salvador
- Grenada
- Lebanon
- Panama
- Desert Storm
- Afghanistan
- Iraq

Proficiency or Special Skills Bar

There is no order of precedence associated with these awards. The bars are worn on the left pocket as described in

1. **Police Instructor Bar**

The Police Instructor's Bar may be worn by any member of the Office who has completed Instructor Development School (IDS) and fulfilled all of the requirements of a Certified Police Instructor.

2. **Firearms Instructor Bar**

Any member of the Office who has fulfilled all of the requirements of a Certified Ballistics Instructor may wear the Firearms Instructor Bar.

3. **SRT Team Bar**
Active members of the Sheriff's Special Response Team may wear the SRT Team Bar.
4. **DARE Instructor's Bar**
Any current or past DARE instructor may wear the DARE Instructor's Bar.
5. **Firearms Proficiency Bar**
The Firearms Proficiency Bar may be worn to indicate the highest firearms score ever achieved as follows:

<u>Score</u>	<u>Award</u>
75%-85%	Marksman
86%-95%	Sharpshooter
96%-100%	Expert
96%-100%	Distinguished Expert (Expert score during consecutive years)

Members who achieve higher firearms proficiency may exchange the lower award for a higher award.

Awards Associated with Commendations

1. **Sheriff's Medal of Honor**
Solid Green with Stars
The Medal of Honor may be awarded to a member of the Office who performs an outstanding act in the line of duty at imminent personal hazard to life, with full knowledge of the risk involved.
2. **Combat Cross**
Solid Green
The Combat Cross may be awarded to a member of the Office who performs an individual act of heroism, at imminent personal hazard to life, while in combat with an armed adversary.
3. **Legion of Honor**
Red, White and Blue
The Legion of Honor may be awarded to a member of the Office who sustains a permanent injury in the line of duty including: making an arrest, wounds from gun shots or dangerous weapons, traffic, fire or other accidents, or hospitalization as a result of work (related heart condition, infectious disease, etc.) thereby preventing the member from further serving in the active role of his job for a minimum period of three months or longer.
4. **Wounded in Combat**
White, Red, White, Red, White, Red, and White
The Wounded in Combat Award may be given to any member of the Office for a wound received in the line of duty, inflicted intentionally by an adversary, and resulting in severe puncture wounds, lacerations, fractures or concussion being suffered by the Deputy.
5. **Gallantry Star for an Excellent Arrest**
Red, Blue, Yellow, Red, Yellow, Blue and Red
The Gallantry Star may be awarded to a member of the Office for an act of distinguished bravery in the arrest of a person who is a major threat to the welfare of the community and/or the Deputy.
6. **Grand Cordon Special Unit Citation**
Yellow, White, Yellow, Red, Yellow, White and Yellow
The Special Unit Citation may be awarded for participation of the members of an operating unit and/or the entire Office staff in a cited action.
7. **Meritorious Service**
Green, White and Blue
The Meritorious Service Award may be given to a member of the Office who performs 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.

8. **Life Saving Award**

Red and White

The Life Saving Award may be presented to any member for an act performed in the line of duty, which through personal disregard for personal safety or prompt and alert action, results in the saving of a life.

9. **Exceptional Duty**

Solid Orange - AWB-22

The Exceptional Duty Award may be presented to any member of the Office who has a highly credible accomplishment, bringing public acclaim to the Deputy, the Office of the Sheriff, or the police profession, as the result of training, devotion to duty or service to the public.

Presentation of Awards

Once a nomination for an award associated with commendation has been approved and authorized by the Sheriff, the recipient shall receive a Letter of Award from the Sheriff notifying him/her of the selection. A copy will be maintained in the individual's personnel folder along with any documents relating to the nomination process. A copy of the letter along with the award will be forwarded to the Branch Supervisor for presentation. The Sheriff may, at his discretion, present the award personally or select the time and place for such presentation.

Award ribbons will be worn on military style ribbon bar holders with clutch back fasteners centered over the left breast pocket of the uniform shirt directly above the seam and beneath the badge. A row of ribbons will not exceed three in width and two in height. Award ribbons are not authorized for wear on the sweater or outer garments.

Order of Precedence:

Order of precedence for GCSO Award ribbons, from highest to lowest and from left to right are as follows:

1. Award For Valor
2. Purple Heart Award
3. Longevity Award
4. Commendation Award
5. Achievement Award

Civilian Employees:

Certificates of Achievement and Commendations may be awarded civilian employees upon recommendation of any employee of the GCSO and with the approval of the Sheriff.

Other:

Certificates of Appreciation and Commendations may be awarded non-agency personnel upon recommendation of any member of the GCSO and with the approval of the Sheriff.

Greene County Sheriff's Office

Subject: GENERAL RULES OF CONDUCT						Policy 032	
Effective: January 1, 2020			Standard Number(s): 14.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

1. Laws, Orders, Rules and Regulations, General Information:

- A. It shall be the duty of every member of the Greene County Sheriff's Office to be thoroughly familiar with the laws and ordinances of the Federal government, the State of New York and the County of Greene, which in any manner affect their duties. It shall further be the duty of every member of the Agency to be thoroughly familiar with this Rules and Regulations Manual as well as Agency rules, regulations, directives and orders. Failure of members to so familiarize themselves will be deemed a neglect of duty. It shall be the responsibility of supervisory personnel to certify that policies and procedures are understood by all in their command.

- B. Although the Code of Conduct is not intended as an all inclusive guide to proper conduct and may not anticipate all of the various situations and activities in which an employee may become involved, in every instance the member will be held accountable for one's conduct. Each member is to be responsible for one's own acts and shall not shift the burden of responsibility to another for improper performance or for failure to execute a lawful order or duty.

- C. Members shall not commit any act or omission which constitutes a violation of any of the rules, regulations, procedures, orders or policies of the GCSO. Ignorance of such rules, regulations, procedures, orders or policies shall not be considered as justification for any violation. Each member has the obligation to keep informed of all current rules, regulations and policies which pertains to him or her. No act or omission, which the member knows or should have known to be improper, shall be condoned merely because no specific prohibition is stated.

- D. A member or employee of the GCSO who is returning to duty from any type of leave shall acquaint him or herself with all amendments, additions or newly promulgated orders or other authoritative instructions which may have been issued during his or her absence.

- E. Unfamiliarity or ignorance of the rules and regulations shall not constitute a defense in any disciplinary proceeding.

- F. It shall be the responsibility of every member and employee to keep any issued reference material current by promptly making any directed changes in the Manual of Rules and Regulations or similar written directives.

- G. Obedience to Orders: Each member or employee shall promptly and obediently comply with all lawful orders. Failure to do so shall be considered insubordination. When, in the

performance of official duty outside the County of Greene, a member shall carry out any lawful order or directive as may be given by a competent authority.

- H. Chain of Command: No GCSO member shall fail to follow the chain of command for any reason other than because of the absence of the member's immediate supervisor, in which case the next superior officer shall be contacted. The following is the chain of command for the GCSO as it applies in the various components:

1. Law Enforcement Division

- a. Sheriff
- b. Undersheriff
- c. Captain
- d. Lieutenant
- e. Sergeant
- f. Deputy Sheriff

2. Corrections Division

- a. Sheriff
- b. Undersheriff
- c. Superintendent
- d. Lieutenant
- e. Sergeant
- f. Corrections Officer

3. Criminal Investigation Branch

- a. Sheriff
- b. Undersheriff
- c. Lieutenant
- d. Senior Investigator
- e. Investigator

- I. Cause for Dismissal: A member or employee shall hold employment during good behavior and efficient service, but such employment may be terminated under conditions set forth in existing laws and the Rules and Regulations of the GCSO.
- J. Penalties: A member of the GCSO found to be in violation of one or more of the provisions of this directive may be subjected to one or more of the following actions:
- a. Oral or written reprimand.
 - b. Reduction of leave.
 - c. Suspension with or without pay.
 - d. Demotion in rank.
 - e. Dismissal from employment

Separation by the Sheriff is warranted for incompetent, inept or inefficient performance of duty. Repeated disciplinary actions, even for minor infractions, will be considered prima facie evidence of unsuitability for employment in the GCSO.

- K. General Duties: Members of the GCSO shall, at all times, within the limits of their authority protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce those laws of the United States of America, the State of New York, the County of Greene and the laws and ordinances of the towns and villages of Greene County, in which the GCSO has jurisdiction.
- L. Respond When Directed: Every member of the GCSO shall immediately respond as directed on notice from competent authority that one's services are required.

- M. Availability for Assignment: Unless a member is in a disability or official leave status, it is expected that one will be available for call out. A member is required to reside in Greene County and to have access to a telephone at ones residence. An address and one or more telephone numbers where the member can be contacted are to be on record at the GCSO. An employees telephone number will not be disseminated to anyone outside the GCSO without the employee's authorization.
 - N. Absence from Duty: A member or employee of the GCSO shall not, under any circumstances, be absent from duty without notifying sheriff's communications center. Prior permission must be obtained for an absence which is not of an emergency nature. An absence due to sickness must be reported as soon as possible.
 - O. Seeking Information Regarding Duties: A member or employee of the GCSO who is in doubt as to the nature of or details concerning the assignment shall immediately seek such information from one's supervisor.
 - P. Leaving Area of Assignment: No member shall leave one's geographic area of assignment unless specifically dispatched or authorized to do so by a dispatcher or supervisor, and then only on official GCSO business. In no event shall an on duty member leave the county limits except when engaged in official business, authorized by the supervisor, or in close pursuit of a violator.
 - Q. Attitude/Impartiality: Members of the GCSO, while being vigorous and unrelenting in the enforcement of the law, must maintain a strictly impartial attitude toward complainants and violators and shall perform one's duties in an efficient, courteous and orderly manner using patience and good judgment at all times.
 - R. Assistance to Fellow Officers: No member of the GCSO shall fail to aid, assist and protect a fellow officer in the time of need to the fullest extent of one's capabilities in accordance with established police policies and procedures.
 - S. Assistance to Citizens: Members and employees of the GCSO shall render all possible service to citizens in accordance with established procedure.
 - T. Medical Attention: All members shall ensure that any injured or ill persons are given opportunity for medical attention.
 - U. Arrests in Conformity With Law: Members of the GCSO shall make arrests in conformity with the laws of arrest.
 - V. Disposition of Arrested Persons: All members shall follow through on all arrested persons who are taken into custody by them as prescribed by established procedures unless otherwise directed by a commanding officer or when medical attention is required.
2. Conformance To Laws:
- A. Members of this Agency shall obey all laws of the United States as well as any State and local jurisdiction in which the employees are present.
 - B. A conviction of any crime shall be prima facie evidence of a violation of this regulation.
3. Reporting of Criminal Law Violations:
- A. Any member charged with a violation of criminal law will report such charge in writing to the Sheriff, including in the report any pertinent facts concerning the violation.

4. Violation of Departmental Directives, Rules and Regulations:
 - A. Members of the GCSO shall not commit or omit any acts that would constitute a violation of Rules, Regulations, Directives or Orders of this Agency, whether stated in this Regulation or elsewhere.

5. Duty to Report Violations:
 - A. Any employee of this Agency who has knowledge of and fails to report any violation of Agency rules, regulations, directives or orders by any other employee, shall be deemed to be in neglect of duty.

6. Unbecoming Conduct:
 - A. Personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Agency. Conduct unbecoming a deputy shall include that which brings the Agency into disrepute or reflects discredit upon the deputy as a member of this Agency or that which impairs the operation or efficiency of the Agency or deputy.

7. Reporting For Duty:
 - A. Deputies shall report for duty at the time required by their assignment and shall be physically and mentally fit to perform their duties. They shall be properly attired, equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties as required.

8. Fictitious Illness or Injury Reports:
 - A. Deputies shall not feign illness or injury, falsely reporting themselves ill or injured or otherwise deceive or attempt to deceive any official of this Agency as to the condition of their health.

9. Insubordination:
 - A. Deputies shall promptly obey every lawful command or order issued orally or in writing by any superior officer. This includes orders relayed from a superior officer by a deputy of the same or lesser rank.

10. Conflicting or Illegal Orders:
 - A. Deputies who are given an order that is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Deputies shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
 - B. Deputies shall not obey any order which they know or should know would require them to commit any illegal act. Deputies shall request the issuing superior officer to clarify the order as to confer with higher authority.

11. Unsatisfactory Performance:
 - A. Deputies shall maintain sufficient competency to properly perform their duties and assume

the responsibilities of their positions. Deputies shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Agency. Unsatisfactory performance may be demonstrated by:

1. A lack of knowledge of the application of laws required to be enforced or Agency Rules and Regulations
2. An unwillingness or inability to perform assigned tasks.
3. The failure to conform to work standards established for the individual's rank, grade or position.
4. The failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention.
5. Absence without leave.

B. In addition to the mentioned indicia of unsatisfactory performance, the following will be prima facie evidence of unsatisfactory performance:

1. A written record of repeated infractions of Rules and Regulations, directives or orders.

12. Neglect of Duty:

A. Deputies shall not read, play games, watch television or movies or otherwise engage in entertainment while on duty except as may be required in the performance of duty. They shall not engage in personal business which would cause them to neglect or be inattentive to their duties.

13. Enforcement of Laws:

A. It shall be the duty of every member of the GCSO to enforce all local, State and Federal laws as well as preserving the peace, preventing crime, protecting life and property, regulating the movement of traffic and pedestrians and detecting and arresting violators in accordance with Agency procedures.

14. Departmental Reports:

A. Deputies shall submit all reports before the end of their tour of duty unless otherwise specifically directed or otherwise in accordance with established departmental procedures. Reports submitted by deputies shall be truthful and complete and no employee shall enter or cause to be entered any false, inaccurate or improper information,

15. Processing Evidence and Property:

A. Evidence or property which has been discovered, gathered, purchased, seized or received in connection with Agency responsibilities will be identified, labeled and turned in as soon as possible, unless established Agency procedures indicate otherwise.

B. Deputies shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any evidence or property in connection with an investigation or any other type of police action.

C. Refer to Rules and Regulations A33, "Legislative Restrictions" and A10, "Non-Agency Property/Evidence" for specific information on processing evidence and property.

16. Gross Neglect of Duty:
 - A. In times of peril, it is imperative that deputies shall work together to assist and protect each other in the restoration of peace and order of the law. Any deputy who shirks from danger or responsibility shall be deemed guilty of gross neglect of duty.
17. Sleeping on Duty:
 - A. Sleeping on duty is prohibited and any member guilty of such misconduct shall be deemed in neglect of duty.
18. Leaving Duty Post:
 - A. Deputies shall not leave their assigned duty post during a tour of duty except when authorized to do so by proper authority or in an emergency situation when it is necessary to assist a fellow deputy or the deputy who is in pursuit of a suspect.
 - B. It shall be incumbent upon the deputy to notify the supervisor as well as the Dispatch/Greene County 911 whenever he leaves his assigned post, area, vehicle or incident scene to which he or she has been dispatched.
19. Meals:
 - A. Deputies shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time and at such time and place as established by Agency procedures.
 - B. Deputies may only be permitted to suspend their assigned duties for the purpose of having meals after having been given the proper authority to do so.
20. Use of Departmental Equipment:
 - A. Deputies shall utilize Agency equipment only for its intended purpose in accordance with established Agency procedures and shall not abuse, damage, lose or remove Agency equipment. All equipment issued to deputies shall be maintained in proper order.
 - B. Deputies shall keep their assigned lockers clean and orderly at all times, subject to inspection. Clothing and wearing apparel, with the exception of shoes, will be hung up and all equipment will be orderly arranged on the shelf or floor of the locker. Lockers will be kept locked at all times if there are weapons inside.
21. Operation of Departmental Vehicles:
 - A. Deputies shall operate official vehicles in a careful and prudent manner and shall obey all laws and Agency procedures pertaining to such operation.
22. Use Of Personal Vehicles While On Duty:
 - A. Deputies shall not use their own, any commercial or private vehicle for the purpose of covering their post.
 - B. Personal vehicles or other vehicles which may be available to them shall not be parked upon their assigned post with the intention of using same while on duty.
 - C. Personal vehicles, when parked on public highways or in public owned parking facilities, shall be parked in compliance with laws and ordinances governing parking.
 - D. No employee shall use their own or other private vehicle for official purposes without the

permission of a superior officer.

23. Respect to Fellow Employees:

- A. Deputies shall be courteous and respectful in their dealing with superiors and each other. Employees shall not use coarse, violent or profane language or gestures toward superiors or fellow deputies. Deputies shall not utter offensive or derogatory statements or slurs concerning race, sex, religion, politics national origin or lifestyle.

24. Harassment in the Working Environment:

- A. This Agency will maintain a working environment free from all forms of harassment including sexual harassment. Harassment in any manner or form is strictly forbidden.

- B. Incidents constituting harassment may include but are not limited to:

1. Exercise or attempted exercise of the power or authority of one's position to control, influence or affect the job or other employment conditions of an employee for sexual favors;
2. Verbal abuse, threats or false accusations
3. Unwelcome remarks or comments about a person's body, attire, age, sex, race, disabilities, marital status, ethnicity or religious background
4. Displaying pornographic, racist or other offensive or derogatory material
5. Unwelcome or repeated sexual advances, propositions or gestures.
6. Physical contact that one finds objectionable or offensive.

25. Respect for Subordinates:

- A. Authority within this Agency shall be exercised with firmness, kindness and justice. Superior officers shall avoid as far as circumstances permit, censuring subordinates in the presence of others. They are forbidden to injure or discredit those under their authority by tyrannical conduct or abusive language.

26. Criticism and Malicious Gossip:

- A. No deputy will criticize a fellow deputy except in the line of duty as a superior to a subordinate, nor will the deputy maliciously gossip regarding any member of this department.

27. Alcoholic Beverages and Drugs in Departmental Installations:

- A. Deputies shall not store or bring into any Agency facility or vehicle any alcoholic beverages, controlled substances, narcotics or hallucinogens which are not being held as evidence; or medications that have been personally prescribed for a deputy by a licensed physician.

28. Use of Alcohol on Duty or in Uniform:

- A. Deputies shall not consume intoxicating beverages while in uniform or on duty, except in the performance of duty and while acting under proper and specific orders from a superior officer.

- B. Deputies shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever or with the odor of intoxicants upon their breath.

- C. Any member accused by his or her superior officer of drinking on duty, reporting for duty intoxicated or intoxicated on duty, must submit to an intoxication test of his breath or blood at the superior officer's request. Refusal to submit to such test will be deemed insubordination. Evidence obtained by the intoxication test may be used in any administrative hearing pertaining to the charge preferred.
29. Use of Alcohol Off Duty:
- A. Deputies while off duty shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication or offensive behavior which discredits them or the Agency or renders them unfit to report for their regular next regular tour of duty.
30. Possession and Use of Drugs:
- A. Personnel shall not possess or use any controlled substances, narcotics or hallucinogens. Except when prescribed as treatment by a physician or dentist.
31. Use of Tobacco:
- A. Deputies may not smoke in areas of public buildings that are accessible to the public pursuant to Section 1399-0 of the NYS Public Health Law.
- B. In all other cases, deputies while in uniform may use tobacco as long as:
1. They are not visible by the general public.
 2. They do not have to leave their assignment or post for the sole purpose of doing so.
 3. They are not engaged in traffic or crowd direction or control
 4. There is no use of tobacco products in County Buildings or on County Property.
32. Gambling:
- A. Deputies shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty while acting under proper and specific orders from a superior officer.
33. Visiting Prohibited Establishments:
- A. Deputies shall not knowingly visit, enter or frequent locations where prostitution, gambling or any other laws of the Federal government, the State of New York or local jurisdiction are regularly violated except in the performance of their duties and while acting under the proper and specific orders from a superior officer.
34. Associations:
- A. Deputies shall avoid regular or continuous associations or dealings with persons whom they know or should know are persons under criminal investigation or indictment, or who have a reputation in the community or the Agency for present involvement in criminal behavior, except as necessary to the performance of official duties or where unavoidable because of other personal relationships of the deputies.
35. Carrying/Use of Firearms On Duty:
- A. Deputies shall carry and use firearms in accordance with law and established Agency procedures noted in Rules and Regulations.
- B. Deputies while on duty shall carry only such firearms and ammunition that have been approved by this Agency.

- C. Deputies shall not use or handle weapons in a careless or imprudent manner, nor shall they permit anyone to handle, inspect or in any way use their weapon. Handguns shall be holstered at all times and removal is forbidden unless necessary to achieve a legitimate police objective.

36. Carrying/Use Of Firearms Off Duty:

- A. Employees who carry and use firearms off duty must do so in accordance with law and established Agency procedures

Note: All deputies possessing personally owned handguns will have a valid NYS Pistol Permit. No personally owned handgun will be carried on the sheriff's badge.

37. Use of Force:

- A. Deputies shall not use more force in any situation than is reasonably necessary under the circumstances. Deputies shall use force in accordance with the law and Agency procedures as have been listed in Rules and Regulations.

38. Gifts, Gratuities, Bribes and Rewards:

- A. No deputy shall solicit or receive any gift or reward for services rendered or to be rendered, without the formal approval of the Sheriff.
- B. No deputy shall receive or enter into any agreement, express or implied, for compensation of services to be rendered in relation to any matter before the County of Greene.
- C. Deputies shall not solicit or accept from any person, business or organization any gift for the benefit of deputies or the Agency, if it may reasonably be inferred that the person, business or organization:
 - 1. seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty, or
 - 2. has an interest which may be substantially affected, directly or indirectly, by the performance or nonperformance of an official duty:

Note: For further reference to deputies receiving gifts, rewards, etc., see Rules and Regulations, "Legislative Restrictions".

39. Abuse Of Position:

- A. Deputies shall not use their official position, identification cards or badges:
 - 1. For personal or financial gain.
 - 2. For obtaining privileges not otherwise available to them except in the performance of duty.
 - 3. For avoiding the consequences of illegal acts.
- B. Deputies shall not lend to another person their identification cards or badges or permit

them to be photographed or reproduced without the approval of the Sheriff.

- C. Deputies shall not authorize the use of their name, photographs or official titles which identify them as Police Officers in connection with testimonials or advertisements of any commodity or commercial enterprise without the approval of the Sheriff.

40. Secondary Employment:

- A. Out of Agency employment for deputies is contingent upon approval of the Sheriff.

41. Political Activity:

- A. Deputies are prohibited from engaging in political actions and activities that violate Section 17-110 of the New York State election Law as existing or may be amended.

NOTE: For reference to Agency Rules and Regulations regarding political activity of Deputies, Refer to policy "Legislative Restrictions".

42. Identification:

- A. While on duty Deputies, shall carry their identification cards on their persons at all times, except when impractical or dangerous to their personal safety or to an investigation Deputies shall furnish their name and badge number to any person requesting that information when they are on duty or while holding themselves out as having official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

43. Courtesy:

- A. Deputies shall be courteous to the public. Deputies shall be tactful in the performance of their duties, control their tempers and exercise the utmost patience and discretion and shall not engage in argumentative discussions even in the face of extreme provocation.
- B. In the performance of their duties, deputies shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudicial remarks concerning race, religion, politics, national origin, lifestyle or any similar personal characteristics.

44. Discussions; Religious, Racial and Political:

- A. Deputies shall not engage in any religious or political discussions to the detriment of good discipline or morale, nor shall they speak disparagingly of the nationality, religion, color, creed, lifestyle or belief of any person.

45. Citizen Complaints:

- A. Deputies shall courteously and promptly record in writing any complaint made by a citizen against any deputy or the Agency by forwarding the complaint to their supervisor. Deputies may when appropriate attempt to resolve the complaint but shall never attempt to dissuade any citizen from lodging a complaint against any officer or the Agency. Deputies shall follow established procedures for processing personnel complaints per Rules and Regulations A26.

46. Request for Assistance:

A .When any person applies for assistance or advice or makes complaints or reports either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with Agency procedures.

47. Dissemination of Information:

A. Personnel shall treat the official business of this Agency as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established Agency procedure. Deputies shall not divulge the identity of persons giving confidential information except as established by proper authority.

48. Public Statements and Appearances:

A. Deputies shall not publicly criticize or ridicule the Agency, its policies or other deputies by speech, writing or other expression where such speech, writing or other expression is defamatory, obscene, unlawful or undermines the effectiveness of the Agency, interferes with the maintenance of discipline or is made with reckless disregard for truth or falsity.

B. Deputies may lecture on "police" or other matters only with the prior approval of the Sheriff. Nothing in this section shall act to prevent any member from making extemporaneous statements or speeches relating to police duties when called upon to do so, keeping in mind the general and inherent security of police information.

49. Off Duty Law Enforcement Obligations:

A. Deputies shall not intentionally become involved in civilian disputes when off duty. These disputes shall be handled by disinterested parties and by deputies who are on duty and who shall be summoned. This does not relieve a deputy of his responsibility from taking action when a crime has been committed in his presence.

50. Recognizing Other Members on Duty:

A. Deputies and employees shall not publicly indicate recognition of Investigators, plain-clothes deputies or deputies on special details when in plain clothes unless first addressed.

51. Influence; Political and Other:

A. Agency personnel shall not request the aid of any person outside the Agency to have them transferred to another assignment or post from which they have been removed by order of a superior officer or to have them promoted to a higher rank in the Agency; nor shall deputies knowingly permit any petition to be formulated or presented by citizens on their behalf requesting such transfer, restoration or promotion. No deputy shall use any political influence to affect, in any manner, the appointment or promotion of another deputy.

52. Intervention:

A. Deputies shall not interfere with cases being handled by other deputies of the Agency or by any other governmental agency unless:

1. ordered to intervene by a superior officer.
2. the intervening deputy believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

B. Deputies shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the demand

of the situation requires immediate police action.

53. Abuse of Process:

- A. Deputies shall not intentionally make any arrest, search or seizure that is not in accordance with the law, and/or Agency procedures.
- B. Deputies shall not attempt to personally dispose of any NYS Vehicle and Traffic tickets, other than to refer the person who has been issued the ticket to the appropriate court.
- C. Deputies shall not make false accusations of a criminal or traffic charge.
- D. Any Deputy or employee who shall give false testimony in any hearing or trial by any court or hearing board, shall be deemed guilty of falsification and/or perjury made subject to charges.
- E. Any member of the GCSO shall, when properly served with a legal subpoena and/or court requests for required legal documentation, comply with the order of the court or hearing body. Any questionable subpoena should be brought to the attention of the deputy's supervisor prior to action being taken on the subpoena.

54. Truthfulness:

- A. Upon the order of the Sheriff or a superior officer, deputies shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Agency which may be asked of them.

55. Reporting For the Defense:

- A. Members and employees of the GCSO who are requested to testify or who are subpoenaed to testify or who otherwise intend to testify on behalf of the defense or against any government agency, in any criminal action, shall immediately notify their supervisor of such request or subpoena, expectation or intention to testify and in any event, notification shall be given prior to testifying. Any member or employee of the Agency who is requested to testify against the County of Greene or any other subdivision of the County, in a civil action, shall immediately notify their supervisor and the Sheriff's legal counsel of such request or subpoena. Supervisors will immediately report this action to the Sheriff.

56. Report Address and Telephone Number:

- A. Members and employees of the GCSO are required to reside within Greene County and shall record their correct residence address, telephone number and/or emergency number where they can be reached and marital status with the Agency. Unlisted numbers shall be restricted to police use only. Notification of any change in address, telephone number or marital status shall be made in writing, within 24 hours, to the Agency. Any member who resides outside of Greene County must get written permission from the Sheriff.

57. Pistol Permit References

- A. Employees of the GCSO are prohibited from signing as personal references for individuals applying for a New York State Pistol Permit.

58. Labor Activity

Employees shall not engage in any strike with regard to their employment by the Greene County Sheriff's Office. The concept "strike" shall include, but not be limited to, a concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness which is unsubstantiated by a physician statement, the stoppage of work, or the abstinence, in whole or in part, from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of employment.

59. Payment of Debts

Employees shall not undertake any financial obligations which they know, or should know, they will not be able to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility shall not be grounds for disciplinary proceedings, except in unusually severe cases. However, repeated instances of financial difficulty may be grounds for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical bills or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken. Employees shall not co-sign a note for superior officers.

60. Part Time Employment.

Any Deputy, upon written request to the Sheriff, will be granted permission to work, a part-time job, provided;

1. Part-time employment does not exceed 20 hours per week.
2. Part-time employment will in no way affect the performance of the Deputy's assigned duties.
3. Part-time employment does not conflict with the members scheduled assignments with the Greene County Sheriff's Office.
4. Part-time employment will not require the Deputy to be in his or her official uniform.
5. Part-time employment will not involve the sale, or use, of alcoholic beverages, or involvement with any activity that is controlled by the New York State Alcohol Beverage Control Board.

61. General rules of conduct

A member of the Greene County Sheriff's Office found guilty of any of the following acts will be considered in violation of the rules and regulations which governs the Sheriff's Office of the County of Greene, State of New York, and may be subject to disciplinary action.

1. Conduct which brings discredit upon the Sheriff's Office.
2. Failure to perform a duty.
3. Disobedience of an order.
4. Insubordination or disrespect toward a Superior Officer.
5. Inattention to duty.

6. Lounging or sleeping on duty.
7. Being absent from duty without proper authorization.
8. Leaving duty assignment without being properly relieved, or without proper authorization.
9. Incompetence or inefficiency in the performance of duty.
10. Entering any liquor store, tavern or bar in uniform, or any part thereof, except when it is necessary for inspection, or for the immediate performance of a police duty.
11. Drinking any alcoholic beverage while on duty.
12. Drinking any alcoholic beverage while in uniform, or any part thereof, whether on or off duty.
13. Intoxication whether on or off duty.
14. Violation of any duly constituted law.
15. Disorderly conduct.
16. Immoral Conduct.

17. The use of coarse, profane or insolent language to any person.
18. Failure to treat any person civilly and respectfully.
19. Willful maltreatment of any person.
20. Knowingly making a false report, written or oral.
21. Failure to wear the proper attire, and or uniform, when on duty or on official business.
22. Failure to maintain a neat and clean appearance of self, uniform and equipment.
23. The use of any tobacco or tobacco product, while in uniform, in public.
24. Standing or walking with hand in pocket while in uniform.
25. Receiving, or attempting to receive a fee, gift, present or other thing of value from a person under arrest, or from someone on behalf of the arrested person.
26. Receiving, soliciting or attempting to solicit a bribe in any form.
27. Publicly criticizing the official actions of any member of the Sheriff's Office.
28. Members shall not publicly express any derogatory statements which criticizes or ridicules any Judge, Justice, Officers of the Courts, Public Official, or other governmental agency.
29. Disseminating or releasing any information contained in the Sheriff's Office records except in conformance with the orders of the Sheriff's Office.
30. Failure to pay a just indebtedness within reasonable time.

31. Failure to identify self by name, rank and shield number, when requested.
32. Failure to seize, record, process and dispose of recovered property or prisoner's property in conformance with the orders of the Sheriff's Office.
33. Failure to handle stray or dead animals in conformance with the Policy and Procedures of the Sheriff's Office.
34. Failure to notify a Superior Officer that a member of the Sheriff's Office is violating a rule or an order of the Sheriff's Office.
35. Deliberately violate orders and regulations pertaining to the management and control, of the Sheriff's Office.
36. Defacing, or neglecting to protect and preserve, property belonging to the Sheriff's Office.
37. Possessing or transporting any intoxicating liquor when on duty, except in accordance with orders from the Sheriff's Office.
38. Failure to comply with orders from the Sheriff's Office regarding other employment, occupations or professions.
39. Engaging, directly or indirectly, in the forbidden ownership, maintenance or operation of a taxi cab, tavern or retail liquor establishment.
40. Allowing the publication of any photograph of oneself, in the regulation uniform, advertising any commodity or commercial enterprise without permission from the Sheriff.
41. Communicating or corresponding with individuals or other police agencies concerning police matters except as provided by Policy and Procedures of the Sheriff's Office.
42. Engaging in any activity, conversation or deliberation which is derogatory of the policy of the Greene County Sheriff's Office, or of any individual.
43. Failure to keep vehicles, belonging to the Sheriff's Office, in public view while assigned to general patrol duty, except when authorized by Supervisory Officer.
44. Permitting any person, not on official police business, to ride in a vehicle, belonging to the Sheriff's Office, unless specifically authorized.
45. Riding in or on a vehicle not belonging to, or assigned to, the Sheriff's Office during duty hours except, when authorized by Supervisory Officer, or on official police business.
46. Operating a vehicle, belonging to the Sheriff's Office, outside of the County except in immediate pursuit of law violators, or on official business, authorized by the Sheriff.
47. Operating a vehicle, belonging to the Sheriff's Office, without proper authorization or, on other than official business.
48. Pulling, pushing or towing any vehicle, with a vehicle belonging to the Sheriff's Office, except authorized by the Sheriff.
49. Altering any equipment, belonging to the Sheriff's Office, in any way, except as authorized by the Sheriff.

50. Carrying any rifle, shotgun, machine gun, or substituting the Service Weapon, issued by the County Sheriff's Office, with any weapon, or adding a concealed auxiliary handgun, not authorized by the Sheriff.
51. Unlawfully or unnecessary use of, or display of, a weapon.
52. Failure to report the discharge of a weapon,
 - a. Orally, and immediately to a Supervisory Officer.
 - b. In writing, without unnecessary delay, to the Sheriff.
53. Selling, giving, lending or disposing of a dangerous weapon as outlined in Section 265 of the Penal Law of the State of New York, contrary to the provisions of Section 265.05, 265.10 of the Penal Law of the State of New York, and the rules and regulations of the Greene County Sheriff's Office.
54. Giving an opinion to a violator, or a suspect, as to fine or penalty.
55. Giving an opinion as to bail, except by those specifically authorized to admit to bail.
56. Failure to take, record, and act upon complaints, except as prescribed by orders of the Sheriff's Office.
57. Removing, altering or changing any official record(s), from the Sheriff's Office, except as provided for in Policy and Procedures, or Written Orders.
58. Issuing any device which intends to grant special privilege to the holder.
59. Displaying Sheriff's Office, or Non-Sheriff's Office pictures or posters, in any manner, in or on any property or equipment, belonging to the Sheriff's Office, except in conformance with orders from the Sheriff's Office.
60. Obligating the Sheriff's Office financially in any manner, except as authorized by the Sheriff.
61. Recommending to any citizen the service of any bondsman, lawyer, undertaker, physician, hospital, towing, repair or other professional or commercial service.
62. Failure to report any information of a police nature, in conformance with the orders of the Sheriff's Office.
63. Failure to obtain official permission to participate in public discussions of the Greene County Sheriff's Office business, except as provided in orders from the Sheriff's Office.
64. Entering any police lock-up, except on official business.
65. Interviewing, questioning or interrogating any person in a cell, except in the regular operation and administration of the jail.
66. Associating or fraternizing with known criminals or persons of ill repute, except in the immediate discharge of official duties, or with the authorization of the Sheriff.
67. Soliciting or accepting a gift, present, reward, gratuity, or other consideration, for any services rendered as a member of the Sheriff's Office. This excludes gifts received from relatives, or close friends, upon appropriate occasions.
68. Accepting any food, beverage, or other valuable consideration without cost, at any time because of official position as a member of the Sheriff's Office.

69. Receiving any gift, present or gratuity, from any subordinate.
70. Giving any gift, present or gratuity to another member of the Sheriff's Office, or a member of his/her family, without the specific approval of the Sheriff. This excludes donations, not to exceeding twenty five (\$ 25.00) dollars, given for retirement, hospitalization or death, provided approval of the Sheriff is obtained for collection of the donations. Party, dinner and entertainment fees will be paid for individually by person attending such function, without prior collection through Sheriff's Office channels.
71. Failure to submit a written report to the Sheriff, within twenty-four (24) hours, of any employee becoming aware of being under investigation, by another law enforcement agency.
72. Refusing to testify on the grounds of possible self-incrimination.
73. Any member, who becomes ill, and must absent themselves from duty, shall notify their supervisor, without delay, according to the Sheriff's Office Policy and Procedure.
74. Members assigned to attend any school or training seminar, sponsored by the Sheriff's Office, another Police Agency, or any civil agency, shall abide by the rules and regulations of the Sheriff's Office, as well as any rules and regulations set forth by the sponsoring agency.
75. Participation by member of the Sheriff's Office, or urging the participation by other persons, in any strike, slowdown or other concerted action which is in any degree adverse to the maintenance of the public safety or welfare.
76. Members shall refrain from the use of Sheriff's Office telephones, for personal business. Members shall keep the use of Sheriff's Office telephones for personal reasons minimal. Members with access to the internet will adhere to the policy set forth by the County.
77. Members shall not use their position as a member of the Sheriff's Office to promote directly, or indirectly, the business or personal interest, of any person or organization, including their own.
78. Members shall not speak disrespectfully, to or of, any other member of the Sheriff's Office. Members shall not publicly express any derogatory statements which criticizes or ridicules the Sheriff's Office or any member of the Sheriff's Office.
79. Members shall not publicly express any derogatory statements which criticizes or ridicules any Judge, Justice, Officers of the Courts, Public Official, or any other Governmental Agency.
80. Members are prohibited from using the Sheriff's Office Logo, without prior authorization of the Sheriff.
81. Members shall not allow their shield or identification card to be reproduced or photographed.
82. No member of the Sheriff's Office, either uniformed, non uniform, or civilian personnel, will work for or perform services for any other police agency, unless such work is at the direct order of the Sheriff, or a Supervisor. This does not prohibit part time work for other agency, as long as written permission has been obtained from the Sheriff.

83. Members shall not permit any person to accompany them on patrol, on an investigation, or on specific duties, unless such person possesses an official connection with the Sheriff's Office, or without the prior authorization from the Sheriff.
84. Affiliation with any organization, or body, which would prevent any employee, from performing the duties of the Sheriff's Office, because of the organization's constitution or membership in any union or other organization, in connection with, and relating solely to approved secondary employment and required membership in military reserve units is specifically exempted from this regulation.
85. Members shall not disclose confidential information to any person, except those officially entitled, unless directed to do so by the Sheriff.
86. Except through the proper channels, members shall not advise any other member of pending, contemplated or recommended personnel action affecting such member.
87. Members shall not knowingly make any false entries in official records, maintain any false records, cause any false entries to be made in official records, or cause false records to be maintained.
88. GENERAL POLICY.

All members of the Greene County Sheriff's Office, excluding the Sheriff and Undersheriff, are subjected to these Rules and Regulations. Members of the Sheriff's Office are not merely employees, but are Officers of this State and County, charged with specific duties in maintaining public order, and administering justice. Therefore, every member's sole responsibility must be, to the Sheriff, and through him to the public.

Rule #1 It shall be the duty of all members of the Greene County Sheriff's Office, to study and comply with the rules, regulations and instructions to require like compliance of all members. The rules and regulations are promulgated and approved by the Sheriff, for the discipline and control of the Sheriff's Office. Rules and regulations are published in the Policy and Procedure manual.

Rule #2 At **NO** time will any member cause the reproduction of any portion of the rules, regulations, procedures or guidelines, posted in any Sheriff's Office manuals, for the purpose of providing same to any non-member of the Greene County Sheriff's Office, without authorization from the Sheriff.

Rule #3 It is the duty of every member of the Sheriff's Office, any time, day or night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace and enforce all the laws and ordinances, over which, the Sheriff's Office.

Rule #4 A Deputy, while on regular patrol duty, shall proceed to his or her designated post, or relieving point, without unnecessary delay. The Deputy will inspect his post immediately; remain constantly alert and observant, noting any condition requiring Police attention, and take appropriate action.

Rule #5 A Deputy is charged with the enforcement of all laws and ordinances within the jurisdiction of the Sheriff's Office. Especially those relating to public morals, vice, gambling, intoxication and intoxicating liquors. This includes overseeing proper working condition, and maintenance, of the Sheriff's Office equipment, traffic control equipment, street lights, public highways, curbs, and sidewalks conditions within the boundaries of his or her assigned post. The Deputy shall promptly report, through official channels, any conditions requiring attention, and shall provide safeguard when necessary.

Rule #6 A member of the Sheriff's Office shall be fit for duty, and subject to duty, at all times, according to a pre determined work schedule. A Deputy is subjected to the highest expectations regarding personal appearance. A male Deputy must be clean shaven and well groomed. Haircut must be to proper length, and sideburns are not to exceed one half of the distance, from the bottom of the inner ear, to the bottom of the ear lobe. Muttonchops, or Spanish style sideburns, will not be tolerated A mustache will not extend below the side of the Deputy's mouth.

Rule #7 Any Supervisory Officer is charged with the same obligations and duties as a deputy, when on patrol. The same reporting responsibility as a Deputy, and a Supervisory Officer, will also provide safeguard when necessary.

Rule #8 Members of the Sheriff's Office will be held strictly accountable for all information acquired by them, on duty or off duty, regarding suspicious persons or locations, within Greene County.

Rule #9 A member of the Sheriff's Office shall treat all business and information with confidentiality. He or she will not talk for publication, not be interviewed, nor make public speeches, nor shall he or she impart information related to the official business of the Sheriff's Office to anyone, except under due process of law, or with permission from the Sheriff.

Rule #10 A member of the Sheriff's Office, found guilty of violating a rule or regulation of the Sheriff's Office, or of the provision of any lawful order, or of disobedience of orders, or of cowardice, or of intoxication while on duty, or intoxication while in uniform, or of conduct unbecoming an Officer, or of making a false official communication, record or statement, or of being convicted in a court, having jurisdiction, may be dismissed from the Sheriff's Office, or suffer other punishment, as the Sheriff may direct.

Rule #11 Though not specifically mentioned, in the Rules and Regulations, disorder or neglect, due to the disregard of good order, efficiency or discipline, will not go un-noticed. Members found guilty thereof will be punished, at the discretion of the Sheriff.

Rule #12 It shall be the duty of each member to obey any lawful order, issued orally or written, by competent authority. Any such order must first be obeyed; if afterward, a member considers formal complaint is necessary, that member may file a written complaint to the Sheriff, through the proper chain of command.

Rule #13 Per previously issued written order 105 dated 12/19/08, members of the Greene County Sheriff's Office are reminded that using any type of personally owned recording device to record any member of this agency either on or off duty without their knowledge is prohibited. The term recording device includes both audio and video recorders. This written order does not in any way prevent the use of agency owned devices or any devices owned by other law enforcement agencies for official investigative purposes.

89. RESPONSE / PENALTY

If a member of the Greene County Sheriff's Office is found guilty of violating any rule or regulation, at the prescribed hearing, he or she will be subjected to one of the following courses of action:

1. Reprimand.
2. Loss of vacation time, or pay.
3. Suspension.
4. Termination.

Termination of a member by the Sheriff is warranted for: incompetent, inept or inefficient performance of duty.

Repeated disciplinary actions, even for minor infractions, will be considered prima face evidence of unsuitability for service in law enforcement.

NOTE: If the infraction would be considered minor, and the member in question appears to be in need of further, or more detailed instructions, pertaining to the issue at hand, a counseling session, and / or a counseling memo **may** be utilized to resolve the issue. Counseling session with or without the counseling memo, is not considered a disciplinary reaction, nor reprimand. A counseling session will normally be provided by the immediate supervisor, and even if a counseling memo is not utilized, the counseling should be documented.

90. ETHICS

Personal ethics of employees is one of the major concerns of Law Enforcement Chief Administrators today. Graft and corruption, like cancer attacks the human body, and can destroy any law enforcement agency. The Greene County Sheriff's Office expects and demands that each employee adhere to the highest possible, code of ethics. The Greene County Sheriff's Office is also fully adopting and adhering to the code of ethics adopted by the administration of Greene County.

A code of ethics can be implemented, and mandated by any administration. But it can only be ensured by the members themselves, when the members, adheres to personal codes, which are above reproach.

1. Deputy Sheriffs are specifically forbidden from seeking, or accepting, monetary reward, other than regular wages, for services that he or she provides as part of his or her regular assignment or for **not** performing those acts, or enforce those laws that he or she has sworn to uphold.
2. Deputy Sheriffs are specifically forbidden from seeking, or accepting, any type of favor or gratuity, for services that he or she provides as part of his or her regular assignment, or for **not** performing those acts, or enforce those laws that he or she has sworn to uphold.

Deputy Sheriffs will treat all citizens, with whom they come in contact, for any reason, with complete equality, and without fear or favor. Such citizens will be treated in a gentlemanly and courteous manner.

Furthermore the Greene County Sheriff's Office is also strictly observing the Official Code of Ethics set forth by the Greene County Legislature, and it reads as follows:

NOTE: Page 21 through page 34 has been copied from the book " Greene County Code of Ethics" . Additional copies of the book are available at the Sheriff's Office or at Greene County Human Resources.

GREENE COUNTY



CODE OF ETHICS

Code of Ethics

GREENE COUNTY CODE OF ETHICS

Contents:

1. Short title
2. Purpose and scope
3. Definitions
4. Standards of conduct
5. Disclosure of interests
6. Board of Ethics
7. Penalties
8. Distribution of Code
9. Repeal of prior Code
10. Effective date

SECTION 1

SHORT TITLE. This local law shall be known and may be cited as the “Greene County Code of Ethics.”

SECTION 2

PURPOSE AND SCOPE. This Code is enacted pursuant to article 18 of the general municipal law and in recognition of the policy of the State of New York and the County of Greene to maintain the highest standards of integrity in the public service. Specifically, this Code has as a major purpose the establishment of procedures by which any member of the public may come forward and have considered any allegation or claim of wrongdoing in violation of this Code by any elected or appointed officer or employee of the County or of any member of any Board or Commission of the County. At the same time it is an equally important major purpose of this Code to protect officers and employees of the County against insubstantial or unfounded allegations of violations arising out of the reasonable performance of their duties. This Code shall be in addition to all other restrictions, standards and provisions pertaining to the conduct of County officers and employees.

SECTION 3

DEFINITIONS. As used in this Local Law, the following terms shall have the meanings indicated.

1. Officer or Employee. An officer or employee of the County, whether paid or unpaid, including members of the County Legislature, and of any administrative board, commission or other agency of the County where such board, commission or other agency is appointed in its entirety by the County.

2. Interest. A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires, and shall be deemed to include the business or financial affairs of the officer's or employee's spouse, minor children and dependents; a firm, partnership or association in which such officer or employee is a member; a corporation of which such officer or employee is an officer or director; and a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

3. County. The County of Greene.

4. Code. The Greene County Code of Ethics as set forth in this Local Law.

5. Board. The Board of Ethics established pursuant to section 6 of this Code.

SECTION 4

STANDARDS OF CONDUCT. Every officer or employee of the County shall be subject to and abide by the following standards of conduct:

1. Gifts. No officer or employee of the County, whether paid or unpaid, shall directly or indirectly solicit any gift or gratuity, or accept or receive any gift or gratuity irrespective of value whether in the form of money, services, loan, travel, entertainment or any other form, from any person, firm or corporation which the officer or employee knows or has reason to know is seeking or has received or has sought a financial benefit from the County not provided to the public in general within the previous twenty-four months. Gifts or gratuities as referred to herein shall not include goods or services exchanged between persons who are officers or employees of the County. Advisory opinions may be sought by any officer or employee from the Board pursuant to paragraph c of subdivision 4 of section 6 of this Code as to whether an occurrence is or would be a prohibited gift or gratuity.

2. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.

3. Representation before agencies and courts.

a. One's own agency. No officer or employee shall appear for or act as representative of any person or entity in relation to any matter before any municipal agency of which he or she is an officer, member or employee or before any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee. Representation by a County Legislator of interests of a constituent in matters pending before the County Legislature is not within the prohibition of this subsection.

b. Before any agency for a contingent fee. No officer or employee shall receive or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any municipal agency whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter,

provided that this subdivision shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

c. Courts. No officer or employee shall represent private interests in any court action or proceeding against the interest of the County in any litigation to which the County is a party. If said officer is an attorney, he or she should not engage in activities in which his or her personal or professional interests are or foreseeably may be in conflict with his or her official duties.

4. Interests in conflict with official duties. He or she shall not invest or hold any interest or commercial investment, directly or indirectly, in any financial business, commercial or other private transaction which creates a conflict with his or her official duties, excepting officially designated banks in which he or she has less than a five (5%) percent stock ownership or officially designated newspapers. No member of a board, commission or other agency not appointed in its entirety by the County shall be in violation of this subsection by submission to the County of bids or commercial proposals on any subject in competition with other bidders or proposers on such subject.

5. Private employment. He or she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

6. Future employment. He or she shall not, after the termination of service or employment with the County, appear absent a court order before any board, agency, department or other administrative unit of the County in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

7. Use of County property. He or she shall not directly or indirectly use or allow the use of property of any kind owned by the County, including property leased to the County, for other than official County business or not-for-profit activities specifically authorized by the County.

8. Treatment of the public. Every officer and employee shall treat all members of the public, whether a person, firm, corporation or other organization, with equal consideration and without special advantage.

9. Course of conduct. Every officer or employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust. He or she should not use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself, herself or others. He or she should not by any conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties or that he or she is affected by the kinship, position or influence of any party or person.

10. Suits against County. Nothing herein shall be deemed to bar or

prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the County or any agency thereof on behalf of any officer or employee or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

SECTION 5

DISCLOSURE OF INTERESTS

1. Disclosure by officer of interest. Any officer or employee who has, will have or intends to acquire any interest, direct or indirect, in any matter being considered by the Legislature or by any official, board, agency, officer or employee of the County and who participates in discussions before or gives opinions or advice to the Legislature or to any board, agency or individual considering the same shall fully and officially disclose the nature and extent of such interest in writing.

2. Disclosure by officer or employee having special knowledge of County matters. Any officer or employee who has knowledge of any matter being considered by the Legislature or any board, agency, officer or employee of the County in which he or she has or will have or intends to acquire any direct or indirect interest shall be required to disclose, in writing, his or her interest to the Legislature, such board, agency, officer or employee and the nature and extent thereof.

3. Disclosure by officer or employee of interest in legislation. Any officer or employee who has a direct or indirect financial or private interest in any legislation and who participated in discussions before or gives official opinions to the Legislature shall fully and officially disclose the nature and extent of such interest in writing. Any legislator who has direct or indirect financial or other private interest in any proposed legislation shall fully and officially disclose the nature and extent of such interest in writing.

SECTION 6

BOARD OF ETHICS

1. Establishment. There is hereby established a Board of Ethics for the County, pursuant to article 18 of the general municipal law.

2. Membership. The board shall consist of three members, initially appointed within Ten (10) Months of the effective date of this Local Law. The members shall be appointed by the Chairperson of the Legislature, subject to confirmation by the Legislature, and shall serve three year terms of office, one such term expiring at the end of each successive calendar year, provided that the first appointments to the Board shall be as follows:

- a. one member appointed for a one year term;
- b. one member appointed for a two year term; and
- c. one member appointed for a three year term.

Members of the Board shall not serve more than two full consecutive three year terms. In the event a vacancy occurs prior to the expiration of a term of office, such vacancy shall be

filled for the balance of such term in the same manner as members are appointed to full terms. No more than one member of any political party shall serve on the Board at any time. The Board shall include one member from each of the two political parties ranking first and second in party enrollment among Greene County registered voters at the time of any given appointment. No member shall be an elected official, a political party officer, a member of a political party committee or have substantial business interests with the County. All members shall reside in the County. All members shall serve without compensation but shall be reimbursed for all reasonable expenses incurred in the conduct of their duties. The members shall elect a chairperson from among themselves. This subdivision supersedes the provisions of subdivision 1 of section 808 of the general municipal law which requires the Board to include at least one elected or appointed officer or employee of the County.

3. Removal. Members of the Board may be removed for cause by the vote of two-thirds of the Legislature. Prior to removal, the Board member shall be given written notice of the grounds for removal and an opportunity to reply.

4. Powers and duties.

a. The Board shall render advisory opinions in writing to officers or employees of the County regarding specific matters pertaining to potential conflicts of interest, filings and reporting requirements with respect to this Code and article 18 of the general municipal law. Such opinions shall be rendered only upon written request by the officer or employee concerning only the subject of the inquiry as it pertains to the requesting person's own concerns, except that the County Administrator may request advisory opinions on matters of general concern.

b. The Board shall accept from any member of the general public or from its own members or from any officer or employee of the County and consider any complaint or allegation, except an anonymous complaint or allegation, of conflict of interest on the part of any officer or employee of the County or any other violation of the Code. All such complaints or allegations are to be kept in the confidential records of the Board. Should the Board determine that there is apparent merit in the complaint or allegation, it shall send a copy of the complaint or allegation and a written invitation to the officer or employee so charged to appear at a private meeting of the Board and explain the apparent conflict of interest or Code violation. Should such officer or employee fail to appear in response to such invitation or should he or she appear and fail to satisfy the Board that there is no conflict of interest or Code violation, the Board may commence an adjudicatory proceeding in accordance with the Regulations For Adjudicatory Proceedings annexed hereto and made a part hereof as Schedule A. At the conclusion of those proceedings the Board shall send a written report on the matter to the County Administrator. The report shall include findings of fact and conclusions of law and any decision as to penalties, including but not limited to fines or suspension, removal from office or employment. The report shall not be made public except by the unanimous vote of the Board.

c. The Board shall render advisory opinions in writing to officers or employees regarding specific matters pertaining to potential violations of this Code. Such opinions shall be

rendered only upon written request by the officer or employee concerning only the subject of the inquiry as it pertains to the requesting individual's own obligations under this Code.

d. The Board shall administer and enforce this Code and conduct any investigations necessary to carry out the provisions hereof. Pursuant to the powers and duties of the Board, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

e. The Board may make recommendations with respect to amendments to this Code to the Legislature.

f. The Board, upon its formation, shall be governed by Regulations for Adjudicatory Proceedings in the form annexed hereto and made a part hereof as Schedule A. The Board shall maintain records of its opinions and proceedings.

g. Notwithstanding the provisions of article 6 of the public officers law, the only records of the Board which shall be available for public inspection are:

- i. Written disclosures filed pursuant to this Code;
- ii. Notices of hearings or proceedings;
- iii. Notices of penalties imposed under section 7 hereof; and
- iv. Advisory opinions with names of individuals redacted.

h. The Board may retain counsel admitted to practice in the State of New York subject to confirmation and funding approval by the Legislature.

i. The Board shall be empowered to request support staff and assistance from the Legislature in furtherance of its duties and responsibilities.

SECTION 7

PENALTIES. Any officer or employee of the County who knowingly and willfully violates the provisions of this Code shall be subject to a civil penalty of up to ten thousand (\$10,000) dollars. Any non-elected officer or employee of the County or any appointed member of any County board, agency or commission who knowingly and willfully violates the provisions of this Code shall be subject to removal, termination or suspension. Any individual or person who, for the purpose of securing preferential treatment in dealings with the County, knowingly and willfully aids, abets or induces any officer or employee to violate this Code, shall be subject to having any current contract with the County cancelled and shall be barred from bidding on any other County contract for a period of up to two (2) years. The foregoing penalties shall be imposed by the Board subject to review pursuant to article 78 of the Civil Practice Law and Rules. In addition, the foregoing penalties shall be imposed by the Board subject to prior compliance by the County with any disciplinary provisions of any collective bargaining agreement between the County and any group of which the officer or employee is a member.

SECTION 8

DISTRIBUTION OF CODE. The County Administrator shall cause a copy of this Code to be distributed to every officer an employee of the County within thirty (30) days after the effective date of this Local Law. Failure to distribute such Code or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this Code nor the enforcement of the provisions thereof. Each officer and employee elected or appointed thereafter shall be furnished with a copy before entering upon the duties of his or her office or employment.

SECTION 9

REPEAL OF PRIOR CODE. The Resolution entitled “Code of Ethics” adopted December 4, 1970 is hereby rescinded and repealed.

SECTION 10

EFFECTIVE DATE. This Local Law shall take effect upon filing with the Secretary of State. The provisions of sections 4 and 5 of this Code shall take effect March 1, 1998.

SCHEDULE A

REGULATIONS FOR ADJUDICATORY PROCEEDINGS

Sec.

1. Intent and Purpose
2. Definitions
3. Notice of Hearing or Proceeding
4. Time and Place of Hearing or Proceeding
5. Evidence and Proof
6. Representation
7. Oaths
8. Adjournments
9. Time Limits
10. Decision after Hearing or Proceeding
11. Conduct of Hearings
12. Hearing Officer
13. Powers and Duties of Hearing Officer
14. Fines, Penalties
15. Record of Hearing or Proceeding
16. Privacy/confidentiality

1. Intent and Purpose.

The Board of Ethics of Greene County has statutory authority to follow rules and regulations governing the conduct of adjudicatory proceedings and appeals relating to compliance with the Greene County Code of Ethics, and the conduct of hearings held there under.

These rules and regulations shall apply to all proceeding undertaken by the Board. Persons subject to the requirements of the law shall be entitled to receive an adjudicatory hearing or proceeding as to every action or decision as to them taken by the Board including but not limited to extensions of time, waivers and/or exemptions from the disclosure requirements.

2. Definitions.

(a) “Board” shall mean the Board of Ethics established pursuant to the Greene County Code of Ethics.

(b) “Hearing Officer” shall mean the presiding officer in adjudicatory hearings or proceedings conducted pursuant to these regulations, who shall be independent of the Board and of the County of Greene and shall be appointed by the Board at the expense of the County and such hearing officer shall reside and conduct his or her principal business outside of the County.

3. Notice of Hearing or Proceeding.

(a) Where the Board elects to go forward with a proceeding to determine compliance with the requirements of State and local law, or to take such other action as may be authorized by law, the Board shall serve a written notice, by certified mail or other appropriate method of service authorized under the Civil Practice Law and Rules, to the parties and their representatives of record at least twenty (20) calendar days prior to the date of any hearing or proceeding under these rules. The Notice of Hearing or Proceeding shall contain the following:

(i) a statement of the time and place of the hearing or proceeding;

(ii) a statement of the nature of the hearing or proceeding;

(iii) reference to the particular statutes and rules relevant to the hearing or proceeding;

(iv) a short, plain language statement of the violations asserted, if any, including identification of all persons known to the Board as of the date of the Notice having knowledge or information concerning the alleged violation; and

(v) a statement for hearing impaired parties and participants concerning the provision of deaf interpretation services without charge.

(b) A copy of these regulations shall accompany each Notice of Hearing or Proceeding which is sent pursuant to these regulations.

(c) The Notice of Hearing or Proceeding shall contain information concerning circumstances under which an adjournment may be granted and the result of failure to appear for a scheduled hearing or proceeding.

(d) The Notice of Hearing or Proceeding shall inform the parties and their representatives of the right of each party to be represented, to testify, to produce witnesses, to present documentary evidence, and to examine opposing witnesses and evidence.

4. Time and Place of Hearing or Proceeding.

(a) The time and place of the hearing or proceeding shall be contained in the Notice of Hearing or Proceeding.

(b) The time and place of the hearing or proceeding shall not be changed unless a party formally requests a change pursuant to the adjournment request procedure contained in Section 8 hereof.

(c) The time and place of the hearing or proceeding shall, as far as practicable, take into account the convenience of the parties and the availability of witnesses.

5. Evidence and Proof.

(a) The formal rules of evidence do not apply to adjudicatory hearings or proceedings conducted pursuant to these rules. However, the rules of privilege recognized by law shall be given effect. Objections to evidentiary offers may be made and shall be a part of the record. Subject to these rules, any party may, for the purpose of expediting the hearing or proceeding and when the interests of the parties will not be substantially prejudiced thereby, submit all or part of the evidence in written form.

(b) The hearing officer may exclude irrelevant, or unduly repetitive evidence or cross-examination from any hearing or proceeding.

(c) The burden of proof shall be upon the Board of Ethics to establish by clear and convincing evidence the facts and findings which support its decisions, including but not limited to a finding that non-compliance with the requirements of law has had or

will have a material bearing on the discharge of the official duties of the person subject thereto.

(d) No decision or determination by the hearing officer or the Board shall be made except on consideration of the record as a whole, or such portions thereof as may be cited by any party to the hearing or proceeding and as supported by and in accordance with substantial evidence.

(e) Each party shall have the right of cross-examination.

(f) Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the Board. When official notice is taken, every party shall be given notice thereof and shall, on timely request, be afforded an opportunity prior to decision to dispute the fact or its materiality.

(g) All findings of fact shall be based exclusively on the evidence in record and on matters officially noticed.

(h) In making its findings and decisions and carrying out its duties with regard to ensuring compliance with State laws and the Greene County Code of Ethics, the Board shall in every case evaluate whether any non-compliance by any person subject thereto affects in any manner the ability of such person to fully and faithfully carry out the responsibilities and duties of their position. Only if the Board finds by clear and convincing evidence that noncompliance has a material bearing on the discharge of the person's official duties and that such non-compliance was willful can the enforcement and punitive powers of the Board be exercised.

6. Representation.

Any person compelled to appear in person, or who voluntarily appears in any hearing or proceeding conducted according to these rules, shall be accorded the right to be accompanied, represented, and advised by counsel. Nothing herein shall be construed either to grant or to deny to any person who is not a lawyer the right to appear for or represent others in any hearing or proceeding herein.

7. Oaths.

(a) All oaths required by these rules may be taken before any person authorized to administer oaths within the State of New York.

(b) Oaths shall be administered to all witnesses who testify or appear in any adjudicatory proceeding conducted pursuant to these rules.

8. Adjournments.

(a) Adjournment of any hearing or proceeding conducted pursuant to these rules shall be granted only for good cause.

(b) Written requests for adjournment shall be submitted to the hearing

officer in the hearing or proceeding for which the adjournment is sought. The request must be accompanied by an affidavit which contains sufficient detail to allow the hearing officer to rule on the request.

9. Time Limits.

(a) Under these rules adjudicatory proceedings shall be conducted in an expeditious manner with all due regard for the rights of the parties concerned. Every effort should be made by the parties to effectuate a speedy disposition of the case.

(b) Parties to any hearing or proceeding are required to file all papers, statements, proofs, and other evidence with the hearing officer at a time to be designated by the officer. An extension of time for filing those items will be granted by the hearing officer only upon formal request.

10. Decision after Hearing or Proceeding.

(a) All final recommendations of the hearing officer, and all decisions and determinations of the Board shall be in writing or stated in the record and shall include findings of fact, conclusions of law, and reasons for the decision or determination and, when appropriate, shall direct that specific action be taken by the parties. The final decisions or determinations of the Board shall be binding upon the Board.

(b) A copy of all final decisions and determinations of the Board and recommendations of the hearing officer shall be made available to the parties to the hearing or proceeding, and shall be delivered or mailed forthwith to each party and to its representative of record.

(c) Except as provided in the Greene County Code of Ethics or as otherwise provided herein, members of the Board shall not communicate directly or indirectly with any party or representative thereof in connection with any pending adjudicatory proceeding.

(d) The Board shall maintain the final decision or determination in any adjudicatory proceeding in a file with an index by name of party and subject matter. The index and the notice of civil assessment, if any, shall not be made available for public inspection and copying except as provided in Section 16 of these rules. Each decision or determination shall be so filed and indexed within sixty (60) days after having been rendered.

11. Conduct of Hearings.

The hearing officer, exercising discretion, may elect to conduct any hearing or proceeding under these rules ex parte after a showing that the party who is the subject of the hearing and its representative of record have been notified by certified mail of the pending hearing or proceeding or otherwise served with notice of the hearing. The party who is the subject of the hearing shall at no time be deprived of the opportunity to appear. However, if a party has been served with two (2) written notices of a hearing and fails to

appear after each notice, the hearing officer upon proof of service, shall have the authority to proceed with the scheduled hearing. Proof of service shall consist of a signed certified mail receipt or affidavit.

12. Hearing Officer.

All hearings or proceedings under these rules shall be conducted by a hearing officer, retained and provided by the County, who shall have the power and authority of presiding officers or hearing officers as defined by the State Administrative Procedure Act (SAPA), any other pertinent statute or local law, ordinance or resolution, and these regulations. The hearing officer shall be an individual who has in no way been involved with the action or proceeding in question.

13. Powers and Duties of Hearing Officer.

A hearing officer is authorized to do the following in any hearing or proceeding to which he or she is assigned:

(a) administer oaths and affirmations;

(b) at the request of any party, sign and issue subpoenas in the name of the Board requiring the attendance and giving of testimony by witnesses and the production of books, papers, documents and other evidence. Subpoenas shall be regulated by the Civil Practice Law and Rules. Nothing herein contained shall affect the authority of an attorney for a party to issue subpoenas under the provisions of the Civil Practice Law and Rules;

(c) provide for the taking of testimony by deposition;

(d) regulate the course of the hearings, set the time and place for continued hearings and the time for filing of briefs and other documents;

(e) direct the parties to appear and confer to consider the simplification or settlement of the issues by consent of the parties; and

(f) prepare findings of fact and recommendations.

14. Fines, Penalties.

(a) At the close of the hearing or proceeding, the hearing officer shall make findings of fact and a recommendation as to the appropriate penalty or fine to be assessed or any other action to be taken. The proposed findings of fact and recommendation shall be transmitted to the Board for approval and simultaneously mailed or delivered to the parties to the proceeding. The parties shall have an opportunity to respond in writing, in the form of a brief, to the findings of fact and recommendation of the hearing officer, and such written response shall be directed to the Board for its consideration within fifteen (15) days after the service of the hearing officer's findings and recommendations upon the parties. In their brief submitted in response to the findings of fact and recommendation of the hearing officer, the parties may not submit or discuss evidence which is not a part of the official

record of the hearing or proceeding. The Board shall act on the findings of fact and recommendation as expeditiously as possible. The Board may affirm or reverse the findings of fact and recommendation of the hearing officer in whole or in part, or it may remand and/or dismiss the proceeding based upon the record produced at the hearing.

(b) The assessment of penalties under the Greene County Code of Ethics shall not preclude the referral of an appropriate violation to a prosecutor for prosecution of criminal charges.

(c) If the alleged violation has been established, and the Board determines in light of all the circumstances that the violation is not serious enough to warrant assessment of penalty, the Board in its discretion may take such other action as appropriate, including but not limited to a written admonition or a recommendation that disciplinary action be taken. The Board may forward a copy of such admonition or a recommendation for disciplinary action to the individual's appointing authority, as appropriate.

15. Records of Hearing or Proceeding.

- (a) The record in hearing or proceeding under these rules shall include:
- (i) all notices, pleadings, motions, and intermediate rulings;
 - (ii) evidence presented;
 - (iii) a statement of matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose;
 - (iv) questions and offers of proof, objections thereto, and rulings thereon;
 - (v) proposed findings and exceptions, if any;
 - (vi) any findings of fact, conclusions of law, or other recommendations made by the hearing officer; and
 - (vii) any decision, determination, opinion, order or report rendered.

(b) The Board shall make a complete record of all hearings and proceedings conducted before it. For this purpose, unless otherwise required by statute, the Board may use whatever means it deems appropriate, including but not limited to the use of stenographic transcriptions or electronic recording devices. Within a reasonable time after the Board gives notice of its decision, determination, opinion or order, but before commencement of judicial review, any party to the hearing or proceeding may request the Board to prepare the record or any part thereof, together with any transcript of the hearing or proceeding or any part thereof. The Board shall then prepare the requested portions of the record and transcript within a reasonable time and furnish a copy to the requesting party at no charge.

16. Privacy/confidentiality.

(a) Notwithstanding the provisions of Article 6 of the Public Officers Law, the only records of the Board which shall be available for public inspection are:

- (i) Written disclosures filed under section 5 of the Greene County Code of Ethics;
- (ii) Notices of hearings or proceedings;
- (iii) Notices of penalties imposed under section 14 hereof;
and
- (iv) Advisory opinions with names of individuals redacted.

(b) Notwithstanding the provisions of Article 7 of the Public Officers Law, no meeting or proceeding of the Board shall be open to the public, except as expressly provided otherwise by the Board.

(c) Information which would reveal confidential material protected by Federal or State statute shall be deleted from any final decision, order, determination or declaration issued by the Board.

Greene County Sheriff's Office

Subject: TOBACCO USE POLICY							Policy 033	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley				
Reviewed:								

The GCSO has a policy relating to smoking and the use of tobacco products. The Sheriff's Office and all vehicles and facilities of the Sheriff's Office are smoke-free, thereby providing a healthier environment for employees, inmates and visitors to the Sheriff's Office while complying with the New York State Clean Air Act. This section applies to all Divisions.

- A. Smoke breaks are to be limited to regular break periods, one during the first half of the shift, lunch, and one during the last half of the shift for all employees. Employees assigned to the Communications Center may not take a break unless there is another qualified employee available to take his or her place.
- B. Depositing cigarette butts, cigar butts or pipe residue on the grounds of the Public Safety Building is prohibited. Used tobacco products will be placed in a proper container.
- C. Smoking in a GCSO vehicle or boat is prohibited.
- D. The by-products (juice) of smokeless tobacco may not be deposited on the ground, floor, sinks, garbage cans, in soda cans, bottles, etc., when on the Public Safety Facility property. Anyone using smokeless tobacco shall have and use his or her own container that shall have a top that can be closed when not being used. These containers may not be emptied on Public Safety Facility property.

Deputies, when in uniform, may not use tobacco when:

- They are in formation:
- They are engaged in traffic direction or crowd control:
- They are at the scene of a crime or occurrence:
- They are under the continuous observation of the public:
- Expressly forbidden by official rule, regulation or procedure or the direct order of a superior officer.

A Resolution was adopted at the December, 2014 Legislature meeting, which amended several sections of the Greene County Administrative Manual. One of the most important changes made was regarding smoking and I would like to make you aware of our policy, which is effective immediately.

Greene County has now adopted a **campus-wide tobacco-free policy**. This new policy eliminates current designated smoking areas and prohibits the use of tobacco, as well as e-cigarettes, on all real property, owned or leased by the county, including all parking lots. The Legislators believe that a healthy environment is important for employees, as well as visitors, and this new policy will help reduce the risk of adverse effects caused by involuntary exposure to secondhand smoke.

Greene County Sheriff's Office

Subject: COMPUTER USE							Policy 034	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff Gregory R. Seeley				
Reviewed:								

POLICY: Computer equipment and software will only be used for proper purposes as described herein. All improper uses of such equipment and software are prohibited. Employees who engage in the improper use of computer equipment and software will be subject to discipline which may involve termination of employment.

I. Procedure

- A. Proper Usage: Computer equipment and software may be used to enable an employee to carry out his or her duties and for the furtherance of County business.
- B. Improper Usage: Computer equipment and software may not be used for any reason unrelated to County business, including, but not limited to:
 - 1. Personal use;
 - 2. Accessing and/or attempting to access information contained on County computers without proper authorization;
 - 3. Performing any action which has the purpose or effect of disrupting County Business.
 - 4. Performing any action that has the purpose or effect of harassing another person;
 - 5. Creating or distributing materials that are discriminatory or offensive;
 - 6. Violating any Federal, state or local law or regulation violating any County work rule or policy;
 - 7. Creating, accessing or distributing pornographic or sexually explicit materials;
 - 8. Engaging in any behavior which would be considered unprofessional and inappropriate in the workplace by a reasonably prudent person.
- C. All existing County policies and practices apply to computer use, especially those that deal with privacy, misuse of County resources, sexual harassment, information and data security, confidentiality and records retention.

D. Installation of Hardware and Software

1. Any employee with a request to have County business related computer hardware or software installed on or connected to County computer equipment must direct this request to his or her division captain. If the division captain approves the request he or she will submit the request for installation or connection to the Sheriff. All approved requests will be submitted to the Director of Information and Technology. All installations and connections will be performed by ITS unless express written authorization is given to another person to make an installation or connection.

E. Record Retention Requirements

1. Employees who create e-mails or other computer documents that involve:
 - a. Policies and directives;
 - b. Correspondence or memoranda related to official business;
 - c. Work schedules and assignments;
 - d. Agendas and minutes of meetings;
 - e. Drafts of documents that are circulated for comment or approval;
 - f. Any document that initiates, authorizes or completes a business transaction;
 - g. Final reports or recommendations; and
 - h. Any other documents that is subject to record retention requirements.

Must maintain such documents pursuant to record retention requirements. Such documents should be retained by printing a hard copy of the document and retaining this document as required. Documents should not be retained on a computer for more than six months unless there is a reasonable expectation that the user will need computer access to such documents in the future.

F. Resource Security

1. Users will take all reasonable precautions including:
 - a. Safeguarding their passwords;
 - b. Maintaining reasonable physical security around County equipment;
 - c. Insuring that virus protection is enabled and in place;
 - d. Regularly backing up essential records; and
 - e. Logging off unattended workstations.

G. Monitoring Use

1. No employee should have an expectation of privacy in his or her use of computer equipment or software. Employee use of computer equipment and software will be monitored.

The Sheriff's system is for the sole use of authorized users for official business only. You have no expectation of privacy in its use. To protect the system from unauthorized use and to ensure the system is functioning properly, individuals using this computer system are subject to having all of their activities monitored and recorded by system personnel. Anyone using this system expressly consents to such monitoring and is advised that if such monitoring reveals evidence of possible abuse or criminal activity, system personnel may provide the results of such monitoring to appropriate officials.

H. Further Information

1. Any employee who needs further information regarding the proper and improper uses of computer equipment and software should contact their supervisor.

I. Definitions

1. "Computer equipment and software" as used herein means County owned computer equipment including, but not limited to:
 - a. Personal computers;
 - b. Laptop or notebook computers;
 - c. Hand held and peripheral devices;
 - d. Software provided by the County;
 - e. E-mail systems provided by the County;
 - f. Internet services provided by the County; and
 - g. Any other equipment or software related to County computer use which are made available to employees by the County.

Software also includes any County business related software licensed to the County from third parties or obtained from other agencies (state, Federal, etc.) and downloaded from the internet.

2. "County business" as used herein means the areas of service that the County provides the public pursuant to the directives of the Federal government, state government, Greene County Board of Supervisors.
3. "Hard copy" as used herein means a tangible, written document. When a computer document has been printed, the result is a "hard copy".
4. "Job duties" as used herein means the responsibilities of an employee relating to his or her work for Greene County.

Beginning Next Page is a copy of the Greene County Computer Use Policy. This policy is in addition to the procedures established by the Greene County Sheriff's Office. An updated county policy is located in the Public Folder on the server.

	<p style="text-align: center;">ACCEPTABLE COMPUTER USE POLICY</p> <p style="text-align: right;">03/20/2006</p>
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In order to help you in the performance of your job, the County has provided to you certain computer equipment. Through this equipment, you have also been provided with access to the Internet. The County promotes Internet use that assists employees to perform Departmental missions and encourages its employees, volunteers, and contractor personnel to develop Internet skills and knowledge. The following rules and guidelines apply to your use of these County assets:

I. Ownership:

Information processing related systems, including but not limited to: computer equipment, operating system software; application software, network accounts providing electronic mail, World Wide Web browsing, File Transfer Protocol, networking and intra-net hardware and software (collectively "System(s)"), are owned by or licensed by the County. They are to be primarily used for business related purposes.

II. Security:

Resource security must be maintained, and users shall take all reasonable precautions, including: safeguarding their passwords, maintaining reasonable physical security around county equipment, and logging off unattended workstations. *At the end of the day, you should log off your workstation.* (This does not mean you should necessarily power off the system itself.). A user who is logged on to a networked computer is responsible for any activity that occurs from within that account or on that computer during that sign-on. The users networked computer should be left powered on at all times. It is the users responsibility to power off and then immediately power on their PC once a week so that security updates can be applied.

III. Privacy of Communications:

Communications on these Systems are not private. Users should be aware that the data they create on the System remains the property of the County, and usually can be recovered even though deleted by the user.

IV. Records Retention:

All work related messages and files created or transmitted on the Systems may be considered public records of the County and appropriate records retention practices should be followed.

V. Monitoring:

The County reserves the right to monitor all employee usage to ensure proper working order, appropriate use by employees, the security of County data, and to retrieve the contents of any employee communication in these Systems. Management may access user files, including archived material of present and former employees without the user's consent for any purpose related to maintaining the integrity of the network, or the rights of the County or other users or for any other reasonable purpose.

VI. Personal Use:

Personal use of the Systems is authorized within reasonable limits as long as it does not interfere with or conflict with business use or performance of job duties. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for creating guidelines concerning personal use of Internet systems; however, in the absence of such policies, employees should be

guided by departmental policies on personal telephone use and, in case of doubt, should consult their supervisor or manager.

VII. Prohibited Uses:

- i. Any use that violates federal, state, or local law or regulation is expressly prohibited.
- ii. Knowingly or recklessly interfering with the normal operation of computers, peripherals, or networks is prohibited.
- iii. Connecting unauthorized equipment to the network for any purpose is prohibited.
- iv. Running or installing games on County computers is prohibited. Running or installing unauthorized software on County computers is prohibited.
- v. Copying of any software from County computers, for other than archiving purposes, is prohibited
- vi. Using the County network to gain unauthorized access to any computer system is prohibited.
- vii. The use of County Systems to access, transmit, store, display, or request obscene, pornographic, erotic, profane, racist, sexist or other offensive material (including messages, images, video, or sound) is prohibited. The use of County Systems in such a way as to create an intimidating or

hostile work environment is prohibited. The County's anti-harassment policy applies in full to all computer use.

- viii. County Systems may not be used to solicit for personal gain or for the advancement of a political or religious belief.
- ix. Using the County network for unauthorized distribution of County data and information is prohibited.
- x. Social Networking:

Below is Section XI 45 of the Greene County Administrative manual. This is a policy on social networking and applies to all Greene County employees. Members are reminded to be aware and follow this policy. In addition to this County policy, Sheriff's Office members are specifically reminded not to post pictures, comments or make references related to their Sheriff's Office duties on any social networking sites. Members should also be aware of many situations across the U.S. where an Officer's credibility has been attacked by Attorneys for personal views or things not even related to law enforcement that they have posted. If for some reason you feel there is a need to post something related to the Sheriff's Office on a social media site, you must get written permission from the Sheriff before doing so.

GENERAL OFFICE PROCEDURES
-Social Networking Policy-

POLICY: The County of Greene acknowledges that social networking exists and neither encourages it nor discourages it. Since much of the information obtained during the course of employment may be subject to confidentiality, none of this information shall be used during social networking. This policy is designed to govern and regulate only those activities that might constitute harassment or create a hostile work environment within the County workplace or are in violation of the County Code of Ethics and in no way is intended to impinge on employees' rights of free speech.

PROCEDURE:

1. Social networking activities should only be done on personal time and personal equipment. Social networking should never be done on county equipment or county time. There is no reasonable expectation of privacy for an employee who uses social networking sites.

2. Personal blogs should have clear disclaimers that the views expressed by the author in the blog is the author's alone and do not represent the views of the county. The County reserves the right to monitor employee use of social media regardless of location (i.e. at work on a county computer or on personal time with a home computer). You are not authorized to speak on behalf of the county, nor to represent that you do so.
3. Information published on your blog(s) should comply with the county's confidentiality and disclosure of proprietary data policies. This also applies to comments posted on other blogs, forums and social networking sites.
4. Recognize that you are legally liable for anything you write or present online. Employees can be disciplined by the county for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. You can also be sued by county employees and any individual or company that views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment.
5. County logos may not be used without written consent from the County Administrator.
6. Media inquiries about the county and their current and potential policies, employees, partners, clients and customers should be referred for coordination and guidance to the County Administrator.
7. Honor the privacy rights of our current employees by seeking their permission before writing about or displaying internal county happenings that might be considered to be a breach of their privacy and confidentiality.

VIII. Intellectual Property Rights

All users should be aware that any information, software, or graphics on the Internet may be protected by [federal copyright laws](#), regardless of whether a copyright notice appears on the work. Licensing agreements may

control redistribution of information from the County's Internet-related Systems or from the Internet. Duplication or transmission of such material or downloading shareware may not be undertaken without express authorization from the County Data Processing department. Employees are required to scan freeware, shareware or any downloaded application for viruses using authorized procedures and software. Employees must never open, execute, or run unsolicited e-mail attachments.

IX. Violation of Policy:

Any violation or non-adherence to this Policy may lead to appropriate disciplinary action, including, where legally appropriate, termination of employment. Certain violations could also result in criminal charges pursuant to applicable state, federal or local law.

X. Amendment:

The County may amend this Acceptable Use Policy from time to time as necessary. All users will receive prompt notice of any amendment.

GREENE COUNTY SHERIFF'S OFFICE

Subject	SOCIAL MEDIA						Policy	034A
Effective:	January 1, 2020			Standard Number(s): 28.4				
Rescinded:	Amended:			Sheriff Peter Kusminsky				
Reviewed:							-	

Purpose: The Greene County Sheriff's Office (GCSO) endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the GCSO position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

Policy: Social media provides a new and potentially valuable means of assisting the GCSO and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel.

This office also recognizes the role that these tools play in the personal lives of some GCSO personnel. The personal use of social media can have bearing on GCSO personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by GCSO personnel.

Definitions:

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about themselves on a social networking site.

Record: Any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes (§86 (4) NYS Public Officers Law).

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro-blogging sites (Twitter, Nixle), photo and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term inter-changeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

I. **On-The Job Use**

A. GCSO Sanctioned Presence on social media sites

1. Determine Strategy

- a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- b. Where possible, the page(s) should link to the GCSO official website.
- c. Social media content will be designed with the specific target audience in mind.

2. Content Procedures

- a. All GCSO social media sites or pages must be approved by the Sheriff or his designee and will be administered by GCSO staff unless otherwise determined.
- b. Where possible, social media pages shall clearly indicate that they are maintained by the GCSO and will have GCSO contact information displayed prominently. Any deviation from this requirement must be authorized by the Sheriff.
- c. Social media content shall adhere to applicable laws, regulations and policies, including all information technology and records management policies.
 - i. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - ii. Content may be subject to applicable Freedom of Information Law (F.O.I.L) regulations as required by the NYS Public Officers Law §87.
 - iii. Content that is specific to a criminal investigation should be retained in the appropriate case file and is likely discoverable and, as such, should be brought to the prosecutor's attention.
 - iv. Content must be managed, stored, and retrieved in compliance with open records laws, e-discovery laws and policies.

- d. Where possible Social media pages should state that opinions expressed by visitors to the page(s) do not reflect the opinions of the GCSO.
 - i. Pages will clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks.
 - ii. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
3. Posting Procedures
- a. Personnel representing the GCSO will:
 - i. Comply with all GCSO standards of conduct, conventionally accepted protocols and proper decorum.
 - ii. Identify themselves as a member of the GCSO.
 - iii. Not make comments or statements regarding their opinion of the guilt or innocence of any suspect, arrestee or defendant.
 - iv. Not post, transmit, or otherwise disseminate confidential information, including photographs or videos of GCSO training activities, other GCSO activities, or work related assignments without express permission of the Sheriff or his designee.
 - v. Not conduct political activities or private business unless approved in writing by the Sheriff.
 - (a) Personnel shall observe and abide by all copyright, trademark and service mark restrictions when posting materials to social media.
 - (b) The use of personally owned devices to manage GCSO social media is prohibited without the express permission of the Sheriff or his designee.
 - (c) The use of GCSO computers by GCSO personnel to access social media is prohibited without authorization.
4. Undercover Profiles
- a. Nothing in this policy will prohibit the use of a fictitious name, identity, business or organization strictly for official investigative purposes with prior authorization by a Lieutenant. In all such cases members will start a criminal investigation case. The opened case will contain relevant information on the identity used and members responsible for such investigation.
 - b. Undercover profiles should not be accessed from personal computers, laptops, devices or Departmental PC, laptops or devices that utilize a Departmental or government IP address [*the purpose of this section is an officer safety issue to reduce the risk of suspects identifying the actual identity and location of officers working in an undercover roll*].

5. Potential Official Uses

a. Investigative tool:

- i. Missing person
- ii. Wanted person
- iii. Gang Participation
- iv. Online crime (cyber-bullying, cyber-stalking, etc)
- v. Source of photo or video evidence posted by observer or participant.
- vi. Criminal intelligence gathering
- vii. Creation or corroboration of an undercover or fictitious identity for official use and when expressly authorized by the GCSO.

b. Community Outreach and Engagement:

- i. Crime prevention tips
- ii. Online reporting opportunities
- iii. Data sharing (crime maps, statistics, etc)
- iv. Soliciting crime information and tips
- v. Customer satisfaction surveys
- vi. Employee recognition
- vii. Monitoring and responding to community concerns with the
- viii. Time sensitive notifications:
 - (a) Road closures
 - (b) Special events
 - (c) Weather emergencies
 - (d) Missing or endangered persons

c. Agency Employee Recruitment

- i. Employment opportunities
- ii. Hiring process preparation aids

d. Applicant background investigation:

- i. Pre-employment investigations may include internet-based content related to the potential employee
- ii. Those authorized to conduct online background searches should be deemed to hold a sensitive position.
- iii. Searches will be conducted in accordance with applicable laws.
- iv. Uniform vetting techniques will be applied to all candidates, making every effort to validate internet based information considered during the hiring process.

II. Personal Use:

- A. Precautions and prohibitions: Absent State Law or binding labor agreements to the contrary Office personnel shall abide by the following when using social media.
 1. GCSO personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair the working relationships of this Office for which trust and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Sheriff's Office.

2. Leader and Subordinate relationships: Because of the nature of social media, formal leaders may interact and function in the same social media spaces as their subordinates. It is suggested that the online relationship function in the same manner as the professional relationship.
 3. As public employees, GCSO personnel are cautioned that speech, on or off duty, made pursuant to their official duties – that is, that owes its existence to the employee’s professional duties and responsibilities – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Sheriff’s Office. GCSO personnel should assume that their speech and related activity on social media sites would reflect upon the GCSO. Speech and conduct should be representative of GCSO values as well as conform to the GCSO’s code of conduct.
 4. GCSO personnel are prohibited from creating a fictitious identity under the auspices of conducting duty related activities without express authorization. Such activities would be governed by the official GCSO use provisions of this policy.
 5. GCSO personnel shall not post, transmit, or otherwise disseminate any information or imagery, such as arrest photos, accident scene photos, crime scene photos, official or unofficial reports, or information gained in their official capacity to which they have access as a result of their employment without written permission from the Sheriff or his designee.
 6. For safety and security reasons, GCSO personnel are cautioned not to disclose their employment with this Office, nor shall they post information pertaining to any other member of the GCSO without their permission.
- B. As such, GCSO personnel are employed by a Law Enforcement agency and are cautioned but not prohibited from:
1. Displaying GCSO logos, uniforms, or similar identifying on personal web pages.
 2. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this office, who are or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
 3. When using social media, GCSO personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the GCSO code of conduct is required in the personal use of social media. In particular, GCSO personnel are prohibited from the following.
 - a. Speech containing obscene or sexually explicit language, images, acts, statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - b. Speech involving themselves, or other Office personnel, reflecting behavior that might reasonably be considered reckless or irresponsible.
 4. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer’s testimony in criminal proceedings. GCSO personnel thus sanctioned are subject to discipline up to and including termination of office.
 5. Personnel may not divulge information gained by reason of their authority without express authorization from the Sheriff or his designee. This includes, but not limited to:

- a. Any statements, speeches, appearances or endorsements;
 - b. Publishing materials that could reasonable be considered to represent the views or positions of this office.
- C. Department personnel should be aware that they may be subject to civil litigation for.
1. Publishing or posting false information that harms the reputation of another person, group or organization (defamation);
 2. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 3. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 4. Publishing the creative work of another, including trademarks, or certain confidential business information without the permission of the owner.
 5. Department personnel should be aware that privacy settings and social media sites are constantly changing and they should never assume that personal information posted on such sites is protected.
 6. Department personnel should expect that the Department, at any time and without prior notice, might access any information created, transmitted, downloaded, exchanged or discussed in a public online forum.
- D. Reporting Violations: Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy shall immediately notify their supervisor.

Greene County Sheriff's Office

Subject: LEGISLATIVE RESTRICTIONS						Policy 035	
Effective: January 1, 2020			Standard Number(s):14.3				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: It is the policy of this Agency to inform personnel of Agency Rules and Regulations. It is further the policy of this Agency to inform personnel of existing legislative restrictions relative to their employment as sworn law enforcement officers.

I. A. B. C. Law:

- A. Personnel shall not have any interest, either directly or indirectly, in the manufacture or sale of alcoholic beverages or to offer for sale or recommend to any licensee any alcoholic beverage.
- B. Personnel shall not be employed in any licensed establishment where the consumption of alcoholic beverage is permitted on premises except when authorized by the A.B.C. Board or the Sheriff.

II. New York State Election Law (Section 17-110):

- A. Misdemeanors concerning members of any police force: Any person who, being a Police Commissioner or any officer or member of any police force in this State:
 - 1. Uses or threatens or attempts to use his/her official power or authority, in any manner, directly or indirectly in aid of or against any political party, organization, association or society, or to control, affect, influence, reward or punish the political adherence, affiliation, action, expression or opinion of any citizen; or
 - 2. Appoints, promotes, transfers, retires or punishes an officer or member of a police force or asks for aids in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member or for or on the request, direct or indirect, of any political party, organization, association or society or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society; or
 - 3. Solicits, collects or receives any money for any political fund, club, association, society or committee is guilty of a misdemeanor.

III. Racing, Wagering and Breeding Law:

- A. Personnel from this agency shall not hold, directly or indirectly, any proprietary interest, stock, office or employment with any firm, association or corporation which:
1. Is licensed by the Wagering and Breeding Board to conduct pari-mutual racing.
 2. Conducts its occupation, trade or business at racetracks at which pari-mutual race meets are conducted.
 3. Owns or leases to any enfranchised or licensed association or corporation a racetrack at which pari-mutual racing is conducted.
 4. Participates in the management of any franchised holder or licensee conducting pari-mutual racing.

IV. Public Officers Law, Article 4 and General Municipal Law, Article 18:

- A. These sections impose restrictions on police officers relative to the following:
1. Officers are not allowed to accept any type of gift or service with a value exceeding \$75.00 which may be inferred that same was accepted to influence the officers in the course of their employment.
 2. Officers are forbidden to disclose any confidential information learned in the course of their employment.
 3. Officers, due to a conflict of interest, are restricted relating to services they may provide to the employing governmental entity.
- B. These sections impose several affirmative duties:
1. Officers must disclose any interest in any contract the County of Greene may enter.
 2. Officers must disclose any interest in any real property for which a variance is made.
- C. As these sections of law are lengthy, it is the responsibility of the individual officer to become familiar with sections of these laws that may apply to their specific circumstances conflicts of interest develop. Law books covering these actions are on file with the County Clerk's Office.

V. Chain of Command and Government Officials:

By nature of the structure of county government, the Greene County Legislature is a part of the chain of command for the GCSO, especially in the grievance process and matters relating to fiscal accountability. Other government officials are responsible to the Greene County Legislature and are an extension of the Legislature's chain of command. The following are guidelines for employees when communicating with the government officials:

Prohibited Contact

An employee of this agency may not initiate contact with government officials about or discuss the following matters with them:

1. Official business, criminal or internal affairs investigations, or other confidential matters of the GCSO. Communication of these matters to the appropriate government official is the responsibility of the Sheriff:
2. The policy and procedures of the GCSO as defined in this manual and orders, policy and procedures, and memoranda that may be issued concerning the responsibilities, activities, assignments and duties of employees including promotions or assignments to special details
3. Disputes relating the terms and conditions of employment or working conditions
4. A pending disciplinary action or the results thereof.

As described in 1.2.6.1, an employee may request permission to escalate a matter to the appropriate government official. If permission is denied, the only authorized channel to the Board is through the grievance process.

Permitted Contact:

This policy is not intended to restrict communications with government officials when:

1. Such communication is protected under the First Amendment, county, state or federal law
2. The communication is of a personal nature not associated with any governmental function
3. Ordered by a court of law or legislative body permitted to take testimony
4. Related to the GCSO but not prohibited as described above or as part of labor negotiations
5. Ordered or permitted by proper authority within the Sheriff's Office.
6. Official union business that is conducted by an officer of the union who is an employee.

Intent of the Policy:

The purpose of this policy is to limit contact with government officials for those matters which, if escalated outside the chain of command, could place the government official in a position of improperly influencing or affecting the administration of the GCSO, or jeopardizing confidential matters under the jurisdiction of the Sheriff's Office.

Sanctions:

Employees violating this policy will be subjected to disciplinary action.

Greene County Sheriff's Office

Subject: DISCIPLINE						Policy 036	
Effective: January 1, 2020			Standard Number(s):14.4				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: Establishment of a procedure in disciplinary measures involving personnel covered by Section 75 of the New York State Civil Law who violate Federal, State or Local laws or ordinances, Agency Rules and Regulations and orders or are charged with misconduct or incompetence.

I. Disciplinary Procedures:

A. Any supervisor who shall observe any violation by Agency personnel may take disciplinary action against those members including immediate removal from duty, and/or disciplinary action and shall immediately report action taken to the Sheriff through the chain of command. In addition, a formal written report showing the offender's name, rank, ID number, date and time, exact location and full details of the offense shall be submitted to the Sheriff as soon as practicable. This report is to be signed by the reporting officer and receipt thereof shall be noted by the supervisor.

1. The role of the supervisor in the disciplinary process is a crucial one. The first-line super supervisor has the best opportunity to observe a deputies conduct when something of a disciplinary action is warranted. Such action may consist of counseling, remedial training, or punishment and since the supervisor will usually be in a position to be familiar with a deputy's personality traits and motivation, will also be able to recommend the most effective means to effect a change in behavior.

a. Counseling, at some level, is usually necessary in order to identify a disciplinary problem and to obtain input from the delinquent deputy. This activity may be merely an informal interview between supervisor and deputy resulting in a correction or may extend through several administrative levels and beyond to professional psychological counseling and utilizing the Greene County Sheriff's Office Chaplains.

b. Remedial training, likewise, can be applied locally with the delinquent deputy assigned to work with another deputy having a degree of writing or interviewing skills or if needed, may include enrolling the officer for a specific course of instruction.

c. The criteria for selection of an appropriate disciplinary action will depend upon the severity of the conduct requiring such action, the experience and work record of the offender and the repetition of the conduct once the offender has been made aware of the delinquency. In addition, consideration will be given to the deputy's attitude toward the receipt of criticism and any other significant changes in any outside activities which may be affecting performance adversely.

d. Upon becoming aware of the possible need for discipline, a supervisor shall observe the following guidelines:

(1) Determination of facts; investigate the incident and determine:

- (a) What happened; pertinent facts of the situation?
- (b) Who was involved; GCSO personnel, other agencies, civilians?
- (c) When; date and time?
- (d) Where; location?

(2) Ascertain validity of information; The law enforcement officer may, at times, be subjected to complaints based on grudges. The source of the complaint may have an "axe" to grind.

(3) Consider the seriousness of the action to include:

- (a) Were any individuals harmed or placed in potential harm?
- (b) Was any equipment damaged or placed in risk of damage?
- (c) Are there any legal ramifications which might affect either the deputy or the GCSO?
- (d) What, if any, are the public relations consequences?

(4) If the information proves reliable and has a basis in fact the supervisor shall determine what, if any, GCSO Rules and Regulations may have been violated.

(5) If the supervisor determines that an infraction of the GCSO Rules and Regulations has occurred, the supervisor will then consider if the infraction is based upon:

- (a) Failure of policy; Agency policy or rule is flawed.
- (b) Inadequate training (Agency); Agency training was insufficient or inappropriate for the situation.
- (c) Inadequate assimilation of training (deputy); Agency training was adequate, but officer failed to apply learned techniques.
- (d) Inadvertent action; Deputy did not intend to commit infraction,
- (e) Willful action; Deputy willfully and knowingly acted to commit infraction.

- (6) After the above consideration, the supervisor will take the following action(s):
- (a) If the GCSO Rules and Regulation in question is flawed, the supervisor will recommend through the chain of command a suggested remedy.
 - (b) If the Agency training was inadequate, a referral will be made giving the pertinent facts and suggested means of improving the training. With approval received through the chain of command, members will be made aware of the deficiency in policy or training as soon as practical.
 - (c) If the training was adequate, the member will be made aware of his or her deficiency and counseled in the appropriate action or response for the situation. If warranted, the member will be scheduled for a remedial training session.
 - (d) If the action was based upon an unintentional action, the supervisor will determine if this was the first occurrence of this or a similar action. In the first instance, the supervisor will use counseling for minor infractions. More serious infractions will merit a written reprimand and very serious actions, such as those having the potential for harm to individuals or equipment may merit suspension.
 - (e) If the action is deemed to have been intentional, the supervisor and/or a Lieutenant will determine if this is the first occurrence of this or a similar action. If a repetition or part of a pattern, any prior disciplinary action should be ascertained. Counseling would not be appropriate at this point and a written reprimand will be considered the minimum disciplinary action.
- (7) The Sheriff shall, in all cases, strive to ensure that any disciplinary action is consistent with that dispensed to others in similar situations.
- (a) If any member becomes the subject of an investigation by any agency involving a misdemeanor or felony offense, that member will immediately be placed on administrative leave until such time as the case is adjudicated; further disciplinary action is taken; or the Sheriff advises the subject to resume normal work activity.
- (8) As above, the Sheriff shall consider prior disciplinary action before acting to ensure that any action is:
- (a) consistent with prior discipline;
 - (b) cumulative, that is, counseling is followed by oral reprimand, followed by written reprimand, followed by suspension, etc.;
 - (c) appropriate for the end result of constructively modifying behavior to prevent recurrence of the infraction.
- (9) The Lieutenant shall document all counseling and oral reprimands to provide a historical record.
2. When appropriate, and regardless of the severity of the alleged deficiency, a member of the bargaining unit may be part of the disciplinary process.
3. An allegation of a violation on the part of a first line supervisor shall be investigated by a member of the command staff who shall make an appropriate recommendation for disposition to the Sheriff.

4. Any allegation charging an employee with corruption, brutality, misuse of force, a civil rights violation or criminal conduct will be referred to the Sheriff.

5. In the case of misconduct that may result in an employee's dismissal, the employee shall be provided with the following information:
 - (a) A statement citing the reason for the action.
 - (b) The date the intended dismissal is effective.
 - (c) A statement of the status of any fringe or retirement benefits to be applied after dismissal.
 - (d) A statement as to the content of the employee's employment relating to the dismissal.

Note: This policy shall not apply to probationary employees.

6. Written records of disciplinary actions shall be kept in a locked file cabinet located in the office of the Sheriff. They shall be kept for at least the duration of the employee's affiliation with the GCSO and only be removed at the request of the County Attorney or by court order.
7. The above procedures for disciplinary actions include initiation, time frames, recording and scope and are contained in the Grievance Procedure of the collective bargaining agreements with Greene County.
8. Written reprimands must carefully document the circumstances surrounding the performance or conduct of an employee to include:
 - (a) Date(s) of the incident.
 - (b) Specific facts relevant to the incident.
 - (c) Previous actions taken to include discussion of the incident, oral reprimands and Memorandums of Record/Counseling Memorandums.
 - (d) Specific reference to the next step in the disciplinary process for failure to correct performance or correct deficiencies.

B. Legislative Restrictions:

1. In addition to the Rules and Regulations affecting conduct as set out above, there are legislative restrictions applicable to personnel as per GCSO Rules and Regulations "LEGISLATIVE RESTRICTIONS".

c. Rules of Conduct.

GREENE COUNTY SHERIFF'S OFFICE
RULES OF CONDUCT

FOREWORD

The following Rules of Conduct are adopted for the professional administration, and operation, of the Greene County Sheriff's Office, County of Greene, State of New York.

These rules are designated to guide members of the Sheriff's Office, in carrying out the duties imposed upon them by law. Any violation of these rules may be made the subject of disciplinary action against those responsible for such violation, as may be directed by the Sheriff.

These rules do not purport to be exhaustive. Periodic orders and directives from the Sheriff, or Under Sheriff, will provide a constant supplementary guide to ever changing conditions. In this respect, suggestions from the members of the Sheriff's Office are welcome.

Members of the Sheriff's Office must regard themselves as part of a team, dedicated to the safety and protection of the community. The following rules will be used to aid the Sheriff's Office in accomplishing this important task. The success of the Greene County Sheriff's Office, in the performance of its duties, is largely measured by the degree of support and cooperation received from the people of the County of Greene, which it serves. Members of the Sheriff's Office are not merely employees, but are Officers of this State and County, charged with specific duties, in maintaining public order, and administering justice. Therefore every member's sole responsibility must be to the Sheriff and, through him, to the public.

It is of paramount importance to secure confidence, respect and approbation of the public. The cultivation of such desirable attitudes is dependent upon the proper performance of duty by **ALL** members of the Greene County Sheriff's Office.

Upon the members of the Greene County Sheriff's Office is imposed a professional responsibility, no less grave, than that of other administrators of law. Professionalization of law enforcement is gaining general recognition, but it can win universal acclaim, and permanent standing, only if the actions of its members are reflected in intelligent, sincere, efficient and courteous service. Law enforcement must embody the highest attributes of every other profession.

Neither private profit, nor personal reward, but service to the community, is the earmark of the professional law enforcement Officer.

ARTICLE I, DUTIES OF SUPERVISORY PERSONELL

General Duties: A Supervisory member will be responsible for the enforcement of all laws and ordinances. Sheriff's Office, Rules and Regulations, orders, procedures, discipline, punctuality and attendance, appearance, good order and efficiency of members within his assigned jurisdiction. Supervisors are, in addition to Sheriff and Undersheriff, Lieutenant(s), Sergeant(s) and Investigator(s), and Member in Charge (MIC) when such member has been assigned.

A Supervisory member will:

1. Perform specific duties and functions, as assigned by the Sheriff.
2. Obey all lawful orders.
3. Perform assigned tasks.
4. Provide leadership and guidance in developing loyalty, and dedication, to the police profession.
5. Train, direct, supervise and evaluate members of the Greene County Sheriff's Office, in their assigned duties. Recommend remedial or disciplinary action for inefficient, incompetent or unsuitable members.
6. Communicate orders, information and instructions.
7. Inform his relief of all necessary police matters.
8. Inspect personnel, vehicles and equipment, at established intervals. (At least every two weeks.)
9. Report to his Superior Officer, absentees, and any deficiencies in personnel or equipment.
10. Insure that the resources, belonging to the Sheriff's Office, are used effectively.
11. Insure that recovered property is handled in accordance with the Policy and Procedure of the Sheriff's Office.
12. Account for all monies and valuables received, processed and disbursed in conformance with the Policy and procedure of the Sheriff's Office.
13. Inquire into the circumstances of all arrests, to ensure that all persons are handled in conformance with the Policy and Procedure of the Sheriff's Office.

14. Know and conform to the current bail provisions of the code of Criminal Procedure Law, for the State of New York.
15. Report promptly matters of police importance to his Supervisory Officer.
16. Insure all appropriate State, County, Town and Village Authorities are informed of any emergency condition, which requires their attention.
17. Direct activities of subordinate members for the purpose of achieving the objective of the Greene County Sheriff's Office.
18. According to rank, or title, perform those duties applicable to same.
19. When in uniform, maintain a military bearing, and render a military courtesy to Superior Officers.
20. Assemble and move details, and parades, in a military manner.
21. A designated Sergeant will be overseeing reports, accident reports, and cases, submitted by members of the Greene County Sheriff's Office.
22. A designated Sergeant will be responsible for vehicle maintenance.
23. A designated Sergeant will be responsible for maintenance and calibration of breathalyzers, and radar units utilized by the Greene County Sheriff's Office.
24. A designated Sergeant or Supervisor will prepare monthly, quarterly or yearly reports, pertaining to members activities, as requested by the Sheriff, or the Undersheriff.
25. A designated Sergeant will plan and prepare weekly work schedules, considering pass days and vacations. Utilizing the manpower to the best advantage for the Greene County Sheriff's Office.
26. Most senior Sergeant, or MIC (Member In Charge), will be responsible for submitting the tour strength, with all pertinent information, to dispatch, or directly into NYSPIN.
27. A designated Sergeant will be responsible for obtaining and disbursing UTT's to the members, and also keep records of traffic court appearances, and final dispositions of UTT's issued by members of the Greene County Sheriff's Office.
28. The assignments listed in this chapter, designated to be carried out by a Sergeant, will be divided among the Sergeants, upon their mutual agreement, or by designation of the Undersheriff or the Sheriff. It is a goal that the workload will be disbursed as equal as possible among the Supervisors.

29. Supervisory personnel will make themselves available by telephone, radio, pager or cell phone, at all times, during their working hours. If location makes this impossible, supervisory personnel, or the Greene County Fire Dispatch, will be notified.

SPECIFIC DUTIES OF THE UNDERSHERIFF:

1. Assume all duties of the Sheriff, should he be unavailable, or unable to attend.
2. Assist the Sheriff in the administration of the Sheriff's Office.
3. Immediately notify the Sheriff of any unusual occurrences, or serious incidents, which comes to his attention.
4. Be responsible for the recording and execution of all civil papers, and supervise the collection of fees, garnishes, etc.
5. Actively participate in the investigation of serious crimes, suspicious deaths, etc. that are reported to the Sheriff's Office, and in cooperation with other Departments, as requested, and for the District Attorney, as directed by the Sheriff.
6. Supervise the clerical personnel in the Office. This includes records, bookkeeping, etc.
7. Oversee the supervisory personnel in their daily routines, including, but not limited to: Planning and Supervision of the road and marine patrols. Arrangements for weekly patrol schedules, allowing for days off and vacations. This schedule will utilize the available manpower to the best advantage. Patrols hours, and patrol areas, will be assigned and decided after consulting with the Undersheriff, and / or the Sheriff.
8. Investigate personnel complaints and /or internal affairs issues, including personnel employed by the Greene County Sheriff's Office. If the Undersheriff selects to delegate the investigation, or parts thereof, The Undersheriff will supervise, and review said investigation.

ARTICLE II:

COMMUNICATIONS.

1. All telephone calls for the Sheriff, during the hours that the secretary is working, will be referred to her. It is not necessary to ask who is calling, or to answer any questions, refer the caller to the secretary, at once.
2. Routine information on accidents, and arrests, may be given to the news media, unless there is a notation in red alongside the log entry. In questionable matters; advise the caller that the information is not complete, and refer the matter to the Sheriff, Undersheriff or a Sergeant.
3. Attention is to be paid to the monitors, scanners and radios, especially the New York State Police, the Catskill Village Police and other municipalities in Greene County. If a serious crime, a wanted notice, etc. is being broadcasted; the personnel on duty, from the Sheriff's Office, should be notified.
4. When calls for assistance are received, every effort will be made to respond to these calls, by members of the Sheriff's Office, who are on duty. If our patrol or patrols are tied up, and there is a local Agency, on duty, ascertain if they can handle the call, and if not, contact the New York State Police.
5. If a call for assistance is received from the New York State Police, every effort shall be made to comply with the request, especially in an emergency situation. Priority should be given to the more serious incidents.

ARTICLE III,

DUTIES OF MEMBERS OF THE GREENE COUNTY SHERIFF'S OFFICE

General Duties:

A member of the Greene County Sheriff's Office will be responsible, at all times, for the prevention of crime, enforcement of all laws and ordinances, preservation of the public peace, protection of life and property, arrest and prosecution of law violators, and professional adherence to the Rules and Regulations of the Greene County Sheriff's Office.

Specific Duties:

1. Know, and conform to, the Policy and Procedures, Standing Orders, Written Orders and the normal business procedures, of the Greene County Sheriff's Office.
2. Perform assigned duties in a professional matter.
3. Obey all lawful orders.
4. Be in attendance for those hours specifically assigned, and considered on duty, at all times, for the purpose of rendering emergency service.
5. Participate in formal parades and roll calls, in a military manner.
6. When in uniform, maintain a military bearing, and render military courtesies to Superior Officers.
7. Identify self by name, rank and shield, when requested.
8. Have a residence as provided in the laws of the State of New York.
9. Report immediately any inability to perform duty or duties described in the Rules and Regulations of the Greene County Sheriff's Office.
10. Report any change of marital status, address, selective service rating or other matter affecting the administration of the Greene County Sheriff's Office.
11. Receive, record, and service immediately all complaints, and request for service. Refer and transfer complaints and requests only in accordance with the Policy and Procedures of the Sheriff's Office.

12. Possess a valid New York State driver's license. If lost or revoked, immediately report this to Supervisory Personnel.
13. Provide security and care for prisoners and others.
14. Secure medical attention for all sick and injured persons.
15. Remain on duty assignment, leaving only in case of an Emergency, or personal necessity. If required to leave, record the time of departure and reason. Report this information to Supervisory Personnel.
16. If strip searches are warranted, a male inmate or arrestee will be strip searched by a male Officer, and a female inmate or arrestee, will be strip searched by a female Officer.
17. When assigned to a motor vehicle, at the beginning of the shift:
 - a) Inspect vehicle for damage and defects.
 - b) Report to a Supervisory Officer, any defects, observed or incurred.
 - c) Protect vehicle from possible damage or theft.
18. When operating a motor vehicle:
 - a) Use skill, good judgment and care for the safety of persons and property.
 - b) Obey all traffic regulations unless on emergency assignment.
 - c) When on patrol, do not leave Greene County, without obtaining permission.
 - d) At all times, while operating a vehicle, seat belts must be worn by the operator, and all front seat passenger.
19. Any disabled vehicle, owned by the County, is to be towed to the County Highway Department, transfer station of ST 385, in Catskill. If vehicle needs to be towed to other location, permission must be obtained from Supervisory Personnel.
20. Give a minimum of one week's notice of intention to resign from the Greene County Sheriff's Office.
21. Report the loss of any service weapon, immediately, to Supervisory Personnel.
22. When assigned to uniform duty, wear the regulation uniform, in the prescribed manner.

23. Report the loss, or damage of, any equipment, belonging to the Sheriff's Office, immediately.
24. Register with the Sheriff's Office, all personal firearms capable of being concealed on the person. If loss, or theft, of any such weapon occurs, immediately report same to Supervisory Personnel.
25. Notify the Fire Department, when a fire is discovered. Assist, and cooperate with the Fire Department.
26. Attend Court promptly when required, or ordered.
27. Report the reason for Court absence or tardiness, to the Sheriff, through your immediate Supervisor.
28. Appear in Court, in the regulation uniform, unless assigned to civilian attire, and then in suitable business attire.
29. Report immediately, to the Sheriff, the receipt of any subpoena, or request to testify on behalf of the defense, in any criminal prosecution, or in behalf of the plaintiff, or defendant, in a civil matter in which the Village, Town, County or State is a party thereto. Notification should be made to the Sheriff, before appearing at any hearing, or before entering into any discussion of the matter with anyone, other than the legal representative of the Village, Town or State.
30. Report to the Sheriff, any information of a police nature, including offences involving him/her, or others, and offenses with which he has been charged, except for minor traffic violations. Members are also instructed to, without any delay; report any off duty police activity they engage in, to Supervisory Personnel. This pertaining to police activity conducted alone, or with other police agency, whilst off duty.
31. Give evidence before the Grand Jury, Court or other Governmental or administrative bodies, when requested.
32. Investigate any person suspected of operating a motor vehicle while in an intoxicated condition, and direct the administration of a breathalyzer test, to said person, in accordance with the procedure prescribed by the Sheriff's Office.
33. Obey all laws and ordinances which you are obligated to enforce.
34. Deputies, will call in and out, by radio, and notify dispatch if they are on portable radio, when leaving the patrol vehicle.
35. When a Deputy makes a Vehicle and Traffic Stop, he should notify dispatch of his location, and what motor vehicle the Deputy will be out with.

36. Any employee of the Greene County Sheriff's Office, who is injured during his / her working hours, shall; as soon as physically possible, notify the Sheriff, Undersheriff or Supervisory Personnel, of the incident.
37. Any employee who is out of work for more than THREE, (3) days must have a certificate from his / her doctor. The certificate has to include the statement that the employee can return to "Full and strenuous duty" _____ Also when on sick leave, you are confined to your residence. If you are going to leave your residence for a doctor's appointment, etc., call the Office and report this to the Sheriff, Undersheriff or other Supervisory Personnel.

ARTICLE IV,

PART TIME EMPLOYMENT.

Any Deputy, upon written request to the Sheriff, will be granted permission to work, a part-time job, provided;

1. Part-time employment does not exceed 20 hours per week.
2. Part-time employment will in no way affect the performance of the Deputy's assigned duties.
3. Part-time employment does not conflict with the members scheduled assignments with the Greene County Sheriff's Office.
4. Part-time employment will not require the Deputy to be in his or her official uniform.
5. Part-time employment will not involve the sale, or use, of alcoholic beverages, or involvement with any activity that is controlled by the New York State Alcohol Beverage Control Board.

ARTICLE V:

CIVIL OFFICE PERSONNEL:

General Duty: The general duty of Civil Office Personnel, of the Greene County Sheriff's Office is the responsibility for the proper and efficient performance of his or her duties.

Specific Duties: Civil Office Personnel of the Greene County Sheriff's Office will be required to:

1. Obey all lawful orders of a Supervisory Officer.
2. Perform all the duties connected to the operation of the Civil Office of the Greene County Sheriff's Office. Including, but not limited to: Civil Papers, evictions, car levies, garnishing of wages, etc.
3. Be bound by the rules, regulations, orders and procedures of the Department, insofar as they apply.
4. Report promptly to a Supervisory Officer, any violation, of any law, rule or regulation, of which they have knowledge.
5. Any complaints received by the Sheriff's Office, will be acted upon, and logged.

ARTICLE VI:

GENERAL RULES OF CONDUCT

A member of the Greene County Sheriff's Office found guilty of any of the following acts will be considered in violation of the rules and regulations which governs the Sheriff's Office of the County of Greene, State of New York, and may be subject to disciplinary action.

1. Conduct which brings discredit upon the Sheriff's Office.
2. Failure to perform a duty.
3. Disobedience of an order.
4. Insubordination or disrespect toward a Superior Officer.
5. Inattention to duty.
6. Lounging or sleeping on duty.
7. Being absent from duty without proper authorization.
8. Leaving duty assignment without being properly relieved, or without proper authorization.
9. Incompetence or inefficiency in the performance of duty.
10. Entering any liquor store, tavern or bar in uniform, or any part thereof, except when it is necessary for inspection, or for the immediate performance of a police duty.
11. Drinking any alcoholic beverage while on duty.
12. Drinking any alcoholic beverage while in uniform, or any part thereof, whether on or off duty.
13. Intoxication whether on or off duty.
14. Violation of any duly constituted law.
15. Disorderly conduct.
16. Immoral Conduct.
17. The use of coarse, profane or insolent language to any person.

18. Failure to treat any person civilly and respectfully.
19. Willful maltreatment of any person.
20. Knowingly making a false report, written or oral.
21. Failure to wear the proper attire, and or uniform, when on duty or on official business.
22. Failure to maintain a neat and clean appearance of self, uniform and equipment.
23. The use of any tobacco or tobacco product, while in uniform, in public.
24. Standing or walking with hand in pocket while in uniform.
25. Receiving, or attempting to receive a fee, gift, present or other thing of value from a person under arrest, or from someone on behalf of the arrested person.
26. Receiving, soliciting or attempting to solicit a bribe in any form.
27. Publicly criticizing the official actions of any member of the Sheriff's Office.
28. Members shall not publicly express any derogatory statements which criticizes or ridicules any Judge, Justice, Officers of the Courts, Public Official, or other governmental agency.
29. Disseminating or releasing any information contained in the Sheriff's Office records except in conformance with the orders of the Sheriff's Office.
30. Failure to pay a just indebtedness within reasonable time.
31. Failure to identify self by name, rank and shield number, when requested.
32. Failure to seize, record, process and dispose of recovered property or prisoner's property in conformance with the orders of the Sheriff's Office.
33. Failure to handle stray or dead animals in conformance with the Policy and Procedures of the Sheriff's Office.
34. Failure to notify a Superior Officer that a member of the Sheriff's Office is violating a rule or an order of the Sheriff's Office.
35. Deliberately violate orders and regulations pertaining to the management and control, of the Sheriff's Office.
36. Defacing, or neglecting to protect and preserve, property belonging to the Sheriff's Office.

37. Possessing or transporting any intoxicating liquor when on duty, except in accordance with orders from the Sheriff's Office.
38. Failure to comply with orders from the Sheriff's Office regarding other employment, occupations or professions.
39. Engaging, directly or indirectly, in the forbidden ownership, maintenance or operation of a taxi cab, tavern or retail liquor establishment.
40. Allowing the publication of any photograph of oneself, in the regulation uniform, advertising any commodity or commercial enterprise without permission from the Sheriff.
41. Communicating or corresponding with individuals or other police agencies concerning police matters except as provided by Policy and Procedures of the Sheriff's Office.
42. Engaging in any activity, conversation or deliberation which is derogatory of the policy of the Greene County Sheriff's Office, or of any individual.
43. Failure to keep vehicles, belonging to the Sheriff's Office, in public view while assigned to general patrol duty, except when authorized by Supervisory Officer.
44. Permitting any person, not on official police business, to ride in a vehicle, belonging to the Sheriff's Office, unless specifically authorized.
45. Riding in or on a vehicle not belonging to, or assigned to, the Sheriff's Office during duty hours except, when authorized by Supervisory Officer, or on official police business.
46. Operating a vehicle, belonging to the Sheriff's Office, outside of the County except in immediate pursuit of law violators, or on official business, authorized by the Sheriff.
47. Operating a vehicle, belonging to the Sheriff's Office, without proper authorization or, on other than official business.
48. Pulling, pushing or towing any vehicle, with a vehicle belonging to the Sheriff's Office, except authorized by the Sheriff.
49. Altering any equipment, belonging to the Sheriff's Office, in any way, except as authorized by the Sheriff.
50. Carrying any rifle, shotgun, machine gun, or substituting the Service Weapon, issued by the County Sheriff's Office, with any weapon, or adding a concealed auxiliary handgun, not authorized by the Sheriff.
51. Unlawfully or unnecessary use of, or display of, a weapon.
52. Failure to report the discharge of a weapon,

- a. Orally, and immediately to a Supervisory Officer.
 - b. In writing, without unnecessary delay, to the Sheriff.
53. Selling, giving, lending or disposing of a dangerous weapon as outlined in Section 265 of the Penal Law of the State of New York, contrary to the provisions of Section 265.05, 265.10 of the Penal Law of the State of New York, and the rules and regulations of the Greene County Sheriff's Office.
 54. Giving an opinion to a violator, or a suspect, as to fine or penalty.
 55. Giving an opinion as to bail, except by those specifically authorized to admit to bail.
 56. Failure to take, record, and act upon complaints, except as prescribed by orders of the Sheriff's Office.
 57. Removing, altering or changing any official record(s), from the Sheriff's Office, except as provided for in Policy and Procedures, or Written Orders.
 58. Issuing any device which intends to grant special privilege to the holder.
 59. Displaying Sheriff's Office, or Non-Sheriff's Office pictures or posters, in any manner, in or on any property or equipment, belonging to the Sheriff's Office, except in conformance with orders from the Sheriff's Office.
 60. Obligating the Sheriff's Office financially in any manner, except as authorized by the Sheriff.
 61. Recommending to any citizen the service of any bondsman, lawyer, undertaker, physician, hospital, towing, repair or other professional or commercial service.
 62. Failure to report any information of a police nature, in conformance with the orders of the Sheriff's Office.
 63. Failure to obtain official permission to participate in public discussions of the Greene County Sheriff's Office business, except as provided in orders from the Sheriff's Office.
 64. Entering any police lock-up, except on official business.
 65. Interviewing, questioning or interrogating any person in a cell, except in the regular operation and administration of the jail.
 66. Associating or fraternizing with known criminals or persons of ill repute, except in the immediate discharge of official duties, or with the authorization of the Sheriff.

67. Soliciting or accepting a gift, present, reward, gratuity, or other consideration, for any services rendered as a member of the Sheriff's Office. This excludes gifts received from relatives, or close friends, upon appropriate occasions.
68. Accepting any food, beverage, or other valuable consideration without cost, or reduced cost, at any time because of official position as a member of the Sheriff's Office.
69. Receiving any gift, present or gratuity, from any subordinate.
70. Giving any gift, present or gratuity to another member of the Sheriff's Office, or a member of his/her family, without the specific approval of the Sheriff. This excludes donations, not to exceeding twenty five (\$ 25.00) dollars, given for retirement, hospitalization or death, provided approval of the Sheriff is obtained for collection of the donations. Party, dinner and entertainment fees will be paid for individually by person attending such function, without prior collection through Sheriff's Office channels.
71. Failure to submit a written report to the Sheriff, within twenty-four (24) hours, of any employee becoming aware of being under investigation, by another law enforcement agency.
72. Refusing to testify on the grounds of possible self-incrimination.
73. Any member, who becomes ill, and must absent themselves from duty, shall notify their supervisor, without delay, according to the Sheriff's Office Policy and Procedure.
74. Members assigned to attend any school or training seminar, sponsored by the Sheriff's Office, another Police Agency, or any civil agency, shall abide by the rules and regulations of the Sheriff's Office, as well as any rules and regulations set forth by the sponsoring agency.
75. Participation by member of the Sheriff's Office, or urging the participation by other persons, in any strike, slowdown or other concerted action which is in any degree adverse to the maintenance of the public safety or welfare.
76. Members shall refrain from the use of Sheriff's Office telephones, for personal business. Members shall keep the use of Sheriff's Office telephones for personal reasons minimal. Members with access to the internet will adhere to the policy set forth by the County.
77. Members shall not use their position as a member of the Sheriff's Office to promote directly, or indirectly, the business or personal interest, of any person or organization, including their own.
78. Members shall not speak disrespectfully, to or of, any other member of the Sheriff's Office. Members shall not publicly express any derogatory statements

which criticizes or ridicules the Sheriff's Office or any member of the Sheriff's Office.

79. Members shall not publicly express any derogatory statements which criticizes or ridicules any Judge, Justice, Officers of the Courts, Public Official, or any other Governmental Agency.
80. Members are prohibited from using the Sheriff's Office Logo, without prior authorization of the Sheriff.
81. Members shall not allow their shield or identification card to be reproduced or photographed.
82. No member of the Sheriff's Office, either uniformed, non uniform, or civilian personnel, will work for or perform services for any other police agency, unless such work is at the direct order of the Sheriff, or a Supervisor. This does not prohibit part time work for other agency, as long as written permission has been obtained from the Sheriff.
83. Members shall not permit any person to accompany them on patrol, on an investigation, or on specific duties, unless such person possesses an official connection with the Sheriff's Office, or without the prior authorization from the Sheriff.
84. Affiliation with any organization, or body, which would prevent any employee, from performing the duties of the Sheriff's Office, because of the organization's constitution or membership in any union or other organization , in connection with, and relating solely to approved secondary employment and required membership in military reserve units is specifically exempted from this regulation.
85. Members shall not disclose confidential information to any person, except those officially entitled, unless directed to do so by the Sheriff.
86. Recording Devices.
Any use of recording devices utilized to record any member of this agency, either on or off duty, without said members knowledge is prohibited. The term recording device includes both audio and video recorders.
This does not prevent the use of agency owned devices, or any other device owned by other law enforcement agencies for official legit investigative purposes.
87. Except through the proper channels, members shall not advice any other member of pending, contemplated or recommended personnel action affecting such member.

88. Members shall not knowingly make any false entries in official records, maintain any false records, cause any false entries to be made in official records, or cause false records to be maintained.

ARTICLE VII,

GENERAL RULES.

All members of the Greene County Sheriff's Office, excluding the Sheriff and Undersheriff, are subjected to these Rules and Regulations. Members of the Sheriff's Office are not merely employees, but are Officers of this State and County, charged with specific duties in maintaining public order, and administering justice. Therefore, every member's sole responsibility must be, to the Sheriff, and through him to the public.

Rule #1 It shall be the duty of all members of the Greene County Sheriff's Office, to study and comply with the rules, regulations and instructions to require like compliance of all members. The rules and regulations are promulgated and approved by the Sheriff, for the discipline and control of the Sheriff's Office. Rules and regulations are published in the Policy and Procedure manual.

Rule #2 At **NO** time will any member cause the reproduction of any portion of the rules, regulations, procedures or guidelines, posted in any Sheriff's Office manuals, for the purpose of providing same to any non-member of the Greene County Sheriff's Office, without authorization from the Sheriff.

Rule #3 It is the duty of every member of the Sheriff's Office, any time, day or night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace and enforce all the laws and ordinances, over which, the Sheriff's Office.

Rule #4 A Deputy, while on regular patrol duty, shall proceed to his or her designated post, or relieving point, without unnecessary delay. The Deputy will inspect his post immediately; remain constantly alert and observant, noting any condition requiring Police attention, and take appropriate action.

Rule #5 A Deputy is charged with the enforcement of all laws and ordinances within the jurisdiction of the Sheriff's Office. Especially those relating to public morals, vice, gambling, intoxication and intoxicating liquors. This includes overseeing proper working condition, and maintenance, of the Sheriff's Office equipment, traffic control equipment, street lights, public highways, curbs, and sidewalks conditions within the boundaries of his or her assigned post. The Deputy shall promptly report, through official

channels, any conditions requiring attention, and shall provide safeguard when necessary.

Rule #6 A member of the Sheriff's Office shall be fit for duty, and subject to duty, at all times, according to a pre determined work schedule. A Deputy is subjected to the highest expectations regarding personal appearance. A male Deputy must be clean shaven and well groomed. Haircut must be to proper length, and sideburns are not to exceed one half of the distance, from the bottom of the inner ear, to the bottom of the ear lobe. Muttonchops, or Spanish style sideburns, will not be tolerated A mustache will not extend below the side of the Deputy's mouth.

Rule #7 Any Supervisory Officer is charged with the same obligations and duties as a deputy, when on patrol. The same reporting responsibility as a Deputy, and a Supervisory Officer, will also provide safeguard when necessary.

Rule #8 Members of the Sheriff's Office will be held strictly accountable for all information acquired by them, on duty or off duty, regarding suspicious persons or locations, within Greene County.

Rule #9 A member of the Sheriff's Office shall treat all business and information with confidentiality. He or she will not talk for publication, not be interviewed, nor make public speeches, nor shall he or she impart information related to the official business of the Sheriff's Office to anyone, except under due process of law, or with permission from the Sheriff.

Rule #10 A member of the Sheriff's Office, found guilty of violating a rule or regulation of the Sheriff's Office, or of the provision of any lawful order, or of disobedience of orders, or of cowardice, or of intoxication while on duty, or intoxication while in uniform, or of conduct unbecoming an Officer, or of making a false official communication, record or statement, or of being convicted in a court, having jurisdiction, may be dismissed from the Sheriff's Office, or suffer other punishment, as the Sheriff may direct.

Rule #11 Though not specifically mentioned, in the Rules and Regulations, disorder or neglect, due to the disregard of good order, efficiency or discipline, will not go un-noticed. Members found guilty thereof will be punished, at the discretion of the Sheriff.

Rule #12 It shall be the duty of each member to obey any lawful order, issued orally or written, by competent authority. Any such order must first be obeyed; if afterward, a member considers formal complaint is necessary, that member may file a written complaint to the Sheriff, through the proper chain of command.

ARTICLE VIII.

RESPONSE / PENALTY

If a member of the Greene County Sheriff's Office is found guilty of violating any rule or regulation, at the prescribed hearing, he or she will be subjected to one of the following courses of action:

1. Reprimand.
2. Loss of vacation time, or pay.
3. Suspension.
4. Termination.

Termination of a member by the Sheriff is warranted for: incompetent, inept or inefficient performance of duty.

Repeated disciplinary actions, even for minor infractions, will be considered prima face evidence of unsuitability for service in law enforcement.

NOTE: If the infraction would be considered minor, and the member in question appears to be in need of further, or more detailed instructions, pertaining to the issue at hand, a counseling session, and / or a counseling memo **may** be utilized to resolve the issue. Counseling session with or without the counseling memo, is not considered a disciplinary reaction, nor reprimand. A counseling session will normally be provided by the immediate supervisor, and even if a counseling memo is not utilized, the counseling should be documented.

ARTICLE IX.

ETHICS.

Personal ethics of employees is one of the major concerns of Law Enforcement Chief Administrators today. Graft and corruption, like cancer attacks the human body, and can destroy any law enforcement agency. The Greene County Sheriff's Office expects and demands that each employee adhere to the highest possible, code of ethics. The Greene County Sheriff's Office is also fully adopting and adhering to the code of ethics adopted by the administration of Greene County.

A code of ethics can be implemented, and mandated by any administration. But it can only be ensured by the members themselves, when the members, adheres to personal codes, which are above reproach.

1. Deputy Sheriffs are specifically forbidden from seeking, or accepting, monetary reward, other than regular wages, for services that he or she provides as part of his or her regular assignment or for **not** performing those acts, or enforce those laws that he or she has sworn to uphold.
2. Deputy Sheriffs are specifically forbidden from seeking, or accepting, any type of favor or gratuity, for services that he or she provides as part of his or her regular assignment, or for **not** performing those acts, or enforce those laws that he or she has sworn to uphold.

Deputy Sheriffs will treat all citizens, with whom they come in contact, for any reason, with complete equality, and without fear or favor. Such citizens will be treated in a gentlemanly and courteous manner.

Furthermore the Greene County Sheriff's Office is also strictly observing the Official Code of Ethics set fort by the Greene County Legislature, and it reads as follows:

NOTE: Page 28 through page 41 has been copied from the book " Greene County Code of Ethics" . Additional copies of the book are available at the Sheriff's Office or at Greene County Human Resources.

GREENE COUNTY



CODE OF ETHICS

Code of Ethics

GREENE COUNTY CODE OF ETHICS

Contents:

1. Short title
2. Purpose and scope
3. Definitions
4. Standards of conduct
5. Disclosure of interests
6. Board of Ethics
7. Penalties
8. Distribution of Code
9. Repeal of prior Code
10. Effective date

SECTION 1

SHORT TITLE. This local law shall be known and may be cited as the “Greene County Code of Ethics.”

SECTION 2

PURPOSE AND SCOPE. This Code is enacted pursuant to article 18 of the general municipal law and in recognition of the policy of the State of New York and the County of Greene to maintain the highest standards of integrity in the public service. Specifically, this Code has as a major purpose the establishment of procedures by which any member of the public may come forward and have considered any allegation or claim of wrongdoing in violation of this Code by any elected or appointed officer or employee of the County or of any member of any Board or Commission of the County. At the same time it is an equally important major purpose of this Code to protect officers and employees of the County against insubstantial or unfounded allegations of violations arising out of the reasonable performance of their duties. This Code shall be in addition to all other restrictions, standards and provisions pertaining to the conduct of County officers and employees.

SECTION 3

DEFINITIONS. As used in this Local Law, the following terms shall have the meanings indicated.

1. Officer or Employee. An officer or employee of the County, whether paid or unpaid, including members of the County Legislature, and of any administrative board, commission or other agency of the County where such board, commission or other agency is appointed in its entirety by the County.

2. Interest. A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires, and shall be deemed to include the business or financial affairs of the officer's or employee's spouse, minor children and dependents; a firm, partnership or association in which such officer or employee is a member; a corporation of which such officer or employee is an officer or director; and a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

3. County. The County of Greene.

4. Code. The Greene County Code of Ethics as set forth in this Local Law.

5. Board. The Board of Ethics established pursuant to section 6 of this Code.

SECTION 4

STANDARDS OF CONDUCT. Every officer or employee of the County shall be subject to and abide by the following standards of conduct:

1. Gifts. No officer or employee of the County, whether paid or unpaid, shall directly or indirectly solicit any gift or gratuity, or accept or receive any gift or gratuity irrespective of value whether in the form of money, services, loan, travel, entertainment or any other form, from any person, firm or corporation which the officer or employee knows or has reason to know is seeking or has received or has sought a financial benefit from the County not provided to the public in general within the previous twenty-four months. Gifts or gratuities as referred to herein shall not include goods or services exchanged between persons who are officers or employees of the County. Advisory opinions may be sought by any officer or employee from the Board pursuant to paragraph c of subdivision 4 of section 6 of this Code as to whether an occurrence is or would be a prohibited gift or gratuity.

2. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.

3. Representation before agencies and courts.

a. One's own agency. No officer or employee shall appear for or act as representative of any person or entity in relation to any matter before any municipal agency of which he or she is an officer, member or employee or before any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee. Representation by a County Legislator of interests of a constituent in matters pending before the County Legislature is not within the prohibition of this subsection.

b. Before any agency for a contingent fee. No officer or employee shall receive or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any municipal agency whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter,

provided that this subdivision shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

c. Courts. No officer or employee shall represent private interests in any court action or proceeding against the interest of the County in any litigation to which the County is a party. If said officer is an attorney, he or she should not engage in activities in which his or her personal or professional interests are or foreseeably maybe in conflict with his or her official duties.

4. Interests in conflict with official duties. He or she shall not invest or hold any interest or commercial investment, directly or indirectly, in any financial business, commercial or other private transaction which creates a conflict with his or her official duties, excepting officially designated banks in which he or she has less than a five (5%) percent stock ownership or officially designated newspapers. No member of a board, commission or other agency not appointed in its entirety by the County shall be in violation of this subsection by submission to the County of bids or commercial proposals on any subject in competition with other bidders or proposers on such subject.

5. Private employment. He or she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

6. Future employment. He or she shall not, after the termination of service or employment with the County, appear absent a court order before any board, agency, department or other administrative unit of the County in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

7. Use of County property. He or she shall not directly or indirectly use or allow the use of property of any kind owned by the County, including property leased to the County, for other than official County business or not-for-profit activities specifically authorized by the County.

8. Treatment of the public. Every officer and employee shall treat all members of the public, whether a person, firm, corporation or other organization, with equal consideration and without special advantage.

9. Course of conduct. Every officer or employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust. He or she should not use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself, herself or others. He or she should not by any conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties or that he or she is affected by the kinship, position or influence of any party or person.

10. Suits against County. Nothing herein shall be deemed to bar or

prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the County or any agency thereof on behalf of any officer or employee or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

SECTION 5

DISCLOSURE OF INTERESTS

1. Disclosure by officer of interest. Any officer or employee who has, will have or intends to acquire any interest, direct or indirect, in any matter being considered by the Legislature or by any official, board, agency, officer or employee of the County and who participates in discussions before or gives opinions or advice to the Legislature or to any board, agency or individual considering the same shall fully and officially disclose the nature and extent of such interest in writing.

2. Disclosure by officer or employee having special knowledge of County matters. Any officer or employee who has knowledge of any matter being considered by the Legislature or any board, agency, officer or employee of the County in which he or she has or will have or intends to acquire any direct or indirect interest shall be required to disclose, in writing, his or her interest to the Legislature, such board, agency, officer or employee and the nature and extent thereof.

3. Disclosure by officer or employee of interest in legislation. Any officer or employee who has a direct or indirect financial or private interest in any legislation and who participated in discussions before or gives official opinions to the Legislature shall fully and officially disclose the nature and extent of such interest in writing. Any legislator who has direct or indirect financial or other private interest in any proposed legislation shall fully and officially disclose the nature and extent of such interest in writing.

SECTION 6

BOARD OF ETHICS

1. Establishment. There is hereby established a Board of Ethics for the County, pursuant to article 18 of the general municipal law.

2. Membership. The board shall consist of three members, initially appointed within Ten (10) Months of the effective date of this Local Law. The members shall be appointed by the Chairperson of the Legislature, subject to confirmation by the Legislature, and shall serve three year terms of office, one such term expiring at the end of each successive calendar year, provided that the first appointments to the Board shall be as follows:

- a. one member appointed for a one year term;
- b. one member appointed for a two year term; and
- c. one member appointed for a three year term.

Members of the Board shall not serve more than two full consecutive three year terms. In the event a vacancy occurs prior to the expiration of a term of office, such vacancy shall be

filled for the balance of such term in the same manner as members are appointed to full terms. No more than one member of any political party shall serve on the Board at any time. The Board shall include one member from each of the two political parties ranking first and second in party enrollment among Greene County registered voters at the time of any given appointment. No member shall be an elected official, a political party officer, a member of a political party committee or have substantial business interests with the County. All members shall reside in the County. All members shall serve without compensation but shall be reimbursed for all reasonable expenses incurred in the conduct of their duties. The members shall elect a chairperson from among themselves. This subdivision supersedes the provisions of subdivision 1 of section 808 of the general municipal law which requires the Board to include at least one elected or appointed officer or employee of the County.

3. Removal. Members of the Board may be removed for cause by the vote of two-thirds of the Legislature. Prior to removal, the Board member shall be given written notice of the grounds for removal and an opportunity to reply.

4. Powers and duties.

a. The Board shall render advisory opinions in writing to officers or employees of the County regarding specific matters pertaining to potential conflicts of interest, filings and reporting requirements with respect to this Code and article 18 of the general municipal law. Such opinions shall be rendered only upon written request by the officer or employee concerning only the subject of the inquiry as it pertains to the requesting person's own concerns, except that the County Administrator may request advisory opinions on matters of general concern.

b. The Board shall accept from any member of the general public or from its own members or from any officer or employee of the County and consider any complaint or allegation, except an anonymous complaint or allegation, of conflict of interest on the part of any officer or employee of the County or any other violation of the Code. All such complaints or allegations are to be kept in the confidential records of the Board. Should the Board determine that there is apparent merit in the complaint or allegation, it shall send a copy of the complaint or allegation and a written invitation to the officer or employee so charged to appear at a private meeting of the Board and explain the apparent conflict of interest or Code violation. Should such officer or employee fail to appear in response to such invitation or should he or she appear and fail to satisfy the Board that there is no conflict of interest or Code violation, the Board may commence an adjudicatory proceeding in accordance with the Regulations For Adjudicatory Proceedings annexed hereto and made a part hereof as Schedule A. At the conclusion of those proceedings the Board shall send a written report on the matter to the County Administrator. The report shall include findings of fact and conclusions of law and any decision as to penalties, including but not limited to fines or suspension, removal from office or employment. The report shall not be made public except by the unanimous vote of the Board.

c. The Board shall render advisory opinions in writing to officers or employees regarding specific matters pertaining to potential violations of this Code. Such opinions shall be

rendered only upon written request by the officer or employee concerning only the subject of the inquiry as it pertains to the requesting individual's own obligations under this Code.

d. The Board shall administer and enforce this Code and conduct any investigations necessary to carry out the provisions hereof. Pursuant to the powers and duties of the Board, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

e. The Board may make recommendations with respect to amendments to this Code to the Legislature.

f. The Board, upon its formation, shall be governed by Regulations for Adjudicatory Proceedings in the form annexed hereto and made a part hereof as Schedule A. The Board shall maintain records of its opinions and proceedings.

g. Notwithstanding the provisions of article 6 of the public officers law, the only records of the Board which shall be available for public inspection are:

- i. Written disclosures filed pursuant to this Code;
- ii. Notices of hearings or proceedings;
- iii. Notices of penalties imposed under section 7 hereof; and
- iv. Advisory opinions with names of individuals redacted.

h. The Board may retain counsel admitted to practice in the State of New York subject to confirmation and funding approval by the Legislature.

i. The Board shall be empowered to request support staff and assistance from the Legislature in furtherance of its duties and responsibilities.

SECTION 7

PENALTIES. Any officer or employee of the County who knowingly and willfully violates the provisions of this Code shall be subject to a civil penalty of up to ten thousand (\$10,000) dollars. Any non-elected officer or employee of the County or any appointed member of any County board, agency or commission who knowingly and willfully violates the provisions of this Code shall be subject to removal, termination or suspension. Any individual or person who, for the purpose of securing preferential treatment in dealings with the County, knowingly and willfully aids, abets or induces any officer or employee to violate this Code, shall be subject to having any current contract with the County cancelled and shall be barred from bidding on any other County contract for a period of up to two (2) years. The foregoing penalties shall be imposed by the Board subject to review pursuant to article 78 of the Civil Practice Law and Rules. In addition, the foregoing penalties shall be imposed by the Board subject to prior compliance by the County with any disciplinary provisions of any collective bargaining agreement between the County and any group of which the officer or employee is a member.

SECTION 8

DISTRIBUTION OF CODE. The County Administrator shall cause a copy of this Code to be distributed to every officer an employee of the County within thirty (30) days after the effective date of this Local Law. Failure to distribute such Code or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this Code nor the enforcement of the provisions thereof. Each officer and employee elected or appointed thereafter shall be furnished with a copy before entering upon the duties of his or her office or employment.

SECTION 9

REPEAL OF PRIOR CODE. The Resolution entitled “Code of Ethics” adopted December 4, 1970 is hereby rescinded and repealed.

SECTION 10

EFFECTIVE DATE. This Local Law shall take effect upon filing with the Secretary of State. The provisions of sections 4 and 5 of this Code shall take effect March 1, 1998.

SCHEDULE A

REGULATIONS FOR ADJUDICATORY PROCEEDINGS

Sec.

1. Intent and Purpose
2. Definitions
3. Notice of Hearing or Proceeding
4. Time and Place of Hearing or Proceeding
5. Evidence and Proof
6. Representation
7. Oaths
8. Adjournments
9. Time Limits
10. Decision after Hearing or Proceeding
11. Conduct of Hearings
12. Hearing Officer
13. Powers and Duties of Hearing Officer
14. Fines, Penalties
15. Record of Hearing or Proceeding
16. Privacy/confidentiality

1. Intent and Purpose.

The Board of Ethics of Greene County has statutory authority to follow rules and regulations governing the conduct of adjudicatory proceedings and appeals relating to compliance with the Greene County Code of Ethics, and the conduct of hearings held there under.

These rules and regulations shall apply to all proceeding undertaken by the Board. Persons subject to the requirements of the law shall be entitled to receive an adjudicatory hearing or proceeding as to every action or decision as to them taken by the Board including but not limited to extensions of time, waivers and/or exemptions from the disclosure requirements.

2. Definitions.

(a) “Board” shall mean the Board of Ethics established pursuant to the Greene County Code of Ethics.

(b) “Hearing Officer” shall mean the presiding officer in adjudicatory hearings or proceedings conducted pursuant to these regulations, who shall be independent of the Board and of the County of Greene and shall be appointed by the Board at the expense of the County and such hearing officer shall reside and conduct his or her principal business outside of the County.

3. Notice of Hearing or Proceeding.

(a) Where the Board elects to go forward with a proceeding to determine compliance with the requirements of State and local law, or to take such other action as may be authorized by law, the Board shall serve a written notice, by certified mail or other appropriate method of service authorized under the Civil Practice Law and Rules, to the parties and their representatives of record at least twenty (20) calendar days prior to the date of any hearing or proceeding under these rules. The Notice of Hearing or Proceeding shall contain the following:

(i) a statement of the time and place of the hearing or proceeding;

(ii) a statement of the nature of the hearing or proceeding;

(iii) reference to the particular statutes and rules relevant to the hearing or proceeding;

(iv) a short, plain language statement of the violations asserted, if any, including identification of all persons known to the Board as of the date of the Notice having knowledge or information concerning the alleged violation; and

(v) a statement for hearing impaired parties and participants concerning the provision of deaf interpretation services without charge.

(b) A copy of these regulations shall accompany each Notice of Hearing or Proceeding which is sent pursuant to these regulations.

(c) The Notice of Hearing or Proceeding shall contain information concerning circumstances under which an adjournment may be granted and the result of failure to appear for a scheduled hearing or proceeding.

(d) The Notice of Hearing or Proceeding shall inform the parties and their representatives of the right of each party to be represented, to testify, to produce witnesses, to present documentary evidence, and to examine opposing witnesses and evidence.

4. Time and Place of Hearing or Proceeding.

(a) The time and place of the hearing or proceeding shall be contained in the Notice of Hearing or Proceeding.

(b) The time and place of the hearing or proceeding shall not be changed unless a party formally requests a change pursuant to the adjournment request procedure contained in Section 8 hereof.

(c) The time and place of the hearing or proceeding shall, as far as practicable, take into account the convenience of the parties and the availability of witnesses.

5. Evidence and Proof.

(a) The formal rules of evidence do not apply to adjudicatory hearings or proceedings conducted pursuant to these rules. However, the rules of privilege recognized by law shall be given effect. Objections to evidentiary offers may be made and shall be a part of the record. Subject to these rules, any party may, for the purpose of expediting the hearing or proceeding and when the interests of the parties will not be substantially prejudiced thereby, submit all or part of the evidence in written form.

(b) The hearing officer may exclude irrelevant, or unduly repetitive evidence or cross-examination from any hearing or proceeding.

(c) The burden of proof shall be upon the Board of Ethics to establish by clear and convincing evidence the facts and findings which support its decisions, including but not limited to a finding that non-compliance with the requirements of law has had or

will have a material bearing on the discharge of the official duties of the person subject thereto.

(d) No decision or determination by the hearing officer or the Board shall be made except on consideration of the record as a whole, or such portions thereof as may be cited by any party to the hearing or proceeding and as supported by and in accordance with substantial evidence.

(e) Each party shall have the right of cross-examination.

(f) Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the Board. When official notice is taken, every party shall be given notice thereof and shall, on timely request, be afforded an opportunity prior to decision to dispute the fact or its materiality.

(g) All findings of fact shall be based exclusively on the evidence in record and on matters officially noticed.

(h) In making its findings and decisions and carrying out its duties with regard to ensuring compliance with State laws and the Greene County Code of Ethics, the Board shall in every case evaluate whether any non-compliance by any person subject thereto affects in any manner the ability of such person to fully and faithfully carry out the responsibilities and duties of their position. Only if the Board finds by clear and convincing evidence that noncompliance has a material bearing on the discharge of the person's official duties and that such non-compliance was willful can the enforcement and punitive powers of the Board be exercised.

6. Representation.

Any person compelled to appear in person, or who voluntarily appears in any hearing or proceeding conducted according to these rules, shall be accorded the right to be accompanied, represented, and advised by counsel. Nothing herein shall be construed either to grant or to deny to any person who is not a lawyer the right to appear for or represent others in any hearing or proceeding herein.

7. Oaths.

(a) All oaths required by these rules may be taken before any person authorized to administer oaths within the State of New York.

(b) Oaths shall be administered to all witnesses who testify or appear in any adjudicatory proceeding conducted pursuant to these rules.

8. Adjournments.

(a) Adjournment of any hearing or proceeding conducted pursuant to these rules shall be granted only for good cause.

(b) Written requests for adjournment shall be submitted to the hearing

officer in the hearing or proceeding for which the adjournment is sought. The request must be accompanied by an affidavit which contains sufficient detail to allow the hearing officer to rule on the request.

9. Time Limits.

(a) Under these rules adjudicatory proceedings shall be conducted in an expeditious manner with all due regard for the rights of the parties concerned. Every effort should be made by the parties to effectuate a speedy disposition of the case.

(b) Parties to any hearing or proceeding are required to file all papers, statements, proofs, and other evidence with the hearing officer at a time to be designated by the officer. An extension of time for filing those items will be granted by the hearing officer only upon formal request.

10. Decision after Hearing or Proceeding.

(a) All final recommendations of the hearing officer, and all decisions and determinations of the Board shall be in writing or stated in the record and shall include findings of fact, conclusions of law, and reasons for the decision or determination and, when appropriate, shall direct that specific action be taken by the parties. The final decisions or determinations of the Board shall be binding upon the Board.

(b) A copy of all final decisions and determinations of the Board and recommendations of the hearing officer shall be made available to the parties to the hearing or proceeding, and shall be delivered or mailed forthwith to each party and to its representative of record.

(c) Except as provided in the Greene County Code of Ethics or as otherwise provided herein, members of the Board shall not communicate directly or indirectly with any party or representative thereof in connection with any pending adjudicatory proceeding.

(d) The Board shall maintain the final decision or determination in any adjudicatory proceeding in a file with an index by name of party and subject matter. The index and the notice of civil assessment, if any, shall not be made available for public inspection and copying except as provided in Section 16 of these rules. Each decision or determination shall be so filed and indexed within sixty (60) days after having been rendered.

11. Conduct of Hearings.

The hearing officer, exercising discretion, may elect to conduct any hearing or proceeding under these rules ex parte after a showing that the party who is the subject of the hearing and its representative of record have been notified by certified mail of the pending hearing or proceeding or otherwise served with notice of the hearing. The party who is the subject of the hearing shall at no time be deprived of the opportunity to appear. However, if a party has been served with two (2) written notices of a hearing and fails to

appear after each notice, the hearing officer upon proof of service, shall have the authority to proceed with the scheduled hearing. Proof of service shall consist of a signed certified mail receipt or affidavit.

12. Hearing Officer.

All hearings or proceedings under these rules shall be conducted by a hearing officer, retained and provided by the County, who shall have the power and authority of presiding officers or hearing officers as defined by the State Administrative Procedure Act (SAPA), any other pertinent statute or local law, ordinance or resolution, and these regulations. The hearing officer shall be an individual who has in no way been involved with the action or proceeding in question.

13. Powers and Duties of Hearing Officer.

A hearing officer is authorized to do the following in any hearing or proceeding to which he or she is assigned:

(a) administer oaths and affirmations;

(b) at the request of any party, sign and issue subpoenas in the name of the Board requiring the attendance and giving of testimony by witnesses and the production of books, papers, documents and other evidence. Subpoenas shall be regulated by the Civil Practice Law and Rules. Nothing herein contained shall affect the authority of an attorney for a party to issue subpoenas under the provisions of the Civil Practice Law and Rules;

(c) provide for the taking of testimony by deposition;

(d) regulate the course of the hearings, set the time and place for continued hearings and the time for filing of briefs and other documents;

(e) direct the parties to appear and confer to consider the simplification or settlement of the issues by consent of the parties; and

(f) prepare findings of fact and recommendations.

14. Fines, Penalties.

(a) At the close of the hearing or proceeding, the hearing officer shall make findings of fact and a recommendation as to the appropriate penalty or fine to be assessed or any other action to be taken. The proposed findings of fact and recommendation shall be transmitted to the Board for approval and simultaneously mailed or delivered to the parties to the proceeding. The parties shall have an opportunity to respond in writing, in the form of a brief, to the findings of fact and recommendation of the hearing officer, and such written response shall be directed to the Board for its consideration within fifteen (15) days after the service of the hearing officer's findings and recommendations upon the parties. In their brief submitted in response to the findings of fact and recommendation of the hearing officer, the parties may not submit or discuss evidence which is not a part of the official

record of the hearing or proceeding. The Board shall act on the findings of fact and recommendation as expeditiously as possible. The Board may affirm or reverse the findings of fact and recommendation of the hearing officer in whole or in part, or it may remand and/or dismiss the proceeding based upon the record produced at the hearing.

(b) The assessment of penalties under the Greene County Code of Ethics shall not preclude the referral of an appropriate violation to a prosecutor for prosecution of criminal charges.

(c) If the alleged violation has been established, and the Board determines in light of all the circumstances that the violation is not serious enough to warrant assessment of penalty, the Board in its discretion may take such other action as appropriate, including but not limited to a written admonition or a recommendation that disciplinary action be taken. The Board may forward a copy of such admonition or a recommendation for disciplinary action to the individual's appointing authority, as appropriate.

15. Records of Hearing or Proceeding.

- (a) The record in hearing or proceeding under these rules shall include:
- (i) all notices, pleadings, motions, and intermediate rulings;
 - (ii) evidence presented;
 - (iii) a statement of matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose;
 - (iv) questions and offers of proof, objections thereto, and rulings thereon;
 - (v) proposed findings and exceptions, if any;
 - (vi) any findings of fact, conclusions of law, or other recommendations made by the hearing officer; and
 - (vii) any decision, determination, opinion, order or report rendered.

(b) The Board shall make a complete record of all hearings and proceedings conducted before it. For this purpose, unless otherwise required by statute, the Board may use whatever means it deems appropriate, including but not limited to the use of stenographic transcriptions or electronic recording devices. Within a reasonable time after the Board gives notice of its decision, determination, opinion or order, but before commencement of judicial review, any party to the hearing or proceeding may request the Board to prepare the record or any part thereof, together with any transcript of the hearing or proceeding or any part thereof. The Board shall then prepare the requested portions of the record and transcript within a reasonable time and furnish a copy to the requesting party at no charge.

16. Privacy/confidentiality.

(a) Notwithstanding the provisions of Article 6 of the Public Officers Law, the only records of the Board which shall be available for public inspection are:

- (i) Written disclosures filed under section 5 of the Greene County Code of Ethics;
- (ii) Notices of hearings or proceedings;
- (iii) Notices of penalties imposed under section 14 hereof;
and
- (iv) Advisory opinions with names of individuals redacted.

(b) Notwithstanding the provisions of Article 7 of the Public Officers Law, no meeting or proceeding of the Board shall be open to the public, except as expressly provided otherwise by the Board.

(c) Information which would reveal confidential material protected by Federal or State statute shall be deleted from any final decision, order, determination or declaration issued by the Board.

Greene County Sheriff's Office

Subject: COMPLAINTS AND COMMENDATIONS						Policy 037	
Effective: January 1, 2020			Standard Number(s): 25.1				
			Amended: August 17th, 2020			Sheriff Peter Kusminsky	
Reviewed:							

1.0 PURPOSE

To establish guidelines on how persons may file a complaint or commendation regarding the Greene County Sheriff's Office.

The objective is to ensure that all complaints and commendations are acted upon in a timely manner and to ensure that they are recorded for future reference.

2.0 DEFINITIONS

COMPLAINT – a statement that a situation is unsatisfactory or unacceptable

COMMENDATION – praise, congratulation, appreciation.

3.0 POLICY

It is the policy of the Greene County Sheriff's Office to investigate all complaints and all allegations of employee misconduct, whether received from citizens or employees or the Office. Any and all complaints or commendations involving a Greene County Sheriff's Office Deputy or employee must be put in writing using the approved Complaint and Commendation Forms.

The Captain and/or the Undersheriff are ultimately responsible for the coordination of all internal affairs investigations through supervisors at various levels. The Undersheriff reports directly to the Sheriff with findings. The Sheriff will make the ultimate decision about the conclusion/ results of the investigation. When required, progressive discipline is then administered in accordance with the provisions the current labor contract associated with the employee involved.

4.0 RECEIPT OF COMPLAINTS AND COMMODATIONS

The purpose of this section is to provide employees with a clear and orderly method of receiving complaints or commendations regarding the Greene County Sheriff's Office or its employees. All complaints or commendations concerning the Office or any of its employees will be documented, investigated and promptly adjudicated

Complaints or commendations must be submitted using the approved Greene County Sheriff's Office Personnel Complaint or Commendation Forms. These forms can be obtained from the Sheriff or his designee.

When a person contacts the Office about the actions of an employee, the person taking the call should interview the complainant as with any other complaint. If it is determined that the call is a potential personnel complaint, the caller should be transferred to the Shift Supervisor, or Senior Deputy on duty. If immediate action is not required, a memorandum should be prepared for the Lieutenant, or verbal conversation, detailing facts about the complaint and the name, telephone number and times the complainant is available. If the immediate supervisor investigates the allegations and finds it is unfounded, or a policy infraction that may be remedied by training or verbal conversation by the supervisor, the supervisor may request a written memo from the Deputy explaining his or her actions in the event. If the supervisor is satisfied with the outcome of the memo and the remedial training, the Deputies memo will be retained by the supervisor in a secure location. If the infraction is documented multiple times, or the supervisor is not satisfied with the outcome, the memo/memos from the Deputy will be brought to the attention of the Lieutenant.

5.0 ASSIGNMENT OF COMPLAINTS FOR INVESTIGATION

After receipt of a formal complaint or allegation against an employee, the Sheriff or his designee will assign the investigation accordingly. The table below will describe responsibility for investigating complaints;

Initial report (all types)	Any GCSO employee
Minor departures from Rules, Policy or Procedure	Any Supervisor
Major or repeated non-compliance with Policy or Procedure	Lieutenant or his/her designee
Traffic infractions or violations	Any Supervisor
Misdemeanor violations	Captain or his/her designee
Serious misdemeanors (265.00[17] Penal Law) and felonies	Captain – or his/her designee and District Attorney’s Office
Corruption, civil rights violations, brutality, sex offenses, domestic violence	Captain or his/her designee and District Attorney’s Office
Death or serious physical injury caused by an employee	Captain or his/her designee and District Attorney’s Office

6.0 INVESTIGATION OF COMPLAINTS

The purpose of investigating complaints is to determine whether the allegation constitutes inadequate work performance, misconduct and/or violation of the law. All investigations will be completed within thirty days from the date of the complaint. However, the Sheriff may extend that time period if necessary. As listed in the above table, when necessary, the District Attorney’s Office will be included in criminal investigations.

7.0 AFTER THE INVESTIGATION IS COMPLETED

The final outcome of the investigation will fall into one of the following categories:

Exonerated - Conduct was proper or within department policy.

Unfounded - The allegations were found to be false.

Sustained - The allegation is supported by sufficient evidence and was determined to be true.

8.0 NOTIFICATION

The Captain or his/her designee will contact the Complainant and advise them that the Personnel complaint is being investigated. At the completion of the investigation, the Complainant will be contacted and advised of the result; exonerated, unfounded or founded.

Note: There may be a report about the actions of an employee which on the surface appears to be a personnel complaint but after a review of the facts it is determined that the employee's actions were not in conflict with Office policy and procedures. Under such circumstance, the complainant should be advised of the facts. If the complainant is satisfied, no further documentation is required because we do not have a personnel complaint. If the complainant is not satisfied with the review, then the incident should be treated as a personnel complaint and processed accordingly.

9.0 INTERNAL AFFAIRS RECORD STORAGE

Founded Internal affairs records and reports are stored in a locked filing cabinet in the Captains Office. Copies of such files will be forwarded to Human Resources to be placed in the employee's personnel file. Only the Captain will have unsupervised access to the files. The record retention period for internal affairs records is described in the **Records Management Policy 049**.

10.0 ASSIGNMENT OF COMMENDATIONS

After receipt of a commendation, the Sheriff or his designee will forward the appropriate recognition to the Deputy or the employee being commended. A copy of the commendation will be sent to the Greene County Human Resources for placement in the Deputy or the employee's personnel file.

Greene County Sheriff's Office

Subject: CIVILIAN CLERICAL STAFF POLICY						Policy 038	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

POLICY: Civilian clerical positions assigned to all Divisions of the GCSO will be under the direct Supervision of the Office of the Sheriff.

I. Procedure:

- A. All civilian clerical staff issues, to include but not be limited to special work assignments, day off requests, vacation requests, etc., will be directed to the Office of the Sheriff.

Greene County Sheriff's Office

Subject: MEMORANDUMS / WRITTEN ORDERS						Policy 039	
Effective: January 1, 2020			Standard Number(s): 2.3				
Rescinded:		Amended: August 17 th , 2020			Sheriff Peter Kusminsky		
Reviewed:							

PURPOSE: To identify issuing authorities and establish format and definitions for Memorandums and to provide for proper preparation, indexing and distribution so that all personnel concerned are kept informed of new and revised policies and procedures.

POLICY: All Memorandums shall be labeled as follows:

I. Policy Memorandum:

- A. A Policy Memorandum is issued to announce adoption or revision or clarification of policy and to direct new procedures. The following are proper subjects:
 1. Institution of permanent procedures, rules, policies and manuals related thereto.
 2. Permanent changes in organizations.
 3. Installation of permanent programs which affect more than one unit subordinate to the issuing authority.
 4. Permanent personnel policies and procedures including training and promotion policies but not including changes of status such as transfers, promotion of individuals, etc.
 5. Use of public facilities and equipment and expenditure of public funds.
 6. Relationships with other agencies and citizens (the latter including punitive and nonpunitive contacts).

II. General Memorandums:

- A. A General Memorandum is issued to announce policies or specify procedures concerning a specific circumstance or event or policy or procedure, which is of a temporary or self-canceling nature, or involving only specific segments of activities. The following are examples of proper subject matter for General Memorandums:
1. Specific instructions to accomplish a particular objective. Once accomplished there will be no need for continuing instructions.
 2. Temporary procedures designed to cover a special occurrence or event, which is of a temporary or short-term nature.
 3. Directives to a specific division or unit, which does not influence the operations of others and for which no organizational change is needed.
 4. To disseminate information or instructions, which do not warrant a Policy Memorandum.
 5. To direct the actions of subordinates in specific situations or circumstances under a level of command not authorized to issue Policy Memorandums. Such direction shall not deviate from or conflict with established policies and procedures as documented by higher authority.
 6. To explain or emphasize portions of previously issued orders.

III. Issuing Authorities:

- A. Policy Memorandum's are issued only by the following levels of command:

1. By the Sheriff to announce or modify organizational or division policies and procedures relating to command staff
2. By the Undersheriff during the absence of the Sheriff.

- B. General Memorandums are issued only by the following levels of command:

1. General Memorandums will be issued as directed by the Sheriff.
2. The Lieutenants will authorize all General Memorandums relating to the members of their command.
3. General Memorandums can be issued by any supervisor with authorization of a Lieutenant.

IV. Preparation of Memorandums:

- A. Rules and Regulations issued at any level of command shall not conflict with established policies and procedures as directed by higher authority.
- B. All Memorandums will be written in concise and accurate grammar.

- C. Whenever applicable, Memorandums will carry notations directing attention to other published documents that are related.
- D. Any changes or additions will be reviewed by the Command Staff for input, and any affected unions, pursuant to the Collective Bargaining Agreement.

V. Distribution and Retention Memorandums:

- A. All Memorandums will be issued to all appropriate personnel by e-mailing a copy to each member. E-mail receipts will ensure that every member reads and understands every memorandum. Hard copies will be placed in the memorandum binder for each satellite as well as in the main office.

VI. Effective Date:

- A. All Memorandums are effective the date they are issued unless stated otherwise.

VII. Cancellations:

- A. All Memorandums, which are not self-canceling, will be reviewed each year to determine if:
 - 1. They should be cancelled.
 - 2. They should be incorporated into a manual.
 - 3. They should be revised.
 - 4. They should be continued in their present form.
- B. A cancellation shall be affected by a General Memorandum.

VIII Procedure:

1.) There will be written order books assigned to each road patrol satellite office, the GCSO Catskill Office, the County Office Building in Catskill, Mental Health in Cairo and the Investigators Office. The Lieutenants will also maintain a written order book as a record in their second floor office.

2.) Written orders will be issued by a supervisor on department letterhead and will be authorized by a Lieutenant or supervisor of a higher rank. The written order will be indexed by a sequential number system. The first (4) digits will be the current year and then a dash. The next number will be the next higher number following the last written order. (Example: The first written order of 2020 will be numbered "2020-01". The following written order will be numbered "2020-02" and so on.

3.) Written orders will be issued by the originating supervisor and will be e-mailed in a printable format to all GCSO members for review.

4.) The senior member assigned to each road patrol satellite office, the County Office Building in Catskill, Mental Health in Cairo and the Investigators Office will be responsible to print off a copy of the written order and maintain a current written order book for their respective location. Sergeants will make sure the GCSO Catskill book is kept up to date. The books will be kept in a place easily accessible for review by GCSO members and staff. There will be space at the end of each written order sent where all members assigned to the locations must sign and date. These signed written orders will be kept at the satellites as a secondary record.

5.) All GCSO members will be responsible for reviewing their county e-mail to keep up to date on written orders. First, if a GCSO member has reviewed a written order they must sign at the bottom of the written order in the satellite order book as stated above. Second, a reply e-mail will be sent to the Lieutenant indicating what written order was reviewed and that it was understood. The Lieutenant will keep a log of all received and understood written orders by GCSO members. This log will act as the main record of who has reviewed written orders.

6.) All GCSO members will review and acknowledge any new written orders as prescribed above prior to the end of their next scheduled shift once a new written order has been issued. This includes signing the local satellite order book and sending a reply e-mail that the order was read. The same time requirements to officially acknowledge written orders apply to Sergeants and Investigators. These provisions also apply to all Part-time Deputies, Investigators and Sergeants. This will mean that checking your e-mail during your shift should be a priority to keep up to date on written orders. Vacation, training, computer issues, states of emergency, pass days or any other type of situation where a member is not able to review a new written order in the time prescribed will be taken into account before determining if a member has failed to adhere to this directive.

7.) It will be the responsibility of the Sergeants to ensure their respective platoon members are up to date with written orders. Supervisors should be reviewing each satellite written order book to make sure the book is up to date. There will be a sheet assigned to each satellite book that Sergeants will be responsible to sign acknowledging that each book is up to date on a monthly basis.

8.) Written orders will be strictly adhered to by all GCSO members. Failure to adhere to a written order may be subject to disciplinary action as prescribed by the Sheriff.

9.) Failure to adhere to the above stated directives related to the written order book may be subject to disciplinary action.

10.) This directive will be applicable to any and all new satellite office or building post assignment created in the future.

MEMBERS SIGN BELOW

DATE	MEMBERS NAME (PRINT)	MEMBERS NAME(SIGN)	NAME OF LIEUTENANT NOTIFIED	DATE LIEUTENANT NOTIFIED

Greene County Sheriff's Office

Subject: DRUG FREE WORKPLACE						Policy 040	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

PURPOSE:

It is the intention of Greene county and the Greene County Sheriff's office to comply with the Drug Free Workplace Act of 1988 and to provide a workplace free from illegal drugs. In furtherance of this intention, the County has established this policy.

I. Dangers of Drug Use:

Drug use may affect all aspects of a person's life. Such use can affect physical performance and behavior. For instance, substance abuse may cause deterioration in productivity, quality of work and attitude. Additionally, such use may result in the loss of employment.

A. There are a number of indicators of alcohol and controlled substance abuse. These include:

1. Absenteeism
2. Staff turnover
3. Lower productivity
4. Equipment breakdown
5. Poor work quality
6. Poor morale
7. Increased accidents and near misses
8. Theft of equipment and material

B. Behavioral signs of substance abuse include:

1. "I don't care" attitude
2. Deteriorating or erratic performance
3. Hangover symptoms
4. Drug culture jargon
5. Secret behavior
6. Wanting to be alone
7. Forgetfulness
8. Indecision
9. Erratic judgment
10. Changes in personal appearance and hygiene
11. Jitters
12. Hand tremors
13. Hyperexcitability
14. Carelessness
15. Sleeping on the job.

C. Physical symptoms of substance abuse include:

1. Blood spots on shirt sleeves
2. Bloodshot or watery eyes
3. Changes in speech
4. Hand tremors
5. Intoxicated behavior
6. Odor of marijuana smoke
7. Poor coordination
8. Racing heart or irregular rhythms
9. Runny nose or sores around nostrils
10. Slow reactions
11. Unsteady gait
12. Very large or small pupils

II. Greene County Policy:

- A. Employees to be drug free: Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent to provide a drug-free work environment.
- B. No drugs in workplace: The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on County premises or while conducting County business off County premises is absolutely prohibited. Violations of this policy will result in disciplinary action up to and including termination and may have legal consequences.
- C. Assistance for drug problems: The County recognizes drug dependency as an illness and a major health problem. The County also recognizes drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use our employee assistance program and health insurance plans as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job and will not be noted in any personnel records.
- D. Reporting criminal convictions: Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off County premises while conducting County business. A conviction must be reported to the employee's Department Head within five (5) days after the conviction. This requirement is mandated by the Drug-Free Workplace Act of 1988 and any questions regarding this policy should be directed to The County Human Resources 719-3775

GREENE County Sheriff's Office

Subject: Work Place Violence						Policy 041	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

Purpose

It is the intent of the County of Greene that threats, threatening behavior, and acts of violence against employees, by employees or by other individuals on county property, will not be tolerated. Greene County will take all threats seriously. It is the county's goal to eliminate violent behavior and the threat of such behavior from all work sites.

Policy

Violence or threat of violence, by or, against any employee of Greene County, or any other person while on county property, is strictly prohibited. The Prohibited action will subject the perpetrator, if an employee, to serious disciplinary action, up to and including termination of the employee, and, in all cases, possible criminal prosecution.

The possession of firearms or dangerous weapons (as defined below) while on county property, or in a county facility or vehicle, is strictly prohibited. Employees violating this policy may be terminated. The weapons portion of this policy does not apply to law enforcement personnel or other employees that are operating within the normal scope of their duties, and using weapons as tools of their profession. Any other employee of Greene County must provide proof of a valid weapons permit and must have written approval of the Greene County Administrator in order to carry a weapon on the worksite.

County Departments may receive training on methods on defusing hostile situations.

Definitions

- A. Dangerous Weapons: includes, but not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five (5) inches in length.
- B. Work Site: Includes all property owned or occupied by Greene County, as well as county owned vehicles.
- C. Possession: Includes, but not limited to, the presence of a weapon on the employee, lunch box, tool kit, bag, purse, cabinets, office, etc. Weapons transported in vehicles must be legally stored in compliance with the laws of the State of New York.

D. Violence in the workplace may include:

1. The use of physical force with the intent to cause harm.
2. Acts or threats in any form or manner, which are intended to intimidate, cause fear, or cause harm.
3. The act of creating a hostile or intimidating work environment by means of words, actions, or physical contact, which would have the purpose or effect of alarming, insulting, or provoking another person.
4. The intentional damage of county owned property, or personal property, or acts intended to cause such property to fail to operate, or to operate improperly.

Guidelines for Managing Workplace Altercations

- A. The guidelines are intended to aid Department Heads and supervisors in dealing with a violent or potentially violent situation at work where the Department Head or supervisor is in a position to intervene and control the situation.
- B. In circumstances deemed by the Department Head or supervisor to be an emergency, call 911, and then contact the County Administrator and/or appropriate governing body. It is understood that the actions of a supervisor or other employee will depend on the seriousness and nature of the incident. However, consistent with personal safety, supervisors are to make a good faith effort to diffuse violent or potentially violent behavior as quickly as possible in order to prevent escalation. The term “altercation,” used in these guidelines, includes actual or threatened violence including verbal or physical confrontation, or assault, or attempts at such assault.

General Comments

- A. Separate the individuals involved. Do not allow a minor altercation to escalate into a more serious situation. If the individuals cannot be separated, dial 911, contact the Department Head, the County Administrator and/or appropriate governing body.
- B. All county employees are responsible for notifying management of any threats that they have witnessed or received. If it is not practical to notify management, the employee should contact the County Administrator. County employees who obtain a restraining order against individuals are strongly encouraged to report the

presence of a restraining order to their Department Head, to the County Administrator and/or the appropriate governing body.

- C. Once the situation is under control, the County Administrator and/or appropriate governing body or committee, along with the Department Head, shall interview all persons involved, including any witnesses, in order to obtain an accurate account of the incident. The incident will be documented in writing and reviewed by management.
- D. The Department Head consulting with the County Administrator and/or appropriate governing body or committee will decide on the appropriate disciplinary action, if necessary.

Discipline

Workplace altercations, including those involving only verbal exchanges, justify appropriate corrective action. The County Administrator and/or appropriate governing body should be contacted for guidance.

Guidelines for Violence Incidental Response

In an emergency situation involving actual or potential violence, the first priority is to protect the safety and well being of persons involved. Because each situation involves unique factors, the following guidelines are intended to provide general guidance. The key elements are safety, reporting, coordination, and control. The following procedures should be followed when dealing with an angry customer (citizen):

- A. Attempt to de-escalate the situation as soon as the customer (citizen) shows signs of anxiety. Through verbal and non-verbal skills, attempt to be supportive and helpful.
- B. If the situation does not de-escalate, then firm but respectful direction must be given.
 - 1. Take away the customer's (citizens) audience by removing the individual to an area where there is less public involvement in the situation.
 - 2. Allow the person to vent some anger. Be helpful and supportive. Do not presume the customer (citizen) is at fault.
 - 3. Set limits for the customer. Provide the customer with direction by giving clear choices and consequences.
- C. If the situation continues to escalate and violence or threats of violence occur, immediately call the emergency number (911) and report as many details as possible.
- D. An employee who is involved in, or who witnesses a violent incident, shall immediately notify a supervisor or Department Head.

- E. The Department Head or another department management representative shall contact the County Administrator and/or appropriate governing body who shall perform the investigation of the incident, and assist the Department Head in disciplinary action (if necessary).
- F. If a person enters your place of work using a weapon to carry out a physical attack, remove yourself from the area immediately.

Implementation

Greene County will implement its Workplace Violence Prevention Program by taking the following steps:

- A. Internal discussion by key management personnel to develop a policy statement and plan for implementation.
- B. Adoption of a written policy by the County Legislature and/or appropriate governing body.
- C. The Public Safety Committee will undertake a building by building assessment of the potential hazards and possible prevention methods.
- D. Employees will be trained on a building by building basis.

Program Review and Update

The Workplace Violence Prevention Program will be reviewed and updated as needed, and whenever such updating as indicated by changes, modifications will be made and communicated to employees.

**GREENE COUNTY GOVERNMENT
WORKPLACE VIOLENCE PREVENTION PROGRAM**

EXPOSURE ASSESSMENT

Facility Name: _____

Location: _____

Department: _____

Division: _____

Contact Person: _____

Workplace Evaluation/Exposures:

1. _____

2. _____

3. _____

4. _____

5. _____

Recommended Procedure

1. _____

2. _____

3. _____

4. _____

5. _____

I do hereby certify that I have performed a Site Exposure Assessment for the prevention of workplace violence in the _____ Department.

Name & Title _____

Date: _____

Greene County Sheriff's Office

Subject: SEXUAL HARASSMENT						Policy 042	
Effective: January 1, 2020			Standard Number(s): 14.7				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Discrimination and Harassment Policy:

The purpose of this section is to establish and define the policy and procedure of the Greene County Sheriff's Office prohibiting behavior that shall include, but is not limited to harassment, sexual harassment, and all types of discrimination prohibited under New York State Law (age, race, creed, color, national origin, sex, disability and marital status). Consistent with Greene County Resolution Number 70-94, dated March 9, 1994, the GCSO is committed to offering employment opportunities and a proper work environment to our employees as well as applicants, based upon their abilities and performance, in a productive climate which is free of discrimination and other detrimental behavior. As a matter of law (Title VII Civil Rights Act of 1964 Amended and '296 NYS Executive Law) and official policy, it shall be unlawful and herein prohibited, for any employee of the GCSO to engage in, encourage, instigate or acquiesce to any form of harassment, sexual harassment or discrimination against any other member of the GCSO or any other person. Discrimination and sexual harassment are also violations of New York State Law. Further, it shall be the responsibility of all supervisory personnel of this Office to actively and continuously monitor the conduct of subordinate personnel in order to detect any acts of sexual harassment which may be directed against an employee of the GCSO or other person, and, when such conduct is discovered, take appropriate action to end such conduct. Finally, since GCSO employees are also Greene County employees, GCSO employees MUST follow applicable policy and procedures when dealing with other county employees.

Statement of Intent:

Any harassment, sexual harassment or discrimination of employees or applicants in violation of policy is absolutely prohibited and shall not be tolerated. No supervisor, employee or any other person at the GCSO has any authority whatsoever to harass, sexually harass or discriminate against employees or applicants in violation of this policy. If anyone claims to have such authority, or if you have any questions about whether conduct that you find objectionable is authorized by the GCSO, please contact one of the persons designated as compliance officers under this policy.

Definitions:

A. Harassment / Discrimination:

Harassment or discrimination can be any verbal or physical conduct which denigrates or shows hostility or aversion to an individual because of their race, color, religion, gender, national origin, age, disability, sexual preference or marital status, or that of their relatives, friends or associates, which:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or,
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or,
- Otherwise adversely affects an individual's employment opportunities.

Discrimination and harassing conduct may include, but is not limited to, the following examples:

- Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts (even if claimed to be "jokes" or "pranks") which relate to race, color, religion, gender, national origin, age, disability or marital status; and,
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or a group because of race, color, religion, gender, national origin, age, disability, sexual preference or marital status, and is displayed or circulated in the work place.

B. Sexual Harassment:

Sexual harassment is a form of discrimination. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, development, wages, advancement, evaluation, assigned duties or any other condition of employment or career development; or,
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment; or,
- Display of pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic material is offensive to another employee, regardless of gender and when the offended employee informs the person possessing such material that he or she is offended. Continued possession thereafter constitutes sexual harassment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive to the recipient, which lowers morale and, therefore, interferes with work effectiveness. No employee, male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct either verbal or physical in nature. This includes both within the work place and outside during non-business hours. It also includes sexual harassment by outside vendors with which the county does business when the county employee is representing the county.

C. Compliance Officers:

All supervisory personnel are designated as the compliance officers, they have a responsibility to maintain a work place free of sexual harassment and discrimination. This responsibility includes scheduling periodic training for all employees on the topic while assuring them that they are not to endure insulting, degrading, or exploitative sexual or discriminatory treatment. The compliance officers will insure that appropriate steps are taken to resolve employee and applicant complaints in a fair, expeditious and confidential manner whenever they become aware of a potential violation of this policy. The compliance officers will investigate all written complaints alleging harassment, sexual harassment or discrimination. At the direction of the Sheriff, they may be responsible for complaints outside their Division.

Reporting:

The employee who believes that he or she has been subjected to discrimination, harassment or sexual harassment will ask for a private meeting with one or more of the following:

- Immediate supervisor or compliance officer;
- Sheriff, or in his absence, the Undersheriff;
- Legal Committee Chairperson;
- Chairperson, Board of Supervisors.

The purpose of this meeting will be to review the GCSO policy to discuss if a violation of the policy has occurred and possible remedial action short of a formal complaint.

Regardless of the outcome of the meeting(s), an employee who wishes to file a harassment, sexual harassment or discrimination complaint should do so in writing as soon as possible after the alleged incident to a compliance officer using the form Per-70, Discrimination/Sexual Harassment Complaint form. The report may be hand-written or typed and must include:

- The date(s) and time(s) of the alleged act;
- The name of the person or persons engaging in the alleged misconduct;
- Any potential witnesses;
- A detailed description of the alleged act;
- The report must be dated and signed.

In order to facilitate a competent and complete investigation of any of the charges, the County encourages each employee to immediately report any alleged cause of sexual harassment. This form may be used to file a charge of discrimination based upon age, race, creed, color, national origin, sex, disability or marital status which is prohibited by State and Federal Law and the policy of the Greene County Sheriff's Office. Completing the complaint form in no way deprives an employee of the right to file a complaint with the United States Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the Federal and State Courts. Upon the filing of a complaint in writing by an employee, the compliance officer will make an SJS entry to generate an incident number indicating that a personnel complaint is being investigated without naming the complainant or the person who allegedly committed the act. An incident report will be completed as described in Book 1, Article (Personnel Complaints). The Sheriff, or in his absence, the Undersheriff, will be advised immediately. A full investigation by the Chairperson of the Board of Supervisors and his investigative designee (which may be the GCSO) will immediately follow this notification. All information gathered will be kept in the strictest of confidence. All GCSO reports will be filed as described in section 3.13 (Personnel Complaints).

Retaliation:

Any form of retaliation against employees or applicants for exercising their rights under this policy is strictly prohibited and shall not be tolerated. This shall include, but not be limited to, any retaliation for inquiries about their rights under this policy, actual complaints filed, or for truthfully assisting in an investigation into such complaints.

Discipline:

In accordance with existing labor contracts, discipline imposed for violations of this policy and procedure for retaliation resulting from such actions shall be imposed consistent with the established policies and procedures of the GCSO and Greene County Resolution Number 70-94, up to and including termination.

Greene County Sheriff's Office

Subject: UNIFORM REGULATIONS						Policy 043	
Effective: January 1, 2020			Standard Number(s): 14.1,41.3				
Rescinded:		Amended:		Sheriff Peter Kusminsky			
Reviewed:							

POLICY: In order that all uniformed personnel of the GCSO will project a professional image and standard appearance this Rules and Regulation serves to establish standards in appearance and wearing of necessary equipment for routine and emergency conditions.

I. Uniforms Defined:

A. Patrol Deputy Sheriff

1. The uniform will consist of black trousers, black long sleeve shirt, black tie, black turtle neck with GCSO insignia on the neck, black leather boots, black Stetson, black winter coat, silver or rhodium accessories, black leather belt and black leather gun belt with accompanying accessories. An optional black sweater and black knit cap may be worn per Section VI, (K) and (V) of this Regulation. A short sleeve black shirt, open collar with black T-shirt, will be worn in warm weather per Section V (A) of this Regulation.

B. Patrol Sergeant

1. The uniform will be identical to the Road Patrol Deputy uniform with the following additions: gold accessories and collar chevrons.

C. Sheriff, Undersheriff, Lieutenant

1. The uniform will consist of black trousers, white long sleeve shirt or black long sleeve shirt, black tie, black leather shoes, black Stetson with gold cord, black winter coat, gold accessories, black leather belt and black leather gun belt with accompanying accessories. An optional black sweater and black knit cap may be worn per Section VI (K) and (V) of this regulation. A short sleeve white shirt or short sleeve black shirt with white V neck T-shirt will be worn in warm weather per Section V (A) of this Regulation.

D. Marine Patrol

1. The uniform will consist of a red t-shirt with embroidered Sheriff's Star above the left breast and black short pants. Black boat shoes or white tennis shoes. The Road Patrol uniform will be worn in accordance with Sections I (A-1) and V (A) of this Rules and Regulation. When two or more Marine Patrol personnel are assigned the same shift, uniformity will be maintained.

E.. Miscellaneous

1. A fluorescent raincoat and hat cover will be issued for inclement weather.
2. Black uniform shirts will have the GCSO patch affixed to each sleeve. All additional items of apparel to which a patch is affixed will have a patch on each sleeve.

II. Uniform Accessories:

A. Badges

1. Uniformed personnel will be issued one gold breast badges for wear on the uniform shirt and outer garments.
2. Uniformed Lieutenant, Undersheriff and Sheriff will be issued one gold breast badge and one gold hat badge.
3. Badges will be worn on the left breast of the uniform shirt, black sweater or winter coat.

B. Name Tags

1. A gold name tag with black lettering will be issued to all uniformed personnel for wear on the uniform shirt, sweater and winter coat.
2. A gold nametag with black lettering will be issued to Sergeants, Captain, Undersheriff and Sheriff for wear on uniform shirts, sweater and winter coat.
3. Name tags will be worn above the upper seam of the right breast pocket and on nametag tabs affixed to the black sweater and winter coat.

C. Qualification/Specialized Unit Badges and Tabs/Service Ribbons

1. Qualification and specialized unit badges will be worn centered above the left breast pocket directly above the badge.
2. Qualification and specialized unit badges currently approved for wear include:
 - a. Accreditation Bar
 - b. FTO Bar
 - c. Firearm Qualification Bar
 - d. Dive Team Bar
 - e. SRT Bar
 - f. D.A.R.E. Pin
 - g. Instructor Bar
 - h. K9 Pin
 - i. Marine Patrol Pin
 - j. American Flag Bar
2. Subsequent approval of bars, pins and badges will be announced via Memorandums.

D. Collar Insignia

1. Sergeant

- a. Road Patrol A gold chevron will be worn on each collar point perpendicular to and $\frac{3}{4}$ " from the point and centered $\frac{3}{4}$ " from the shoulder seam on coat epaulets.

2. Lieutenant

- a. $\frac{3}{4}$ " gold Lieutenant's bars centered and $\frac{3}{4}$ " from the front seam of each collar point.
- b. 1" gold Lieutenant's bars to be worn centered and $\frac{3}{4}$ " from shoulder seam on sweater and coat epaulets.

3. Undersheriff

- a. $\frac{3}{4}$ " gold stars (3) centered and $\frac{3}{4}$ " from the front seam of each collar point.
- b. 1" gold stars (3) centered and $\frac{3}{4}$ " from the shoulder seam on sweater and coat epaulets.

4. Sheriff

- a. $\frac{5}{8}$ " gold stars (4) centered and 1" from front seam of each collar point.
- b. 1" gold stars (4) centered and $\frac{3}{4}$ " from shoulder seam on sweater and coat epaulets.

E. Ballistic Vest

1. All members assigned to the Road Patrol, Investigators will be issued a ballistic vest.

F. Buttons

1. All uniformed personnel will be issued outer garments with silver metallic buttons.
2. All personnel with the rank of Sergeant and above will be issued outer garments with gold metallic buttons.

III. Leather Goods And Related Equipment:

A. The following leather goods will be issued to Patrol Deputies selected Investigators.

1. Black leather gun belt.
2. Black leather safety holster.
3. Black leather magazine case.
4. Black leather handcuff case.
5. Black leather keepers (minimum issue 4)
6. Black leather trouser belt.
7. Black leather footwear.

8. Black leather radio carrier.
9. Black leather pepper spray case

IV. Care And Maintenance Of Uniforms And Equipment:

- A. Care of uniforms and equipment is the responsibility of the individual officer. Badly worn or damaged items can be replaced with the officers clothing allowance. Uniforms will be clean, pressed and properly fitted. Leather gear and boots and shoes will be properly maintained and polished. Badges, collar insignia, metallic buttons, buckles and other metal will be shined.
- B. Uniforms are subject to inspection at any time.
- C. Firearms and handcuffs will be clean and lubricated.
- D. No item of equipment or clothing will be altered or changed except fitting alterations.

V. Uniform Wear Periods (Road Patrol, Security):

The uniform will be worn with long sleeve shirt and necktie or turtleneck from November 1st to May 1st the long sleeve shirt will be optional from September 15th to October 15th. The short sleeve shirt and black T-shirt will be worn from May 1 to September 30 the short sleeve shirt will be optional from May 1st to May 31st. All of the uniform regulations are subject to change by the Sheriff, Undersheriff or their designee.

VI. Wear Of The Uniform:

- A. Only prescribed or issued clothing and equipment will be worn in complete accordance with the provisions of this Regulation.
- B. Hats will be worn square on the head and will be worn at all times with the following exceptions:
 1. In church
 2. In a vehicle.
 3. In a restaurant.
 4. While taking complaints in a home.
 5. During building searches.
 6. During foot pursuits.
 7. During fights in progress.
- C. Coat and shirt collars will be worn down with the exception of the coat collar that may be worn up when exposed to extended periods of cold or inclement weather.
- D. Long sleeve shirts will be worn down and buttoned.
- E. Gloves worn on duty must be black in color.
- F. Rubber boots, black in color, may be worn during periods of inclement weather.
- G. Socks worn with the uniform must be free of pattern or design and be black in color.

- H. Tie bars will be worn perpendicular to the tie and placed parallel with the top seam of the shirt breast pockets.
- I. Uniformed personnel will wear issued leather equipment and accessories in accordance with provisions of section III (A) and (B) of this Regulation.
- J. Firearms and Non-lethal weapons will be carried in accordance with provisions of GCSO Rules and Regulations 133 and 132.
- K. Black sweaters may be worn optionally during cold weather. Only the badge and nametag are authorized for wear on the black sweater.
- L. The uniform, or any part thereof, will not be worn under any circumstances in conjunction with civilian clothing except during travel to and from work.
- M. Use of the badge and wear of the uniform, or any part thereof, while engaged in any occupation for hire by any private or commercial enterprise is forbidden without the expressed approval of the Sheriff.
- N. All personnel will observe and conform to the personal appearance standards set forth by GCSO Rules and Regulation 22.
- O. Black baseball caps with the GCSO patch affixed and baseball hats approved by the Sheriff for specialized units may be worn only for duty as specified by the Sheriff or Undersheriff.
- P. A black hidden agenda jacket with pull down flaps may be worn only by personnel designated by the Sheriff or Undersheriff.
- Q. Black coveralls with GCSO identifying features may be worn only by specialized units designated by the Sheriff or Undersheriff.
- R. CGSSRT Team personnel authorize a black or green Battle Dress Uniform (BDU) and related equipment for wear.
- S. Black shorts, black knit shirt and low quarter footwear are authorized for wear by bicycle patrol personnel.
- T. Specialized unit personnel with may wear nylon gun belts, holsters and related equipment approval of the Sheriff and Undersheriff.
- U. Wear of the black knit watch cap can be authorized by supervisory personnel during inclement weather.

Investigators:

Investigators must dress in accordance with the nature of their duties for a particular tour of duty or when they are recalled. The following additional guidelines apply:

- A. Court appearances and hearings require a suit or sports jacket and tie.
- B. Routine business conducted in the office or in the field requires a business-like appearance. Generally, a shirt and tie should be worn along with an appropriate sports jacket, sweater or jacket available to conceal the on-duty firearm when in the field.
- C. The issue firearm MUST be carried while on duty or when operating a GCSO vehicle.
- D. The issue body armor, chemical agent, and handcuffs MUST be available for use.

- E. For off-duty recall, the dress worn should fit the nature of the assignment. Jeans, work clothes, sneakers, etc., are acceptable.
- F. Clothing and footwear should be clean and free from obvious damage.
- G. The badge or ID card or GCSO ball cap may be worn in the field to identify investigators.
- H. Investigators may maintain the uniforms and uniform issue equipment in good order in the event they work special uniform assignments as provided for in the collective bargaining agreement.

Greene County Sheriff's Office

Subject: COURT APPEARANCES						Policy 044	
Effective: January 1, 2020			Standard Number(s): 14.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

1. Disposition of Arrested Persons:

All personnel shall follow through on all arrested persons who are taken into custody by them as prescribed by established procedures unless otherwise directed by a commanding officer or when medical attention is required.

2. Court Appearance:

Road Patrol Deputies of the GCSO when summoned to appear before any judicial, hearing or investigative body authorized to take testimony, non VTL trial cases, shall attend punctually in long sleeve uniforms, utilizing the inner vest carrier. Plain clothes employees of the GCSO will attend court in professional business attire.

3. Non-Appearance:

Any deputy or employee summoned to appear to testify and who fails to do so without a valid excuse is guilty of neglect of duty.

4. Refusal To Testify:

A deputy or employee of the GCSO who, when summoned to appear before any duly authorized judicial hearing or investigating body refuses to testify shall be guilty of neglect of duty unless express permission for such action is granted by the Sheriff.

5. Professional Conduct:

GCSO personnel will report to the Clerk of the Court, Judge, District Attorney or Hearing Officer immediately upon arrival at proceedings and be properly prepared to give testimony if required to do so in a truthful, complete, impartial, calm and polite manner. If unable to appear, notify the court or agency and immediate supervisor, with advance notice if possible, and with valid reason.

Greene County Sheriff's Office

Subject: USE OF VEHICLES						Policy 045	
Effective: January 1, 2020			Standard Number(s): 43.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: It is the policy of the GCSO to prescribe standards of operation of police vehicles.

I. Procedures

A. Agency vehicles shall be operated in the following manner:

1. All local and state traffic laws and regulations will be observed at all times unless there is an emergency. A Sheriff's vehicle, when it is not in emergency operation, is legally required to observe all traffic laws and regulations. Careless or illegal operation by those whose responsibility to uphold the law will not be tolerated.
2. In the event of an emergency, High-speed travel will be conducted in a prudent manner with the safety of life and property of innocent bystanders remaining paramount.
3. Sheriff's vehicles shall not be used for private business.
4. Sheriff's vehicles shall be operated in a manner consistent with road and weather conditions. Excessive strain on any mechanical components is to be avoided.
5. Personnel may be held financially responsible for negligent operation of Sheriff's vehicles.
6. Personnel are prohibited from operating an Agency vehicle outside the County of Greene jurisdiction except when on official Sheriff's business.
7. Personnel are prohibited from pulling, pushing or towing any vehicle with an Agency vehicle except as authorized by the Sheriff or a supervisor, or in an extreme emergency.
8. All personnel must be aware at all times of their responsibility when operating an emergency vehicle as set forth in Section 1144 (b) of the New York Vehicle and Traffic Law. This section shall not relieve the driver of an authorized emergency vehicle from duty to drive with reasonable care for all persons using the highway.

B. While Parked

1. Vehicles will not be parked in a way that will obstruct or detract from the normal course of private business except in an emergency situation.
2. Vehicles parked at the scene of an incident will be parked in such a manner as to protect the site and warn others that the area is temporarily blocked off. The top lights and/or grill lights will be utilized.
3. The security of the parked vehicle will be paramount. Doors should be locked and an unoccupied vehicle should be completely secured.
4. All parking regulations and vehicle and traffic laws shall be obeyed whenever possible.

C. Use Of Authorized Emergency Equipment On Sheriff's Office Vehicles

1. Emergency lights (red) will be utilized:
 - (a) When attempting to stop a violator.
 - (b) When responding to an emergency call:
 - i. Possible life-threatening situation.
 - ii. Serious crime in progress (as required).
 - iii. Unusual incident requiring immediate response (i.e. officer needs assistance, etc.).
 - iv. Emergency escort.
 - (c) When securing a scene:
 - i. Accident, fire, disaster, etc.
 - ii. Crime scene (as necessary).
 - iii. Traffic stops.
 - (d) Siren will be utilized:
 - i. When attempting to stop a violator.
 - ii. When responding to an emergency call:
 - Possible life-threatening situation.
 - Serious in progress crime as required.
 - Unusual incident requiring immediate response (i.e. officer needs assistance, etc.).
 - Emergency escort
 - (e) Hazardous warning lights will be utilized as needed.
 - (f) Public address system will be utilized:
 - i. Order suspect from a vehicle, building, etc.
 - ii. In order to make contact with subject, suspect, etc.

- iii. For crowd dispersal as needed.
 - iv. Emergency announcement to the public.
 - v. Other incidents as required.
- (g). Alley lights will be utilized only to check buildings, subjects, etc. They will not be utilized while driving as they can be distracting and blinding to others.
2. A list of Agency owned vehicles to consist of model year, model, and vehicle identification number will be maintained by the Road Patrol Lieutenant.

D. Special Instructions for Gasoline: Patrol and transportation vehicles- the number of gallons used is recorded on the daily activity report.

Investigators and other unmarked vehicles- the number of gallons used, the date filled, and mileage at fill-up will be maintained on a log sheet, that is kept at the gas pump.

E. Agency Policy on Idling: Department vehicles will not be left to idle for prolonged periods of time, with the exception of the K-9 Units that require temperature controls while occupied by a K-9. Should a vehicle be left idling, the vehicle is to be locked and the member shall have a duplicate key to regain entry to the vehicle. If a member does not have a duplicate key, the vehicle is to be turned off and the vehicle's keys removed by the operator. Except for the K-9 Units, vehicles may not be left idling in the GCSO compound for security reasons.

Greene County Sheriff's Office

Subject: TERMINATION OF EMPLOYMENT						Policy 046	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

Purpose: To familiarize personnel regarding procedures necessary for termination of employment.

I. Policy:

- A. Personnel shall adhere to the procedures set forth herein and shall obtain "Personnel Requirements" Checklist when terminating services with the Sheriff's Office.
- B. Termination shall be defined as employment that is discontinued by reason of:
 - 1. Retirement
 - 2. Medical Disability
 - 3. Resignation
 - 4. Dismissal
- B. Employment expires when an employee formally separates from active service with the Sheriff's Office.

II. Procedure-Termination:

- A. The termination process is complete when personnel complete the steps outlined below. These steps include appropriate documentation with supporting signatures on required forms.
 - 1. Personnel must submit a letter to the Sheriff indicating an intention to retire/resign and the effective date of same.
 - 2. Personnel involuntarily separated will be notified in writing.
 - 3. "Report of Personnel Change" (MSD426) form will be completed notifying the Payroll Office and the Civil Service Commission of change of employee status.

4. The employee who has terminated employment within one year of hire will return all issued equipment to the Lieutenant of the division. Employees who have terminated employment and have been employed for over one year will return all initial issued equipment. Issued equipment such as firearms, pepper spray, badges, identification cards, tie clasps and bulletproof vests will be turned into the Lieutenant of the division.
5. The Lieutenant will log in all returned equipment and issued the deputy terminating employment a receipt. The receipt will be placed in the deputy's personnel file.

Greene County Sheriff's Office

Subject: EXIT INTERVIEW							Policy 047	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley				
Reviewed:								

Policy:

In order to create and perpetuate a positive work environment that benefits Greene County, the Greene County Sheriff's Office, Agency personnel and the people we serve, the Greene County Sheriff's Office will conduct exit interviews with departing personnel upon termination, resignation or retirement.

Procedure:

- A. Undersheriff or Lieutenant(s) will conduct exit interviews with departing personnel prior to their last work day.
- B. The Greene County Sheriff's Office *Exit Interview Form* will be completed by the interviewer to document:
 - 1. Reason(s) for leaving.
 - 2. Job satisfaction to enumerate most satisfying and least satisfying aspects of the position being vacated.
 - 3. Suggestions for improving the position, Division or Department and/or the Agency.
 - 4. Personal life goals.
- C. Completed exit interviews will be reviewed with and submitted to the Undersheriff upon completion by the Undersheriff or Lieutenant(s).
- D. The Undersheriff will provide the Sheriff with pertinent constructive suggestions/ information based on the exit interview and, if applicable, recommend policy and procedures change of benefit to the Agency.
- E. The Sheriff will determine if procedural or policy changes will be made.
- F. Completed *Exit Interview Forms* will be placed in the departing employee's personnel file.

Greene County Sheriff's Office

Subject: PHOTO ID CARDS						Policy 048	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

Policy: The Greene County Sheriff's Office will provide Photo Identification (ID) Cards upon request to qualified persons. ID Cards will be generated by department supplied Software, are constructed of PVC material.

Procedure:

- I. ID Cards will be processed and provided by the Pistol Permit Office, Monday – Friday from 8:00 AM to 4:00 PM. Appointment is required.

Greene County Sheriff's Office

Subject: RECORDS MANAGEMENT						Policy 049	
Effective: January 1, 2020			Standard Number(s): 8.1, 8.2, 8.5, 8.7, 8.11, 51.6				
Rescinded:		Amended: February 1st, 2021			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: To establish policy for the execution, review, retention, disposition and dissemination of records maintained by the Greene County Sheriff's Office and identify personnel having responsibility for these functions.

Policy: Records management at the GCSO is processed and maintained on the Spectrum Justice System, in compliance with Federal and State statutes and Commissioners Regulations. The GCSO Records Management System provides a responsible and accountable method for recording, storing, retrieving, disposing and disseminating records. It is the policy of this Agency to fully participate in the Incident Base Reporting System at the Federal and State levels in accordance with FBI and DCJS protocols.

Procedure:

- A. The Records Office is the central records component of the GCSO. In accordance with statutory requirements the Records Office is responsible for maintaining and retaining all GCSO public information and general business records to include incident reports, complaints, arrest reports, domestic violence reports, motor vehicle accidents, traffic citations, driving while intoxicated and driving while impaired records, juvenile records, sealed records, warrants, criminal records and pistol permit records.
- B. The Records Office is not responsible for records generated and maintained by specialized units of the GCSO to include civil matters and the jail.
- C. All incidents reported to the GCSO and all requests for services of the GCSO will be recorded on the Spectrum Justice System (SJS) in the Communications Center where a SJS Event Number will be assigned the incident.
 - 1. Incidents and Case Supplements will be used to file additional information with previously recorded cases and incidents.

D. Information to be recorded on every incident reported to the GCSO will include:

1. Time and date of report.
2. Nature of complaint, victims, suspect and all persons involved.
3. Date and time of incident.
4. Name of assigned Deputy or Investigator, action taken, date and time.
5. The LED Lieutenant or LED Sergeants will review all incident reports and check for completeness and accuracy. The supervisor after reviewing the report will sign off the report indicating that the report was reviewed.

E. Records, maintained by the GCSO, include:

1. Incident Reports
2. MV-104A and 104-D
3. UTT's
4. Criminal Case Files; felony and misdemeanor
5. Warrant Files
6. DWI Packets
7. Evidence and Property Records
8. Juvenile Records
9. Civil Records
10. Subpoena Duces Tecum
11. Family Court Records
12. Pistol Permit Records
13. Arrest Records
14. Domestic Violence Records
15. Payroll Records
16. Budget Records
17. Personnel Records

F. An assigned Sergeant will maintain statistical summaries to include types and numbers of Incidents, arrests, traffic summonses and all other activities of the agency. Statistical information, computer accessible through the Spectrum Justice System (SJS), will be provided by the Records Office upon request daily, monthly and/or annually and as required for reporting activities.

G. A Master Name Index will be maintained by the Records Office via the Spectrum Justice System to include suspects, victims, witnesses and all persons involved in the incident. Individual information will include name, address, age, and date of birth, relationship to the incident/investigation and to a suspect, telephone number, sex and race.

H. Processing of reports will be expedited by the Records Office as follows:

1. Complaints: Incidents and cases including applicable narratives will be entered by assigned Deputies/Investigators into the Spectrum Justice System (SJS), reviewed by a supervisor.
2. Traffic Arrests: Agency copies of UTT's/TSLED's will be forwarded to an assigned Sergeant. Said assigned Sergeant will forward copies to appropriate State agencies
3. Criminal Arrests: Arrests will be documented on the Field Reporting format and the Standard New York State Arrest Form. A criminal case file will be created and maintained which includes all documents related to the arrest. The GCSO will maintain an arrest history record on each person arrested by this agency and retained in accordance with NYS Records Retention and Disposition Schedule.
4. Order of Protection served at evictions. All personnel are required to complete and SJS entry when you serve an Order of Protection or perform an eviction.

In the narrative for an order of protection, include the date it is in effect until, the court it is issued out of, a brief description of the order stipulations (full stay away vs. refrain from...) and info on all parties involved. This will assist other personnel to reference orders of protection when they are not able to check the order of protection book at the Catskill Office.

As far as the evictions go, a simple SJS including the location, information on the parties involved, and the time the eviction concluded is acceptable.

5. Accident Reports: Form MV104A and truck/bus supplements when appropriate will be completed per GCSO Rules and Regulation 077 "Accident Investigation/Driver Exchange". Accident Reports will be maintained by the assigned Sergeant.
6. Fingerprinting: The GCSO fully participates in Federal and State Crime Reporting Systems and complies with Section 160 of the NYS CPL. GCSO Rules and Regulations 149, "Fingerprinting" establish Agency protocols for fingerprinting. Completed cards will be forwarded to the appropriate agency.
7. Juvenile Records: Juvenile records will be maintained in a separate locked file in accordance with provisions of the NYS Family Court Act, section 381.3. Responsibility for security of all juvenile records will be that of the assigned Lieutenant.
8. Sealing of Records: Orders to seal records is done in accordance with provisions of NYS CPL, Sections 160.50 and 160.55, with the Admin Sergeant having responsibility to search and seal records.
9. Discipline Records: All records of employee disciplinary actions, per GCSO Rule and Regulations Policy 036 "Discipline", are maintained in individual personnel files kept in the office of Human Resources. Copies are maintained in the Lieutenant's Office.
10. Citizen Complaints: Citizen Complaints against employees, per Rules and Regulations Policy 037 "Complaints and Commendations" are maintained in a file located in the Lieutenants Office.
11. Monthly and Annual Reports: Monthly and annual reports of all police services activities of the GCSO will be approved by the Sheriff and maintained by the Lieutenants.
12. Subject Management/Resistance Reports, Firearm Discharge Reports, "Firearms/Deadly Physical Force", 132 "Use of Less-Lethal Weapons", 134 "Firearms Discharge Report" and 069 "Vehicle Pursuits" completed reporting requirements will be maintained by a designated Sergeant.
13. Daily Activity Sheet: Each Deputy will complete a Deputy's Daily Activity Sheet which will document the deputy's name, vehicle number, mileage, date, hours worked, vehicle and equipment violation, unusual and suspicious activity, directive patrol and patrol checks. Completed reports will be submitted to shift supervisors and maintained in the records storage room.
14. Personnel Files: A personnel file will be maintained for each GCSO employee. File is secured and maintained by the Greene County Human Resources located at 411 Main Street Catskill. Employees may review their personnel file with approval of the Sheriff, Undersheriff or a Lieutenant. Personnel records of sworn members of the Greene County Sheriff's Office are maintained for a minimum six

years beyond the duration of their employment. These records shall include, but not be limited to;

- Written exam results;
- Physical agility test results;
- Medical exam results
- Psychological findings;
- Oral interview results;
- Background investigations

15. C2 Forms: C2 Forms will be obtained from and processed by the designated Lieutenant.

16. Form DOSH-900: Form DOSH 900, logging all work related injuries or illnesses will be maintained and posted in accordance with Rules and Regulations A16C. The Greene County Human Resources will maintain these records.

I. Access to records maintained by the GCSO will be in accordance with provisions of the Freedom Of Information Law as set forth by Article 6 of the New York State Public Officers Law and Rules and Regulation Policy 082 "Access To And Release of Records".

Individuals wishing to review or obtain copies of records will complete a Freedom of Information Request Application. After review, with proper and acceptable personal identification, records will be made available and/or copies released.

1. Release of records to individuals other than those named on the document will be determined upon completion of a Freedom of Information Request Application which will be forwarded to the Undersheriff in his capacity as Records Access Officer. The Undersheriff must act on the request within five days of receipt. Records will be released by court order after the court order is reviewed by the County Attorney's Office and the release of records is authorized by the Undersheriff.
2. Records precluded from public inspection, distribution and copying include:
 - a. Those specifically exempted from disclosure by Federal or State Law.
 - b. Those compiled for law enforcement purposes which, if disclosed, would:
 - i. interfere with law enforcement investigations or judicial proceedings; or
 - ii. deprive a person of a fair trial or impartial adjudication; or
 - iii. identify or disclose a confidential source or information relating to a criminal investigation; or
 - iv. reveal other than routine investigation techniques or procedures; or
 - v. endanger the life or safety of another person; or
 - vi. are inter or intra-agency materials which are not statistical or factual tabulations or data, instructions to staff that affect the public or final agency policy or determination.

Autopsy Reports

Police records concerning juveniles (FCA 784)

Arrest records - charges dismissed (CPL 160.50)

Sex offense victims under 18 (Civil Rights Law 50-b)

Personnel Records in accordance (Civil Rights Law 50-a)

Computerized Criminal History maintained by GCSO with non-conviction data (Title 28 Code of Federal Regulations)

Computerized Criminal History obtained via NYSPIN (NYCRR Part 424)
DMV Records (18USC '2721 - The Federal Privacy Act)
NYSPIN messages and inquiries (NYCRR Part 424)

- J. Charges for records approved for copying will be in accordance with rates approved by the Sheriff.
- K. Original documents to include depositions, information, voluntary statements and all other information pertinent to misdemeanor and felony incidents will be maintained by the Records Office or Criminal Investigation Unit.
- L. Archives: Retention of all police records will be in compliance with Retention and Disposition schedule for New York Local Government Records (LGS-1) of the Commissioner of the State Department of Education. Records exceeding the record retention period are destroyed by shredding or other method approved by the Sheriff. One year of current records will be maintained at the Sheriff's Office.
- Records involving Class A felonies or arson are maintained indefinitely. All other records are retained as follows:
1. Blotters and electronic records of Spectrum Justice System (SJS) are maintained indefinitely.
 2. Incident reports (including hunting accidents) are maintained for a minimum of 10 years.
 3. Arrest reports are maintained for a minimum of 10 years.
 4. Traffic, boating, snowmobile and bicycle accident reports are maintained for a minimum of 10 years.
 5. Gun vault case folders are maintained for a minimum of 20 years unless the gun was destroyed in which case the record is maintained indefinitely.
 6. Law enforcement agency accreditation records are maintained indefinitely.
- M. Information in the custody of the Records Office, not restricted by law, shall be available to operations personnel at all times. Requests for information by persons not employed by the GCSO will be handled in accordance with Section J, paragraph 1, 2 and 3 of this Rules and Regulation and will be processed only during business hours.
- N. In accordance with provisions of section 160.50 and 160.55 of the NYS CPL, photographs, and fingerprints will be returned by mail to individuals who have had criminal actions against them terminated or sealed. (Fingerprints will be returned unless they are in the custody of DCJS.)

Greene County Sheriff's Office

Subject: FISCAL MANAGEMENT						Policy 050	
Effective: January 1, 2020			Standard Number(s): 5.2, 5.3				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Authority and Responsibility

The Sheriff of Greene County has the authority and responsibility for fiscal management of the Agency in order to accomplish the day-to-day management of the budget.

Accounting System

The Agency's accounting system is provided by the Greene County Treasurer's Office. The County of Greene operates on a purchase order system that must be authorized by the Sheriff and The Greene County Legislature. At the beginning of each month the Accounts Payable Office provides a status report showing initial appropriations and the balance in each account. This report also shows expenditures and encumbrances made during the period.

Internal Monitoring System

A daily accounting of expenditures is kept by the Sheriff or his designee. This accounting is reconciled with the monthly report provided by the Accounts Payable.

Collecting and Safeguarding Cash

- A. **Bail Money:** Will only be accepted by the Corrections Division.
- B. **Petty Cash:** The Sheriff or his designee will maintain a petty cash account at \$429.60. This money will be locked and maintained by the Jail Lieutenant in his office. This money will be used for tolls, meals, shipping charges and small incidental items that are needed immediately. The Sheriff or his designee will maintain a log of expenditures and replenish the petty cash fund by use of the voucher system.

C. **Drug and Informant Money:** The Sheriff or his designee will maintain an account for the use of the Drug Education and Enforcement Unit in making drug buys and paying informants. Requests for drug and informant money will be made to the Lieutenant and authorized by the Undersheriff or Sheriff identifying the dollar amount and rationale for the request.

D. The following individuals are authorized to accept or disburse funds on behalf of the Greene County Sheriff's Office:

2. **Bail Monies:** Chief Corrections Officer (Superintendent) or designee
3. **Civil Monies:** Civil Office Coordinator,
4. **Informant Money/Drug Money:** Sheriff or Undersheriff.
5. **Petty Cash:** Sheriff or designee

Greene County Sheriff's Office

Subject: AGENCY PROPERTY ACCOUNTABILITY	Policy 051								
Effective: January 1, 2020	Standard Number(s): 6.1								
Rescinded:	Amended: August 17th, 2020								
Sheriff Peter Kusminsky									
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>								

Purpose: It shall be the policy of this Agency, in order to expedite purchase of materials needed to operate the Agency, that the Sheriff and Undersheriff are authorized to make purchases relative to vehicles, equipment and office supplies.

The Sheriff or the Undersheriff must approve all major purchases in his absence.

Supervisors will be responsible for equipment and supplies assigned or issued to their respective Divisions.

I. Department Equipment

- A. Office issued clothing and equipment will be issued by the Undersheriff or his designee and recorded on a Sheriff's Office receipt. The receipt will be maintained in an individual folder and filed either electronically or in the property file, or both. Upon separation from the Agency, the receipt will be forwarded to the appropriate Lieutenant for recovery of property and completion of the Out-processing Checklist. Individuals will be charged for property not returned.
- B. It will be the responsibility of all personnel in the office to report in writing to his/her immediate superior whenever any department equipment is lost, stolen or damaged and to forward the report to their appropriate supervisor in a timely fashion.

II. Shotguns

- A. Shotguns will be kept in the office gun locker located in the road room. Shotguns taken out of the gun locker will be secured in the patrol vehicle either in a locked gun rack. In the event that the patrol vehicle is not equipped with a gun rack the shotgun will be placed inside a gun case and locked in the trunk of the vehicle. Shotguns may be removed by Firearms Instructors or personnel assigned to clean and check them.

B. Tasers

Tasers will be stored in the weapons lockers of the main Office and satellites.

III. Radar/Breathalyzer Equipment

- A. The Breathalyzer Maintenance Officer will be responsible for the maintenance, calibration and periodic inspection of Radar and Breathalyzer equipment.
- B. Deputies using radar and breathalyzer equipment are required to complete and submit all required forms and reports.

IV. Range Supplies

- A. It will be the responsibility of the Firearms Instructors or his designee to maintain appropriate supplies for range firing (targets, ammunition).
- B. Special weapons and tactical weapons will be maintained and secured by the CGSSRT officer that is assigned to weapons.

Special Operations:

V. CGSSRT

It will be the responsibility of the CGSSRT Commanders to maintain appropriate supplies for the CGSSRT team. The Commander will also be required to have completed and submit all required forms and reports.

VI. DIVE

It will be the responsibility of the DIVE team leader to maintain appropriate supplies for the DIVE team. The team leader will also be required to have completed and submit all required forms and reports.

VII. MARINE PATROL

It will be the responsibility of the Marine Patrol member in charge to maintain appropriate supplies for the Marine Patrol. The member in charge will also be required to have completed and submit all required forms and reports.

VIII. K-9 UNITS

It will be the responsibility of each K-9 handler to maintain appropriate supplies for each K-9 unit. Each handler will also be required to have completed and submit all required forms and reports.

All other property is the responsibility of the Lieutenants.

Greene County Sheriff's Office

Subject: INFORMATION UPDATES		Policy 052						
Effective: January 1, 2016	Standard Number(s):							
Rescinded:	Amended:	Sheriff: Gregory R. Seeley						
Reviewed:								

To ensure that memorandums, updates, etc., pertaining to Vehicle and Traffic Law, Penal Law, Criminal Procedure Law, other laws, court decisions and miscellaneous information are disseminated to pertinent and applicable personnel, a three ring notebook designated "Written Orders" has been placed for reference by all personnel in the Road Patrol Office. Further more all memos' pertaining to specific zones will be kept on a zone clipboard in the Road Patrol Office, as well as being distributed to local satellites.

Greene County Sheriff's Office

Subject: SUBPOENA DUCES TECUM							Policy 053	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff , Gregory R. Seeley				
Reviewed:								

POLICY: All personnel are hereby directed that, when a subpoena duces tecum is served upon the Agency, said subpoena is to be directed to the Civil Enforcement Division who will assign an incident number, record the time and date of service and name of the server.

GREENE COUNTY SHERIFF'S OFFICE

Subject: EQUIPMENT INVENTORY (Fixed Assets)						Policy 054	
Effective: January 1, 2020			Standard Number(s): 6.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

All property and equipment purchased by the G.C.S.O. in excess of \$300.00 will be made by purchase requests to the County Administrator. The records will be maintained by the County and will be accessible by the Sheriff's designee.

The Lieutenants are responsible for the management, accountability, distributions and issuance of agency-owned property

In order to maintain a current and accurate inventory list, it will be the responsibility of the staff member assigned by the Undersheriff or Lieutenants to notify the Greene County Treasurer's Office.

In the event an item is no longer usable and needs replacement, the item will be taken out of service marked for auction and sent to the annual county auction. The staff member assigned by the Undersheriff or Lieutenant of the property that has been taken out of service will notify County Treasurer's Office.

It is the responsibility of the Lieutenant(s) to maintain an inventory list of property assigned to that division.

When an item of property is added or deleted from the agency inventory an inventory Control Form will be completed filed.

Greene County Sheriff's Office

Subject: KEY CONTROL						Policy 055	
Effective: January 1, 2020			Standard Number(s): 6.1				
Rescinded:		Amended: August 17 th , 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The purpose of this Rules and Regulation is to establish a procedure for maintenance and control of all the vehicle keys retained by the GCSO. This policy will be adhered to by all personnel relative to the use of Agency owned keys and vehicles and will provide GCSO personnel with quick and easy access to Agency vehicles.

I. Procedure

- A. The GCSO will maintain two (2) keyboards. The primary key board is located in the Road Patrol Office and the secondary key box is located in the Lieutenants Office.
- B. Keys used in the course of daily operation will be obtained from the primary key board located in the Road Patrol Office.
- C. When a key is removed from the primary keyboard, it will reveal the number of the vehicle being used.
- D. Details and special assignments other than daily road patrol vehicle assignments requiring the use of keys and a vehicle must be documented with the dispatcher.
- E. The secondary keyboard in the Lieutenants office will be maintained as a key "file" system. These keys are not to be removed unless there are exigent circumstances (e.g. lost key from the primary key board).
- F. If a key is removed from the secondary board, it will be documented by notification to the Lieutenant.
- G. Keys being removed from the secondary key board will be returned to that box as soon as possible.
- H. Hook number in the keyboards will reference keys.
- I. Reporting and replacement of lost keys will be through the Chain of Command.
- J. Personnel terminating employment with the GCSO will return all issued keys to the appropriate Division Lieutenant. It is the responsibility of the Lieutenant to assure all issued keys are accounted for upon leaving employment with the GCSO.

Greene County Sheriff's Office

Subject: INTRA - AGENCY COOPERATION						Policy 056	
Effective: January 1, 2020			Standard Number(s): 55.5				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: To insure a constant line of communication exists between the various units of the Greene County Sheriff's Office, the following procedures will be followed by all personnel.

- I The Investigators will make available necessary information for uniform personnel to be kept current with on-going investigations that are in their area of enforcement so they will be alert for any information or happening that could assist with the successful conclusion of the investigation.
 - A The Investigators will, provide any information deemed necessary to uniform units to assist with investigations and assure cooperation between the divisions. All information from uniform or criminal units shall be directed to their supervisor on a supplement and will be made part of the investigation.
 - B Any information obtained by the patrol will be placed in a supplement and forwarded to the Investigators to be made part of the investigation.
- II The Narcotics officer will, on a need to know basis, provide any information deemed necessary to criminal and uniform units to assist with investigations and assure cooperation between the divisions. All information from uniform or criminal units shall be directed to the narcotics investigator on a supplement and will be made part of the investigation.
- III Information that needs to be distributed immediately from Investigators to the Uniform Patrol will be done through the shift supervisor.

Greene County Sheriff's Office

Subject: MUTUAL AID						Policy 057	
Effective: January 1, 2020			Standard Number(s): 58.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Policy: The purpose of this Rules and Regulation is to emphasize the existence of state law controlling mutual aid and to specify procedures for implementing mutual aid when appropriate. It will be the policy of the GCSO in discharging its law enforcement and other responsibilities to the people of Greene County, to respect the prerogatives of those police agencies which also provide police services within the county, whether based on geographic or subject matter jurisdiction. Upon request, however, the GCSO will render any and all appropriate assistance to another police agency having primary jurisdiction for the provision of such service, even if located outside the boundaries of Greene County, with the approval of the Sheriff or in his absence the Undersheriff.

Greene County Sheriff's Office

Subject: USE OF MILITARY AIRCRAFT						Policy 058	
Effective: January 1, 2020			Standard Number(s): 58.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: In the event it becomes necessary for the GCSO to request the use of military aircraft, The following procedure will be followed:

I. Procedure

A. The request will be authorized only by:

1. Sheriff
2. Undersheriff

B. The request for military aircraft will be made from the New York Army National Guard Aviation Facility located at the Division of Military and Naval Affairs MNAV330 Old Niskayuna Rd Latham New York 12110.

1. New York State Army Aviation Directorate

COL Michael Bobeck, Aviation Officer
 330 Old Niskayuna Road
 Latham, NY 12110-2444
 518-786-4397

Greene County Sheriff's Office

Subject:	GCSDBA-GREENE COUNTY CONTRACTUAL REQUIREMENTS/EXISTING GCSO POLICY	Policy	059
Effective:	January 1, 2020	Standard Number(s): 16.1	
Rescinded:	Amended: August 17th, 2020	Sheriff Peter Kusminsky	
Reviewed:			

POLICY: The GCSO will faithfully implement and meet the contractual requirements mandated in collective bargaining agreements negotiated by the Greene County Deputy Sheriff's Benevolent Association and the County of Greene.

I. Procedure:

It is not the intent of the GCSO to add or subtract from the collective bargaining agreement negotiated by the County of Greene and the Greene County Deputy Sheriff's Association in any way. If it is determined a GCSO policy, procedure, rule or regulation is inconsistent with the contract, the contract language will control the situation.

Greene County Sheriff's Office

Subject:	PROPER PROCEDURES FOR USE OF POLICE RADIOS; OFFICE AND CARS	Policy	060
Effective:	January 1, 2016	Standard Number(s):	
Rescinded:	Amended:	Sheriff , Gregory R. Seeley	
Reviewed:			

POLICY: All personnel must share the responsibility for maintaining efficient police radio communications by adhering to the requirements of the Federal Communications Commission and the use of common courtesy and consideration for all users of the system.

Since we are governed and monitored by the F.C.C., all personnel will refrain from non-official police transmissions and replies over the police radio system.

Greene County Sheriff's Office

Subject: PATROL AREA						Policy 061	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff Gregory R. Seeley			
Reviewed:							

POLICY: This policy will indicate what post will be covered by Greene County Sheriff's Office patrol units.

I. Post Designations

- A. Post 633 will constitute the patrol area in the Town of Catskill.
- B. Post 634 will constitute the patrol area for the Town of Cairo and the Town of Durham East of State Route 145.
- C. Post 635 will constitute the patrol area for the Town of Greenville and the Town of Durham East of State Route 145.
- D. Post 636 will constitute the patrol area for the Town of Athens, Town of Coxsackie and the Town of New Baltimore.
- E. Post 637 will constitute the patrol area for the Town of Hunter, Town of Halcott, Town of Jewett and the Town of Lexington.
- F. Post 638 will constitute the patrol area for the Town of Prattsville, Town of Ashland and the Town of Windham.

II. Special Details

- A. Aggressive Driving Units will patrol areas determined to be high incident areas for speeding, DWI offenses and aggressive driving and may change locations at the deputy's or supervisor's discretion based on volume of traffic, time of day and day of week.
- B. Based on traffic studies and complaints received relative to certain geographical areas experiencing speeding and/or accident incidents, supervisors may assign Patrol Deputies or additional patrol units to such areas as required.

Greene County Sheriff's Office

Subject: PATROL PROCEDURES						Policy 062	
Effective: January 1, 2020			Standard Number(s): 40.1, 40.2, 43.2, 51.6				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: To familiarize personnel regarding expected conduct and procedures relative to patrol duties. Patrol deputies shall utilize patrol techniques designed to prevent and deter crime, arrest violators and assist the public.

I. Assignment

A. Patrol deputies are assigned to specific zones on a daily basis and are required to be aware of the boundaries of their assigned patrol area.

1. Deputies shall not leave their geographic area of assignment unless:

- (a) On assignment from the dispatcher.
- (b) Authorized by a supervisor.
- (c) In close pursuit of a violator.
- (d) Completing a tour of duty.
- (e) An incident is reported requiring immediate police action which they are capable of rendering.

B. Patrol deputies shall familiarize themselves with residential areas, places of business and industries or amusements within their assigned area. They shall ascertain hours of operation, being aware of areas of congestion, hazards, dangerous conditions and areas of frequent motor vehicle accidents.

II. Methods

A. Methods of patrol should not become a matter of routine. Periodic changes in patrol procedure are encouraged. The following techniques should be utilized:

- 1. Vary routes to and from assigned patrol area.
- 2. Alternate break and meal periods and avoid these types of locations during peak traffic periods.
- 3. Avoid the establishment of habit-forming patterns.

- B. With patrols operating continuously and often during times of adverse weather conditions, the operation of patrol vehicles shall be in accordance with prevailing conditions and in the following manner:
1. At casual speeds, being observant and inquisitive.
 2. Periodic stops in order to observe conditions and traffic flow.
 3. Deputies shall patrol residential areas at a slow rate of speed whenever possible. Presence of patrol units in these areas will potentially:
 - (a) Create good community relations.
 - (b) Create a sense of security to residents.
 - (c) Prevent crimes.
 - (d) Develop valuable sources of information.
- C. Deputies shall initiate contact and communications with town and village officials, emergency services providers and local proprietors in order to ensure positive interaction with community members.
- D. The surveillance of industrial, commercial and residential properties is a significant part of the the patrol function. Efforts should be made to check these areas during each tour of duty. ("Check" shall mean a physical examination of doors, windows, etc., during non-business hours, not just a visual observation with the use of a spotlight or flashlight).
- E. When a building is found to be insecure, the deputy at his/her discretion will either wait for backup or search the building. The following procedure will be followed:
1. Notify dispatcher.
 2. Provide an estimate of the situation.
 3. Request necessary assistance.
 4. Check interior of the building, utilizing K-9 when available.
 5. If the building is found to be secure, dispatcher will notify owner.
 6. If deputies are unable to secure the premises, an attempt should be made to notify an owner or manager.
 7. An incident report shall be submitted by the deputy and should include the date, time, personnel involved and disposition.
- F. Deputies shall be mindful of and immediately report to the dispatcher:
1. Traffic control devices that are not operating properly.
 2. Traffic control signs that are down, missing or damaged.
 3. Railroad gates or signals that are damaged or not operating.
 4. Dangerous holes or ruts in the roadway.

5. Electrical or communications wires that are down.
 6. Water leaks or breaks.
 7. Construction sites that are not properly barricaded or illuminated.
 8. Other dangerous or hazardous conditions.
- G. Patrol deputies are responsible for enforcing parking regulations pursuant to the NYS Vehicle and Traffic Law and local ordinances. During morning and afternoon peak traffic hours, special attention will be given to illegally parked vehicles which constitute an obstruction on roadways, and non-directed patrol time will include attention to parking enforcement in plazas and villages.

III. Procedures and Conduct

- A. Patrol deputies will perform their duties in a professional, courteous, polite and efficient manner.
- B. Passengers (i.e. stranded motorists) will not be transported in patrol units without - permission of a supervisor. Observers (i.e. members of the media, student interns,) will only be allowed to ride in patrol units when authorized by the Sheriff, or his designee.
- C. Patrol units shall not congregate or call for meetings unless absolutely necessary. If necessary, meetings shall be arranged as close to patrol boundaries as possible and be brief as possible.
- C. There shall be no more than two patrol units in a restaurant or diner at one time, except when there are two deputies assigned to a unit or where a supervisor, investigator or technician may meet with a unit.
- E. Patrol units shall not respond to calls without first notifying the dispatcher. Should a unit require additional assistance, including fire or E.M.S., it shall be requested through the dispatcher. Fire and E.M.S. calls may be requested through Greene County 911 but GCSO dispatchers will be notified after the initial contact with CC911.
- G. Deputies shall request the presence of a Supervisor and the on call Investigator in all investigations where death has occurred or is likely to occur, there are serious or life threatening injuries or where a major crime has been committed. They shall also expeditiously request any and all services required (i.e. coroner, technicians, etc.).
- H. Upon completion of assignments deputies will immediately call back into service through the dispatcher. This does not mean an assignment is completed only after all reports are completed.
- I. All reports shall be written or printed legibly in black ink or printed from computerized forms and shall be submitted to a supervisor prior to departing from duty.
- J. Deputies assigned to a special detail shall not leave that assignment until properly relieved or upon instruction from competent authority or if a deputy is requesting immediate backup for an emergency situation.
- K. Use of the siren and/or emergency lighting equipment when not warranted is forbidden. Good judgment and common sense shall be employed in the use of emergency equipment.
- L. All deputies are required to provide their name and badge number to any person when so

requested.

M. The following guidelines relate to vehicle escorts:

1. Local ambulances, fire equipment or other emergency equipment that are equipped with their own emergency warning devices shall not be escorted.
 2. Ambulances and/or emergency vehicles from distant locales, not familiar with local hospitals or other emergency services may be escorted with the approval of a supervisor.
 3. Escorts of other vehicles may be authorized when necessary and if approved by a supervisor. In medical emergencies, an ambulance should be summoned to the scene to transport the patient to a hospital unless the circumstances dictate that an immediate escort is imperative. In any event, approval for the escort must be obtained from a supervisor.
 4. The operator of an emergency vehicle is not relieved of the responsibility to drive with due regard for the safety of all persons, or shall he or she be relieved of the consequences of reckless disregard for the safety of others. Extreme caution will be exercised during escorts. All available warning devices will be employed when necessary. Speed will be reduced when approaching intersections or traffic control devices. Approaches from all directions will be visually checked. The intersection or area will not be entered until clear and it is safe to proceed.
- N. Any employee operating a GCSO vehicle is responsible for the condition of the vehicle at the beginning of each use and upon return of the vehicle.

Greene County Sheriff's Office

Subject: MOBILE TELEPHONE USE						Policy 063	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: Chapter 69 of the Laws of 2001, adds Section 1225-c to the Vehicle and Traffic Law, banning the use of hand-held mobile telephones while driving. The law states “no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion”. Section 1225-c(c) defines using a hand held cell phone as “holding a mobile telephone to, or in immediate proximity of, the user’s ear”. Hands free mobile telephones are exempt from this law.

Effective December 1, 2006, using a hand-held mobile telephone while driving, for other than contact with emergency of medical personnel regarding an emergency situation, will be a traffic infraction under Section 1225-c(2)(a) of the Vehicle and Traffic Law.

The law also provides that until March 1, 2002, the court shall waive any fine upon conviction of Section 1225-c if the defendant supplies the court with proof that, between the date of violation and the appearance date for such violation, he or she possesses a hands free mobile telephone. This waiver shall not apply to a second or subsequent violation. On and after March 01, 2002, the fine may not be waived under any circumstances.

Subdivision 2 of Section 1225-c exempts police and peace officers, a member of a fire department , district or company and the operator of an authorized emergency vehicle as defined in Section 100 of the Vehicle and Traffic Law from this law while in the performance of their official duties. However, members of the LED will not use a hand held mobile telephone while driving unless absolutely necessary for emergency Sheriff’s Office functions.

Greene County Sheriff's Office

Subject: USE OF VEHICLES							Policy 064	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley				
Reviewed:								

POLICY: It is the policy of the GCSO to prescribe standards of operation of police vehicles.

I. Procedures

A. Agency vehicles shall be operated in the following manner:

1. All local and state traffic laws and regulations will be observed at all times unless there is an emergency. A Sheriff's vehicle, when it is not in emergency operation, is legally required to observe all traffic laws and regulations. Careless or illegal operation by those whose responsibility to uphold the law will not be tolerated.
2. High-speed travel will be conducted in a prudent manner with the safety of life and property of innocent bystanders remaining paramount and in accordance with policies and procedures set forth by Rules and Regulations 020, "Department Emergency Response Policy".
3. Patrol vehicles shall not be used for private business.
4. Sheriff's vehicles shall be operated in a manner consistent with road and weather conditions. Excessive strain on any mechanical components is to be avoided.
5. Personnel may be held financially responsible for negligent operation of Sheriff's vehicles.
6. Personnel are prohibited from operating an Agency vehicle outside the County of Greene jurisdiction except when on official Sheriff's business.
7. Personnel are prohibited from pulling, pushing or towing any vehicle with an Agency vehicle except as authorized by the Sheriff or a supervisor, or in an extreme emergency.
8. All personnel must be aware at all times of their responsibility when operating an emergency vehicle as set forth in Section 1144 (b) of the New York Vehicle and Traffic Law. This section shall not relieve the driver of an authorized emergency vehicle from duty to drive with reasonable care for all persons using the highway.

B. While Parked

1. Vehicles will not be parked in a way that will obstruct or detract from the normal course of private business except in an emergency situation.

2. Vehicles parked at the scene of an incident will be parked in such a manner as to protect the site and warn others that the area is temporarily blocked off. The top lights and/or grill lights will be utilized.
3. The security of the parked vehicle will be paramount. Doors should be locked and an unoccupied vehicle should be completely secured.
4. All parking regulations and vehicle and traffic laws shall be obeyed whenever possible.

C. Use Of Authorized Emergency Equipment On Sheriff's Office Vehicles

1. Emergency lights (red) will be utilized:
 - (a) When attempting to stop a violator.
 - (b) When responding to an emergency call:
 - i. Possible life-threatening situation.
 - ii. Serious crime in progress (as required).
 - iii. Unusual incident requiring immediate response (i.e. officer needs assistance, etc.).
 - iv. Emergency escort.
 - (c) When securing a scene:
 - i. Accident, fire, disaster, etc.
 - ii. Crime scene (as necessary).
 - iii. Traffic stops.
 - (d) Siren will be utilized:
 - i. When attempting to stop a violator as needed.
 - ii. When responding to an emergency call:
 - Possible life-threatening situation.
 - Serious in progress crime as required.
 - Unusual incident requiring immediate response (i.e. officer needs assistance, etc.).
 - Emergency escort
 - (e) Hazardous warning lights will be utilized as needed.
 - (f) Public address system will be utilized:
 - i. Order suspect fro vehicle, building, etc.
 - ii. In order to make contact with subject, suspect, etc.
 - iii. For crowd dispersal as needed.
 - iv. Emergency announcement to the public.

v. Other incidents as required.

(g). Alley lights will be utilized only to check buildings, subjects, etc. They will not be utilized while driving as they can be distracting and blinding to others.

2. A list of Agency owned vehicles to consist of model year, model, and vehicle identification number will be maintained by the Road Patrol Lieutenant.

D. Agency Policy on Idling: Department vehicles will not be left to idle for prolonged periods of time, with the exception of the K-9 Units that require temperature controls while occupied by a K-9. Should a vehicle be left idling, the vehicle is to be locked and the member shall have a duplicate key to regain entry to the vehicle. If a member does not have a duplicate key, the vehicle is to be turned off and the vehicle's keys removed by the operator. Except for the K-9 Units, vehicles may not be left idling in the GCSO compound for security reasons.

Greene County Sheriff's Office

Subject: PRISONER TRANSPORTATION						Policy O65	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: The following procedures will be followed when deputies transport prisoners. These procedures are designed to ensure the deputies and prisoners safety and to limit the opportunities for escape.

I. Procedures

A. General

1. With only limited exceptions, all prisoners will be transported only in secure, caged vehicles, handcuffed in accordance with Rules and Regulation O64.
2. In no case will a juvenile known or believed to be under the age of 15 years be transported with adults suspected of or charged with criminal acts.

B. Searching the Prisoner

1. The transporting deputy should always search a prisoner before placing him or her in the vehicle. Deputies should never assume that the prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting deputy should conduct a search of the prisoner each time the prisoner enters custody of the deputy.

C. Searching the Police Vehicle

1. The transporting deputy will search the vehicle before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his destination, the deputy will again search their vehicle to ensure that the prisoner did not hide contraband or other evidence.

D. Positioning Prisoners in the Transport Vehicle

1. When one deputy is transporting one prisoner, the prisoner will be positioned on the rear seat on the opposite side of the deputy driving. Prisoners will be seat belted unless authorized by a supervisor.
2. When one deputy is transporting more than one prisoner, the prisoners will be located on the rear seat and, if circumstances warrant, the transporting deputy will use seat belts.
3. If more than one deputy is involved in the same vehicle transporting prisoners:

- a. Both deputies will ride in the front of the vehicle while the prisoner will ride in the back seat.
- b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners should be positioned on the rear seat and the assisting deputy should position him or herself on the front seat in order to see the prisoners at all times.

E. Control of Prisoners While Transporting

1. Observation:

- a. While transporting a prisoner, the deputy will observe him or her at all times, even when it becomes necessary to allow the prisoner the use of a toilet.
- b. In a situation where observation is not possible (women prisoner needing toilet facilities and the transporting deputy is male and vice versa), the deputy should ensure that he has as much control of the situation as possible. The prisoner should not be allowed in the facility with another person and the deputy should ensure that there are no escape routes within the facility and that there are no weapons available to the prisoner.

2. Meals

- a. If necessary for the transporting deputy to stop enroute for a meal while a prisoner is with him, he should choose an unfamiliar place. This minimizes any chance of a pre-arranged plan for someone to attempt a release of the prisoner.

3. Stopping To Provide Law Enforcement Services While Transporting A Prisoner

- a. When transporting a prisoner, the transporting deputy will provide law enforcement services only in the following situations:
 - i. When there is a need for the transporting deputy to act immediately in order that a potential victim is not harmed.
 - ii. When a victim has been injured and assistance is required immediately.
 - iii. When a crime is in progress and there is an immediate need because of safety reasons that the suspect be apprehended.
 - iv. In all of the above situations, the transporting deputy should ensure at all times that the prisoner is secure and protected.
 - v. Under no circumstances will a deputy transporting a prisoner engage in a pursuit.

4. Escape

- a. In the event a prisoner escapes while being transported, the transporting deputy will use the following procedures:
 - i. Assistance will be requested immediately from the jurisdiction the deputy is in at the time of the escape.
 - ii. The transporting deputy will offer his services in order to recapture the escapee as soon as possible.

- iii. The transporting deputy will submit a written report to the Sheriff as soon as he or she returns to the office explaining the circumstances of the escape.

5. Prisoner Communication

- a. The transporting deputy will not allow prisoners to communicate with other people while in transit unless the situation requires it. The deputy will use his or her good judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

6. Arrival At Destinations

- a. When transporting prisoners from one facility to another, the transporting deputy, upon arrival at his or her destination with the prisoner, will follow these procedures:
 - i. Firearms will be secured in the designated place at the facility being entered.
 - ii. Restraining devices will be removed only when directed to do so by the receiving facility or when the deputy is sure that the prisoner is properly controlled and secure.
 - iii. The proper paperwork (jail committal, property form, etc.) will be submitted to the proper person at the receiving facility and, in situations what require it, the deputy will ensure that proper signatures are obtained on paperwork to be returned to the Agency.

7. Medical Facilities

- a. When a prisoner is transported to a medical facility and is admitted by the attending physician, the deputy will immediately notify the shift supervisor. The supervisor will, in turn, use the following procedures to endure control of the prisoner:
 - i. Have the prisoner released from custody, if appropriate, by contacting and seeking advice from the District Attorney and the magistrate.
 - ii. If the prisoner has to remain in custody arrangements will be made to provide 24 hour supervision of the prisoner.
 - iii. The prisoner should be kept under observation at all times and, normally, restraining devices should be used. Deputies should consult with medical personnel concerning use of restraining devices, until transferred to the jail.
 - iv. The shift supervisor will be notified of the situation as soon as practicable and will schedule deputies for guard duty, if necessary.
 - v. The shift supervisor will ensure that guards are checked periodically and relieved as necessary.

8. Transport Of Dangerous/Security Risk Prisoners To Court

- a. When a transported prisoner is considered dangerous or a security hazard, the judge will be notified before the transport takes place in order that prisoner handling can be placed to minimize any chances of escape, injury to the prisoner or anyone else.

F. Special Transport Problems

1. Transport of prisoners by deputies of different sex:
 - a. When transporting a prisoner of one sex by a deputy of another sex, an additional deputy may be requested to accompany the transport whenever possible.
 - b. When it is impractical to use a second deputy, the transporting deputy will, at a minimum:
 - i. Contact the dispatcher by radio and request that the time and odometer mileage be logged in the CAD.
 - ii. The transporting deputy should proceed directly to the destination by using the shortest practical route.
 - iii. Upon arrival at the destination, the transporting deputy will contact the dispatcher by radio and request that the time and the odometer reading be logged in the CAD.
2. Handicapped Prisoner
 - a. When transporting a handicapped prisoner, the transporting deputy will request assistance when needed in order that the transport be completed in a manner that is most convenient, comfortable and safe for both the prisoner and the deputy. An ambulance service may be contacted for assistance. The transporting deputy will ensure that whatever special equipment or medicine is necessary for the prisoner to have taken care of as well.
 - b. The transporting deputy, when having a handicapped person in custody, must use common sense. When the handicap is such that no danger of escape or injury to the prisoner or deputy exists, restraining devices may be inappropriate.
3. Injured/Sick Prisoners
 - a. If at any time before, during or after the arrest, the prisoner is injured or becomes sick, the deputy will seek medical attention immediately. Medical attention will be obtained before transporting the prisoner to the jail if the injury or sickness happens before arrival there.
 - b. The transporting deputy must use the same discretion as previously explained in using restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be totally incapacitated, restraining devices may not be appropriate.

G. Restraining Devices

1. Mentally Disturbed Prisoners:
 - a. At no time will a strait jacket be used to restrain prisoners who do not require it. If a subject while in custody becomes unruly to the extent that he or she endangers his or her health or safety of that of the deputy escorting him or her, additional restraints may be used. Additional restraints with the approval of the shift supervisor may be used, such as leg ties, leg belt or shackles.

H. Transport Equipment

1. All marked vehicles are equipped with a metal screen separating the front and rear compartments. Normally these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. All vehicles equipped with metal screen barriers and used to transport prisoners will have the rear interior door and window handles rendered inoperable to minimize the risk of escape by prisoners while being transported.

I. Documentation

1. Prisoner Identification

- a. When picking up a prisoner for transport at a detention facility, the transporting deputy should ensure that he or she has the right person. This can be accomplished by:
 - i. Deputy's personal knowledge of the prisoner.
 - ii. Request for verification of prisoner's identity by the jail custodian.

Greene County Sheriff's Office

Subject: TRAFFIC STOPS						Policy 066	
Effective: January 1, 20120			Standard Number(s): 40.1,40.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The primary concern during a traffic stop is the safety of the deputy and that of others while maintaining a positive image of the Agency. In order to achieve this, the following set of guidelines have been adopted.

I. Procedure

- A. Whenever possible, all traffic stops will be conducted in a safe location, and when exiting the patrol vehicle, the Deputy will wear his/her hat.
- B. An attempt will be made to stop the patrol vehicle approximately one car length behind and In such a manner that the center line of the patrol vehicle lines up with the driver's side of the target vehicle, in an effort to ensure a safe path to and from the violator's vehicle.
- C. The violator's vehicle shall be approached on the operator's side unless safety factors, or tactical preferences, dictates otherwise.
- D. The deputy shall instruct the driver and occupants as to whether or not they should remain in the vehicle. Instructions given to persons who are to remain in the vehicle shall also include that "it is necessary to do so for their own safety".
- E. The deputy should politely request the operator to produce his or her license, the registration of the vehicle and the required proof of insurance. The operator should then be informed of his or her specific offense(s) and the ticket or warning issued forthwith, when warranted.
- F. The deputy should:
 - 1. Answer any reasonable, pertinent questions that may arise.
 - 2. Attempt to promote understanding of the process with the operator.
 - 3. Perform his or her duties in an appropriate and timely manner.
 - 4. Avoid lecturing the operator.
 - 5. Avoid being drawn into debate or argument.
 - 6. Be firm, pleasant and courteous.
 - 7. Offer no excuse or apology for issuing the ticket.

8. Project a positive, professional attitude in order to enhance public relations and minimize the negative aspect of the traffic stop.
9. Be attentive to the possibility of criminal activity and information which may assist on-going criminal investigations.
10. At the conclusion of the stop, the deputy should not leave before the violator's vehicle leaves. If traffic is heavy, assist the driver back into the flow of traffic.
11. At no time should the safety of the violator be put at risk during the stop. Flagging other vehicles down is prohibited unless an emergency situation warrants such.
12. If the Driver of the motor vehicle is non-compliant, and refuses to give any information to patrol, patrol will attempt to calmly talk to the driver and explain the need for such information exchange. If patrol is unable to get information from the driver, a supervisor will be contacted and requested to the scene. This does not stop patrol from making decisions and taking action to protect himself/herself or the driver of the vehicle prior to the arrival of the supervisor.

Greene County Sheriff's Office

Subject: TRAFFIC VESTS		Policy 067	
Effective: January 1, 2016		Standard Number(s):	
Rescinded:	Amended:	Sheriff, Gregory R. Seeley	
Reviewed:			

POLICY: Reflective vests are issued to all Road Patrol personnel for use during traffic events. It is the policy of this Agency that deputies assigned to traffic control as a result of a traffic light malfunction, accident, public event, fire, etc., or any other situation where a deputy's safety is a factor, will be required to wear a reflective vest.

Greene County Sheriff's Office

Subject: ROADBLOCKS						Policy 068	
Effective: January 1, 2020			Standard Number(s): 40.1,40.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: It shall be the policy of this Agency to adhere to the following guidelines when a road check or a roadblock is used. This policy is to ensure the safety deputies involved and the general public.

I. Procedure

A. Road Checks

1. Road checks will be used only when preplanned by a supervisor and with the approval of the Sheriff, Undersheriff or LED Lieutenant and shall be used to detect motor vehicle violations, i.e. inspections, faulty equipment, etc.

B. Roadblocks

1. To be used only in emergency situations.
2. To apprehend a fleeing defendant known to be traveling a given route when the deputies involved may or may not have a description of the person or vehicle.
3. To apprehend a wanted vehicle or person known to be in the general area and a series of roadblocks may be needed for apprehension.
4. Roadblocks may be set up on an emergency basis by any deputy with or without the authorization of a supervisor. However, any deputy who does initiate a roadblock on his or her own or at the request of another person shall immediately notify his or her supervisor of the following:
 - a. Reason
 - b. Location
 - c. Traffic conditions
 - d. Weather
 - e. Type of blockade used
 - f. Any other pertinent factors

5. Complete Blockade

- a. The complete blocking of any highway shall be done only as a last resort in emergency cases. It must be apparent that the escape of the fleeing vehicle or operator would cause an **extreme danger to the public**.
- b. After a deputy has made a decision to completely block a highway based on the facts at hand, that deputy shall notify his or her supervisor and advise the following:
 - i. Reason
 - ii. Location
 - iii. Traffic conditions
 - iv. Weather
 - v. Type of blockade used
 - vi. Any other pertinent facts
- c. Complete blockades shall allow for the normal flow of traffic to navigate and exit the roadblock at a reduced speed.
- d. All efforts shall be made to remove any civilian personnel from the area prior to the approach of the fleeing vehicle.
- e. No persons, either Agency or civilian personnel, shall be allowed to remain in any vehicle at a highway blockade.
- f. A safe site distance will be allowed going in either direction at a blockade.
- g. If time allows, at least three flares or other warning devices shall be placed at a distance of approximately 500 feet from the blockade and in both directions.
- h. Deputies shall remove themselves from the area of the barricade as the fleeing vehicle approaches and assume a position which affords adequate cover.

C. Partial Roadblocks

1. Upon the activation of a partial roadblock, the senior officer at the blockade shall notify the supervisor on duty of the reason, location, traffic conditions, weather and type of blockade being utilized.
2. Deputies shall not occupy any vehicle used in a partial blockade and shall place themselves in a safe area as the fleeing vehicle approaches.
3. An attempt shall be made to place at least two (2) flares or other warning devices at an approximate distance of 500 feet away from the roadblock in both directions.
4. Location of a partial blockade should allow for a safe sight distance in both directions. This is to allow all users of the highway, including the offender, enough time to avoid any collision at the blockade.

D. Short Term Non-Pursuit Blockades

1. This type of blockade shall be utilized where it is desired not to block traffic but to slow it down.
2. Deputies may check all vehicles or randomly check vehicles from time to time in an effort to locate a person or vehicle.
3. Non-pursuit blockades shall only be initiated at the request or direction of a supervisor and shall be staffed with a minimum of two (2) deputies.
4. This type of roadblock shall be preplanned with consideration given to the public with relation to the inconvenience placed upon them.
5. An area shall be identified for removal of suspect vehicles from the highway.
6. An attempt shall be made to place warning devices, such as flares, at least 500 feet away from the blockade in both directions to allow users of the highway enough time to slow down and avoid a collision.

E. Road Checks

1. Road checks shall be initiated for the apprehension of motor vehicle violators.
2. Road checks, like other non-pursuit blockades, shall be preplanned by a supervisor. The supervisor shall take into consideration:
 - a. non-arbitrary vehicle selection
 - b. safety
 - c. motorist inconvenience
 - d. feasibility of advance public notice
 - e. supervision
 - f. site selection
 - g. staffing
3. Marked units shall display emergency lights.

Greene County Sheriff's Office

Subject: VEHICLE PURSUITS						Policy 069	
Effective: January 1, 2020			Standard Number(s): 40.1, 40.2, 43.4				
Rescinded:		Amended: August 17 th , 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The purpose of this Rules and Regulation is to establish written policies and procedures for vehicular pursuit situations. Through strict observance and adherence to these procedures, Deputy Sheriff's will avoid unnecessary motor vehicle accidents and injuries to themselves and others.

Emergency operation is the operation of a police vehicle when that vehicle is engaged in pursuit of an actual or suspected violator of the law or while responding to an emergency call.

A. Agency personnel may pursue a motor vehicle if the Deputy has observed any violation of the law (Vehicle and Traffic Law and/or Penal Law) and the motor vehicle operator fails to comply with Deputy's directives.

B. Agency personnel are not authorized to pursue ATV's, Motorcycles, Snowmobiles or any other recreational type vehicle except when the operator of said vehicle is in flight from the commission of a serious felony crime. No ATV, Motorcycle or Snowmobile will be pursued except as set forth in this policy. Greene County Sheriff's Office will strive to apprehend fleeing criminals of serious felony offenses without exposing the public, and police officers to unnecessary or unwarranted risks. The risk involved must always be weighed against the potential gain in initiating or continuing the pursuit. We cannot qualify the process for the officer(s); what we can do is set forth the factors that must be considered by the officer in arriving reasonable decisions.

a. Reason for Pursuit:

- i. Deputy Sheriff's will have reasonable cause to initiate a pursuit and should not be drawn into a pursuit, unless factors exist that a vehicle operator has committed a violation of law and the risk to the public is less than the need to pursue/apprehend the fleeing vehicle.
- ii. A serious felony is as follows:
 1. Murder/Attempted Murder
 2. Robbery 1st and 2nd Degree/Attempted Robbery 1st and 2nd
 3. Manslaughter/Attempted Manslaughter
 4. Rape 1st and 2nd Degree/Attempted Rape 1st and 2nd
 5. Criminal Sexual Act 1st and 2nd/Attempted Criminal Sexual Act 1st
 6. Burglary 1st and 2nd Degree/Attempted Burglary 1st and 2nd
 7. Arson 1st and 2nd / Attempted Arson 1st and 2nd

8. Kidnapping/Attempted Kidnapping
9. Escape in the 1st Degree
10. Aggravated Assault on a Police Officer/Attempted Assault on a Police Officer
11. Assault 1st and 2nd Attempted Assault 1st and 2nd

b. Pursuit Conditions:

- i. Changing conditions of the pursuit that affect the nature of the pursuit:
 1. Road
 2. Weather
 3. Traffic Conditions
 4. Area Conditions
- ii. Even with the highest justification for pursuing a vehicle, an officer should not do so under conditions that would expose the public to extreme or unreasonable risks.
- iii. Passengers/Prisoners
 1. Deputy Sheriff's will not engage in a pursuit while transporting passengers or prisoners.
 2. GCSO personnel are prohibited from pursuing any type of vehicle when in their personal vehicles.

c. Initiation:

- i. When a motor vehicle pursuit is initiated, the pursuing Deputy Sheriff shall immediately notify communications center by stating that he is attempting to stop a vehicle.
- ii. Information reported shall include but not be limited to:
 1. The officers unit number
 2. Reason for pursuit
 3. Route and direction of travel
 4. Description of pursued vehicle and driver
 - a. License plate number if available
 5. Weapons involved
 6. Directions and areas being approached
 - a. To be reported as frequently as safety permits
- iii. All personnel on the same channel shall refrain from radio transmission during the pursuit except for short transmissions of the location of the pursuit.

GCSO communications will announce a radio silence, and will contact the road patrol supervisor. Only the 2nd pursuing vehicle and GCSO communications should be using the radio. The Road Patrol Supervisor will monitor the radio communications of the pursuit and coordinate additional resources if necessary, to assist. The Road Patrol Supervisor will start to head toward the pursuit location.

d. Termination of the Pursuit:

- i. A pursuit shall be terminated under any of the following conditions:
 1. When ordered to do so by a supervisor or if no supervisor is on duty the senior deputy sheriff.
 2. When circumstances develop which present extraordinary danger.
 - a. To the Deputy Sheriff
 - b. To the public
 - c. To other emergency services members

3. Under those circumstances wherein the offender can be identified and an arrest made at a later time without risk of creating an unreasonable danger to the public.
 4. The Deputy Sheriff loses sight of the pursued vehicle.
 5. Radio contact is lost due to distance.
 6. Any time the Deputy Sheriff feels that pursuit should be terminated.
- ii. Unmarked units shall not participate unless specifically authorized by the Sheriff, Undersheriff or LED Lieutenants.
- e. **Alternative Actions**
- i. The Deputy Sheriff will terminate the pursuit when the offender's identity is known and he/she is not an immediate threat to the public. Pursuant to NYS PL&CPL a warrant may be obtained.
 - ii. Examples when a Deputy Sheriff should follow at reasonable speeds would include, but not be limited to:
 1. When hostages are involved
 2. The occupants of a vehicle:
 - a. Are the subject of an alert
 - b. are dangerous
 - c. do not realize that they have been recognized as wanted persons
- f. **Pursuits initiated by other Agencies:**
- i. Notification by another jurisdiction of a pursuit in progress shall not be construed as a request to join the pursuit.
 1. The outside agency will be specifically asked if they are making a request for assistance or merely making a notification.
 - ii. In cases where GCSO Deputy Sheriff's join a pursuit, they will be governed by the policies of this department.
 - iii. In all cases, GCSO units shall cease the pursuit at the County line when assisting other agencies unless authorized by a supervisor.
- g. **Post Pursuit Reports:**
- i. As soon as a pursuit is initiated, it shall be their responsibility of the supervisor to have communications verbally notify the Lieutenant of the Law Enforcement Division.
 1. The pursuing officer will document the pursuit with a report containing the following:
 - a. Units involved in the pursuit
 - b. Officer(s) involved in the pursuit
 - c. Reason for the pursuit
 - d. Suspect
 - a. Name
 - b. Address
 - c. Age
 - e. Charges filed
 - a. Greene County Sheriff's Office
 - b. Outside Agency
 - f. Speed and duration of pursuit
 - g. Injuries and Accidents
 - a. Suspect
 - b. Sheriff's Office Vehicles
 - c. Citizen Vehicles
 - h. Number and names of agencies and vehicles involved

- i. Any deviation from the pursuit policies and justification for such deviation.
2. The Lieutenant shall investigate all pursuits and report the results of said investigation to the Undersheriff.
3. This policy is not to be disseminated outside of the Greene County Sheriff's Office without authorization from the Sheriff.

h. Roadblocks:

1. To be used only in emergency situations and only with the authority of a supervisor (Lieutenant or above).
2. To apprehend a fleeing defendant known to be traveling a given route when the deputies involved may or may not have a description of the person or vehicle.
3. To apprehend a wanted vehicle or person known to be in the general area and a series of roadblocks may be needed for apprehension.
4. When deciding to request or authorize a roadblock, the following must be considered:
 - a. Reason
 - b. Location
 - c. Traffic conditions
 - d. Weather
 - e. Type of blockade used
 - f. Any other pertinent factors such as occupants of the vehicle.
5. Complete Blockade
 - a. The complete blocking of any highway shall be done only as a last resort in emergency cases. It must be apparent that the escape of the fleeing vehicle or operator would cause an **extreme danger to the public**.
 - b. Complete blockades shall allow for the normal flow of traffic to navigate and exit the roadblock at a reduced speed.
 - c. All efforts shall be made to remove any civilian personnel from the area prior to the approach of the fleeing vehicle.
 - d. No persons, either Agency or civilian personnel, shall be allowed to remain in any vehicle at a highway blockade.
 - e. A safe site distance will be allowed going in either direction at a blockade.
 - f. If time allows, at least three flares or other warning devices shall be placed at a distance of approximately 500 feet from the blockade and in both directions.

g. Deputy Sheriff's shall remove themselves from the area of the barricade as the fleeing vehicle approaches and assume a position which affords adequate cover.

i. Partial Roadblocks

1. A partial roadblock will only be authorized by a GCSO supervisor.
2. Deputy Sheriff's shall not occupy any vehicle used in a partial blockade and shall place themselves in a safe area as the fleeing vehicle approaches.
3. Location of a partial blockade should allow for a safe sight distance in both directions. This is to allow all users of the highway, including the offender, enough time to avoid any collision at the blockade.

Greene County Sheriff's Office

Subject: TRAFFIC VIOLATIONS						Policy 070	
Effective: January 1, 2020			Standard Number(s): 43.1,47.1				
Rescinded:		Amended: August 17th, 2020				Sheriff Peter Kusminsky	
Reviewed:							

POLICY: Deputies are directed to make themselves familiar with the Agency's policy for handling traffic violators.

I. Procedure

A. Juveniles:

1. Anytime contact is made with a juvenile involving a serious incident, an incident report must be completed by the deputy. If the contact is minor, the youths will be counseled and sent on their way.
2. If the involvement is of a serious nature but an arrest is not warranted, the juvenile will be taken home or brought to the Sheriff's Office and a parent or guardian will be notified. An incident report must be completed noting the name and relationship of the person to whom the youth was released.
 - a. If a parent or guardian is not available, the youth may be released to another adult, relative, neighbor or friend. This will be so noted on the incident report.
 - b. If neither of the above is available, the youth may be released within the bounds of good discretion; however, the parent or guardian must be notified as soon as practical of the incident and the action that was taken.
 - c. Notification must be made either by the deputy, supervisor or an investigator from the Criminal Investigation Branch, if on duty. An indication must be made on the incident report whether or not contact was made and by whom.
3. Juveniles observed violating any section of the Vehicle and Traffic Law will not be issued a traffic summons. Notification to parents or guardians must be made as indicated in the preceding paragraph.

B. Non-Residents

1. When a non-resident has been issued a traffic summons, it is not always necessary to set bail. It will be the responsibility of the deputy involved in the case to determine if it is appropriate to secure the violator's attendance in court by the taking of bail. The main consideration in determining this would be if the violator's state was a member of the Reciprocal Compact Agreement with New York State. If it is necessary to set bail, bail will always be set by the closest available justice.

C. Diplomats/Consular Officials

1. Diplomatic and consular officers should be accorded their respective privileges, rights and immunities as directed by international law and Federal statute. These officials should be treated with courtesy and respect that befit their distinguished positions. At the same time, it is a well established principle of international law that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations. The shift supervisor will be contacted and appraised of the situation.

D. Diplomatic Immunity

1. Diplomatic immunity, a principle of international law, is broadly defined as freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families and servants. Diplomatic officers should not be arrested or detained except for the commission of a grave crime. Family members of diplomatic officers, their servants and employees of a diplomatic mission are entitled to the same immunities under current United States Law (22 U.S.C. 252) if they are not nationals of or permanent residents in the receiving state.
2. Associated with this personal immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residence of a diplomatic agent, his property, papers and correspondence.

E. Diplomatic Officers

1. Ambassadors and ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary and Attache. These officials are located either in Washington, D.C. or in New York City. Diplomatic officers, their families, official staff and servants, who are not nationals of or permanently resident in the receiving state, are protected by unlimited immunity from arrest, detention or prosecution with respect to any civil or criminal offense.

F. Consular Officers

1. Consular Officers are Consuls-General, Deputy Consuls-General, Consuls and Vice Consuls. They are also official representatives of foreign governments. Consular officials are required to be treated with due respect and all appropriate steps are to be taken to prevent any attack on their person, freedom or dignity. They are entitled to limited immunities as described below.

a. Immunities

- i. Under prevailing international law and agreement, a foreign career Consular Officer is not liable to arrest or detention pending trial, except in the case of a grave crime (felony offense that would endanger public safety) and pursuant to a decision by the competent judicial authority. Immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

b. Identification

- i. Individuals claiming diplomatic status must produce a United States Department of State Diplomatic identification.
- ii. Career Consular Officers can be identified by credentials issued by the State Department and by other locally issued official identification papers.

(a) The State Department credential bears its seal, the name of the officer, his or her title and the signature of State Department officials.

(b) If an individual claiming diplomatic status cannot produce the appropriate identification card, an attempt must be made to verify status with the Department of State

G. Honorary Consuls

1. Often nationals or permanent residents of the receiving state are appointed and received as honorary consular officer to perform the functions normally performed by career Consular Officers. Such officers do not receive identification cards from the State Department of the type issued to career Consular Officers, though they may exhibit reduced size copies of the exequatur or diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention; they are also not entitled personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord to such officers the protection required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by an honorary consul are inviolable at all times and wherever they may be, provided they are kept separate from other papers and documents of a private or commercial nature relating to the other activities of an honorary consul and persons working with him or her.

H. Families of Consular Officers

1. Family members of Consular Officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state as do Consular Officers. However, they should be accorded appropriate courtesy and respect.

H. Consular Premises

1. Consular premises used exclusively for the work of the consular post cannot be entered without the explicit permission of the head of the consular post or his or her designee or by the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.

J. Consular Archives, Documents, Records and Correspondence

1. Consular archives and documents are inviolable at all times and wherever they may be. The official correspondence of the consular posts, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

II. Methodology

A. Moving Traffic Violations

1. When a Consular Officer is stopped for a moving traffic violation, the deputy on the scene upon being advised by the driver that he is a Consular Officer and ascertaining that he possesses the proper credentials, should exercise discretion based on the nature of the violation and either dismiss him or her with a warning about the danger of his or her actions or proceed with issuance of the proper citation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense referred to above.
2. Driving While Intoxicated or Impaired
 - a. The primary concern in this type of incident should be to see that the Consular Officer is not a danger to himself or the public. Based on a determination of the circum-

stances, the following options are available:

- i. Take him or her to the Sheriff's Office or a location where he or she can recover sufficiently to enable him or her to drive safely.
 - ii. Take him or her to a telephone so a call can be made to a friend or relative to come for him or her.
 - iii. Call a taxi.
 - iv. Take him or her home.
 - b. The official should not be handcuffed, subjected to a sobriety test or mistreated in any way.
 - c. At best this is a sensitive situation. The official should be treated with respect and courtesy. It should be impressed upon the official that the deputy's primary responsibility is to care for his or her safety and the safety of others.
3. Offenses Involving Family Members Of A Consular Officer
 - A. Family members of a Consular Officer cannot claim immunity. However, consideration should be given to the special nature of this type of case. A violation should be handled, when possible, through the complaint process. The individual should be released once positive identification is made and the relationship with the Consular Officer is verified. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent Consular Officer.
4. Reporting Offenses To The Governor
 - A. In the event that a Consular Officer or member of his family or personal staff should become involved in any actions taken by members of this Agency, the Office of the Governor shall be immediately furnished with all pertinent information through the Office of the Sheriff.
 - B. This procedure is to be used in conjunction with all relevant existing Agency policies, procedures, Rules and Regulations.
5. Residents
 - A. New York State Residents will be charged with violations of the New York State Vehicle and Traffic Law and/or local ordinances in accordance with provisions contained therein by issuing a five part serialized Uniform Traffic Ticket (UTT).
6. UTT Accountability
 - A. If a Deputy does not have access to TRACS or if the system is down, he or she may use hand written UTT's. Books of twenty sequentially numbered UTT's are issued to the deputies by supervisors.
7. U.S. Department of State
 - A. When a situation necessitates contacting the United States Department of State, the telephone number is 202-647-4000.
8. An up to date contact list of telephone numbers for courts/ judges will be located in each satellite and in the GCSO Main Office.

Greene County Sheriff's Office

Subject: ISSUING TRAFFIC SUMMONS						Policy 071	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: Upon issuance of a traffic summons, GCSO deputies will determine what date for court appearance is within 21 days and schedule them accordingly.

I. Procedure

- A. Deputies will refer to the "Greene County Court Information" sheet and ensure the following information is accurately written on the traffic ticket:
 - 1. Court address, code and appearance date.
- B. Deputies are to refrain from the following:
 - 1. Advising motorists to ask for traffic schools, defensive driver schools, etc.
 - 2. Advising motorists to request a reduction of charges.
 - 3. Advising motorists to call the court if the appearance date is not convenient.
- C. Only the Court Justice can advise the violator of his or her options as the Court is the body that grants driver school considerations, reduction of charges and/or adjournments.

Greene County Sheriff's Office

Subject: RADAR/LIDAR ENFORCEMENT						Policy 072	
Effective: January 1, 2020			Standard Number(s): 40.1, 47.4				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: It will be the policy of this Agency to use radar/LIDAR for the enforcement of speeding violations in the following circumstances:

1. High or potentially high accident locations when speed is a factor.
2. In areas where speed violations are prevalent.
3. In response to citizen complaints concerning speeding motorists.

I. Radar/LIDAR Operator Qualifications

A. All deputies utilizing radar/LIDAR and/or other speed measuring devices must have successfully completed the Basic Radar/LIDAR Operator's Course and have proper certification prior to using Agency speed measuring devices.

II. Maintenance

A. It will be responsibility of radar/LIDAR operators to ensure that the radar/LIDAR receives proper care and upkeep.

B. The LED Sergeant in charge of the radar/LIDAR equipment will ensure that maintenance, testing and calibration of speed measuring devices are conducted and proper records maintained for court testimony.

C. Radar/LIDAR units will be taken to the NYS Division of Criminal Justice Services for testing and calibration once a year and the records of these tests are kept on file.

III. Procedure

A. The radar/LIDAR operator must be thoroughly acquainted with the nomenclature and operation of the radar/LIDAR unit being used, i.e. calibration, testing, effective range, etc.

B. The radar/LIDAR operator will establish a tracking history of the violator by:

1. Observing vehicle traffic at the location.
2. Picking out the vehicle in violation.
3. Estimating the violator's speed.

4. Verifying the speed with the radar/LIDAR unit.
- C. In selecting an operating site, the deputy will first consider the safety of the location with respect to himself, other deputies at the site and the violators being stopped. The location should be checked prior to set up to ascertain a need for enforcement as stated in the policy section of this Rules and Regulation.
- D. A complete calibration and testing of the radar/LIDAR unit should be done before operation at a particular location and immediately after terminating the operation.

IV. Court Testimony

- A. The following elements must be established for court:
 1. The deputy must establish time, place and location of the vehicle that was stopped, the identity of the operator, the speed of the vehicle and the radar/LIDAR speed check.
 2. The deputy must establish his qualifications and training.
 3. The deputy must establish that the radar/LIDAR unit was operated properly.
 4. The deputy must establish that the radar/LIDAR unit received proper maintenance and inspection.
 5. The deputy must establish the identity of the vehicle and must make a visual observation of it's apparent speed.

Greene County Sheriff's Office

Subject: MPH 900						Policy 073	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: Mobile Plate Hunter MPH900.

The purpose of this policy is to establish procedures and standards for using the Mobile Plate Hunter MPH 900 provided by Remington Eltag. First and foremost it is to ensure that the unit is being used in a safe manner so that it does not create a hazard for the Officer or anyone else.

The MPH 900 is intended to be used as follows:

1. It is to be used as a tool for Greene County Sheriff's Office Vehicle and Traffic Enforcement.
 - The MPH 900 may be used as a single unit, stationary or mobile, where the operator will be stopping the target vehicle after receiving an alarm.
 - The MPH 900 may be used in conjunction with other patrol vehicles where the operator of the MPH 900 will call out alarms to other patrol members which will be stopping target vehicles intersected by the MPH 900.

2. The MPH 900 may be used in conjunction with other police agencies. The operator from Greene County Sheriff's Office will then assist the other agency with the scanning of license plates, and said other agency will follow up with target vehicles based on received alarms.

3. In case of an **AMBER** alert the Greene County Sheriff's Office may be called upon to place the MPH 900 at a given location to ensure that all plates at this location are being scanned. Be aware that it is possible to manually enter a license plate to the database if information is received after last download.

4. When receiving an alarm, based on a license plate scan, ensure that the officer who is stopping the target vehicle ascertains the information through NYSPIN prior to issuing any tickets or taking any further action.

SAFETY:

1. **Safety is the number one concern when the MPH 900 is being used. As police officers we have a number of distractions while we are driving a patrol vehicle. Lights, sirens, radio communication and phone calls are part of our work environment. Make sure that the use of the MPH 900 does not distract the operator. The operator has to ensure that operations are safe at all times, especially when using the MPH 900 in a moving mode. When using the MPH 900 in a stationary mode the importance of caution when re entering traffic is emphasized.**

Greene County Sheriff's Office

Subject: TINT METER POLICY							Policy 074	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley				
Reviewed:								

POLICY: An unobstructed light path will render a reading of 100% on a Tint Meter. A clear pane of glass does block some light and will not give a reading higher than 92%. A piece of cardboard does not allow any light to pass and will give a reading on a Tint Meter of 0%. New York State Vehicle and Traffic Law, Section 375, sub-section 12b (1), (2), (3) and (4), governing automobile glass light transmittance, requires light transmittance not be less than 70%.

Two Model 100 Tint Meters are available in the Squad Room and may be assigned to and signed out by patrol personnel for the purpose of determining light transmittance through automobile glass.

I. Procedure

- A. Each Tint Meter Kit is equipped with two test standards with light transmittance values printed on their labels. These values are accurate to within plus or minus one percentage point on a N.I.S.T. calibrated spectrophotometer.
- B. To verify the Tint Meter is working properly and within specifications, a reading of the reference samples must be taken before the meter is used. The meter should display a reading of not more than plus or minus three (3) points of the value printed on the label.
- C. Windows of subject vehicles must be wiped clean and opened half way. The Tint Meter is positioned so the bottom edge of the foam slot is over the edge of the window.
- D. The Tint Meter is pressed downward until the window is touching the top of the foam slot in the box. The Tint Meter will display the VLT (Visible Light Transmittance) reading.
- E. Readings less than 70% are subject to being charged with an infraction of NYS V&TL Section 375.

Greene County Sheriff's Office

Subject: DWI, DWAI, DWAI DRUGS						Policy 075	
Effective: January 1, 2020			Standard Number(s): 47.5				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: To familiarize personnel regarding the policy and procedures of the GCSO relative to the enforcement of New York State Vehicle and Traffic Laws pertaining to Article 31, Sections 1192, 1193, 1193-a, 1194 and 1195, in order to ensure uniformity of procedure when effecting an investigation, arrest and processing an intoxicated driver.

I. Procedure

- A. GCSO personnel shall adhere to the following procedures when investigating, arresting and dealing with any violations of Article 31, Sections 1192, 1193, and 1194 of the New York State Vehicle and Traffic Law.
 - 1. Notify the dispatcher of the location of the vehicle contact (vehicle stop, complaint, motor vehicle accident).
 - 2. Make and notate observations (V&T violations, complaint scene, accident scene).
 - 3. Make and notate observations of defendant (eyes, odors, demeanor, clothing, speech).
 - 4. Pat down search of defendant.
 - 5. Field test defendant using any or all of the following tests:
 - a. Horizontal gaze nystagmus
 - b. Walk and turn
 - c. One leg stand
 - d. ABC's
 - e. Finger count
 - f. Finger to nose
 - 6. Administer pre-screen test and record time.
 - 7. Read appropriate DWI/Miranda warnings to defendant.
 - 8. Interview defendant.

9. Advise the defendant that he or she is being arrested for a violation of Section 1192 (whichever sub-section is applicable).
10. Handcuff the defendant according to provisions of Rules and Regulations O64, "Prisoner Handcuffing" and search defendant when defendant is taken into custody.
11. Ask the defendant to submit to a chemical test (i.e. "Will you submit to a test of your breath or blood"?).
 - a. If the defendant asks to speak with an attorney prior to the administration of a chemical test, he or she will be permitted to do so providing such request is made in a reasonable amount of time and does not conflict with the statutory two (2) hour time limit. Failure of the defendant to make contact with an attorney does not relieve the defendant of his or her responsibility to submit to a chemical test. The defendant's refusal to submit to a chemical test because of his or her failure to contact an attorney shall be deemed a failure to submit to a chemical test.
 - b. If the defendant does make contact with his or her attorney, the deputy shall record the attorney's name and the time of the call.
12. If the defendant will submit to a chemical test the arresting deputy will transport the defendant to a chemical testing site.
13. If the defendant refuses to submit to a chemical test the arresting deputy will process the defendant according to procedures outlined in Section C of this Rules and Regulations.
14. Secure the defendant's vehicle, either by notification of a family member or by towing the vehicle in accordance with Rules and Regulations O35, "Tow Agency Procedures".
15. The arresting deputy will request the Communications Center for an inquiry into the defendant's DMV record.
16. I.D. procedures will be completed by the arresting deputy.
17. The defendant will be issued UTT's and either arraigned or released.
18. Mandatory arraignment is required of individuals arrested for a **DWI felony, or refusal to submit to a Chemical test.**

B. Drug Recognition Evaluations – Are normally held at GCSO Headquarters unless otherwise
Determined by the DRE and approved by the shift Supervisor.

1. After the operator of a motor vehicle has been placed under arrest for an alcohol or drug related offense, the arresting officer may request the assistance of a Drug Recognition Expert to conduct an evaluation of the arrestee. Drug Recognition Evaluations will be conducted at the discretion of a supervisor after he/she evaluates the charges and circumstances of the arrest as well as availability of a DRE, **AND** one of the following conditions exists:
 - a. The Deputy has arrested a person for Driving While Intoxicated and the defendant has produced a lower (or zero) blood alcohol content reading via a chemical test than was expected based on the impairment shown during roadside sobriety tests.
 - b. The Deputy has probable cause to believe a person is impaired and cannot determine the impairing substance.

- c. The Deputy is investigating a motor vehicle collision involving serious physical injury or death.
2. Deputies suspecting a person to be impaired or intoxicated must first make a determination based on their own training and experience as to whether a subject should be arrested, or detained for further investigation
3. In a case where a Deputy has probable cause to believe the operator of a motor vehicle is intoxicated, the Deputy should make the arrest for New York State Vehicle and Traffic Law section 1192-3, Driving While Intoxicated.
4. After that arrest, the defendant should be taken for a chemical test to determine whether alcohol is a contributing factor or a singular factor in the defendant's impairment
5. If the blood alcohol content is not consistent with the impairment observed, the arresting Deputy should make a request for a D.R.E
6. In a case where the arresting Deputy is reasonably certain, based upon his/her investigation, that alcohol is not the impairing substance (statements made by the defendant, physical evidence at the scene, etc.), the defendant should be arrested for DWAI 1192-4. DWAI/Drugs Warning will be read and the defendant will be asked to submit to a chemical breath test. This will provide evidential proof that alcohol is not the impairing substance. A DRE should be summoned concurrently with a Breath Analysis Operator, to ensure a timely response.
7. Prior to the DRE's arrival the defendant should be read his/her DWI Warnings, and Miranda Warnings and a Breath Analysis should be completed.
8. The arresting Deputy will be asked to assist the DRE with the evaluation process, including providing information on the circumstances of the arrest or traffic stop, physical evidence found, and assist with the recording of the exam as directed by the DRE. The arresting Deputy will also serve as the cover for the DRE during the evaluation process.
9. At the conclusion of the DRE evaluation, the DRE will render an opinion and advise the arresting Deputy of that opinion.
 - a. If the DRE opinion supports impairment the DRE will complete the face sheet and narrative in a timely fashion, and provide the originals to the arresting Deputy for their arrest file. A copy of the face sheet will be included with the toxicology submission form and submitted to the New York State Police Crime Laboratory. A copy of the face sheet with narrative will also be forwarded to the Regional DRE Coordinator by the DRE performing the evaluation, the DRE will also maintain a copy for his/her own records as well as logging the evaluation in his/her DRE "Rolling" log book.
 - b. If the DRE determines that the subject is not impaired and subsequently rules out the subject, the DRE will complete the face sheet and narrative in a timely fashion, and provide the arresting Deputy with such reports. A copy of the face sheet with narrative will also be forwarded to the Regional DRE Coordinator by the DRE performing the evaluation, the DRE will also maintain a copy for his/her own records as well as logging the evaluation in his/her DRE "Rolling" log book.
10. If probable cause exists based on the DRE opinion the arresting Deputy will continue the arrest process charging the defendant with Driving While Ability

Impaired-Drugs (Vehicle and Traffic Law Section 1192.4), or Driving While Ability Impaired Combination of Drugs and Alcohol (Vehicle and Traffic Law section 1192.4a).

11. Each DRE is required to maintain a Rolling Evaluation Log Book. Each DRE will record in the Log Book all evaluations conducted by the DRE, assisted by the DRE or witnessed by the DRE.

C. Drug Recognition Expert (DRE) call out Procedure

1. If a DRE is working within the GCSO they will conduct the evaluation.
2. If a DRE is not working within GCSO one will be called in from Home.
3. If a DRE from GCSO is not available to come in from home, contact will be made with the other Police Agencies within Greene County for availability of a DRE.
4. If no agency within Greene County has a DRE available attempts can be made to contact and request a DRE from a surrounding County agency.
5. If no DRE is available through any means, and the arresting Deputy believes he/she has sufficient probable cause to make the arrest based on his/her investigation, the defendant may be asked to submit to a blood test and that test will be secured by the arresting Deputy.

D. Chemical Tests

1. GCSO personnel shall utilize either a breath or blood test. Tests must be administered within two (2) hours of the time of arrest or time of pre-screen, whichever comes first. The arresting deputy has two (2) hours to administer the test. The defendant has two (2) hours to submit to the test.
2. Breath Test:
 - a. Breath samples shall be analyzed with instruments meeting the criteria set forth in Section 59.4 and 59.5 of Chapter 897 of the Laws of the State of New York and promulgated in part 59 of the Administrative Rules and Regulations Sub-chapter D of Chapter 2, Title 10 (Health Law) of the official compilation of Rules and Regulations of the State of New York (NYSRR).
 - b. Standard instrument for the GCSO is the BAC Datamaster or the Datamaster DMT.
 - c. Breath Test Operators (BTO) shall be certified by the New York State Department of Health and shall possess a valid permit to conduct such tests.
 - d. The Breathalyzer Operational Checklist shall be used for all tests.
 - e. The defendant shall be under constant observation by the arresting deputy or the BTO. During this observation period, the defendant shall not be permitted to place anything in his or her mouth for twenty (20) minutes prior to the administration of the test. The observation period should begin upon arrival at the breath testing location. It should be noted on the Breathalyzer Operational Checklist by the BTO if the arresting deputy conducts the twenty (20) minute observation period.
 - f. The defendant will be asked to remove any false teeth or partial plates, if possible, so that a false reading is not obtained because of residual alcohol trapped in the

dental work. If the defendant refuses to remove the dentures, but agrees to take the test, the defendant will be instructed to rinse out his or her mouth three (3) times with water after which the twenty (20) minute observation period will begin. This procedure will be documented on both the BTO Checklist and the deputy's notes. Failure of the defendant to remove dentures pursuant to such a request does not establish grounds for a refusal to submit to a chemical test.

E. Blood Test

1. The following situations will require the administration of a blood test:
 - a. The defendant is hospitalized.
 - b. The defendant is physically unable to submit to a breath test.
 - c. No breath test instrument or BTO is available.
 - d. In cases where the arrest is effected charging a violation of Section 1192-4, DWAI-Drugs.
 - e. In cases of fatal accidents or serious physical injury other than the defendant.
2. Admissible blood may be drawn by a **physician**, a **registered professional nurse** or a **registered physician's assistant**. Admissible blood may be drawn by a medical laboratory technician, medical technologist, phlebotomist or an advanced emergency medical technician **only under the supervision and direction of a physician**.

Note: A registered professional nurse and registered physician's assistant does not have authority to delegate the blood draw to another person.

In all instances involving the drawing of blood the *GCSO Request For Blood Sample And Consent Or Refusal To Draw Blood* form will be completed by the arresting deputy, arrested subject and authorized medical personnel/physician drawing the blood sample. This form will be included in the DWI/DWAI packet completed by the arresting deputy and will be the only form authorized and accepted for this purpose.

3. The arresting deputy, prior to the withdrawal of the blood sample, will:
 - a. Inform hospital personnel that the defendant is under arrest and request that the authorized personnel withdraw the sample from the defendant for chemical analysis.
 - i. Arresting deputy must witness the withdrawal of blood.
 - ii. Hospital personnel will only take a blood sample at the direction of the deputy if the defendant grants permission by signing a release. If the defendant is unable to give permission (i.e. unconscious), the arresting deputy may direct the hospital staff to withdraw blood because the defendant is under arrest for DWI. If the defendant is able to sign a release but refuses, it shall be deemed as a failure to submit to a chemical test.
 - iii. If the defendant has been involved in a fatal or serious physical injury motor vehicle accident, his or her permission to withdraw blood is not required. If the defendant refuses to cooperate in such a case, the arresting deputy will immediately contact his or her immediate supervisor. If the defendant is unconscious follow procedure ii above.
 - iv. Arresting deputy shall provide hospital personnel with a blood test kit and

complete the kit as per instruction contained within the kit.

v. After the blood sample has been obtained, the arresting deputy will:

- (a) Complete an Evidence Report indicating the reason for the sample and further indicating whether the sample is to be analyzed for alcohol or drug content or both. An Evidence tag will be completed and attached to the blood kit. If a particular drug is suspected it should be indicated on both the Evidence Report and Evidence Tag.
- (b) The evidence will be placed in the evidence lockers and forwarded to the administrative office at the earliest possible time to be forwarded to the laboratory for analysis.

F. Independent Test

1. The defendant has the right to an independent test administered by a physician of his or her choosing to determine and/or verify their his or her blood alcohol content. The independent test shall be at the defendant's own expense and is in addition to the test taken by the arresting deputy. It is the defendant's responsibility to arrange for this test.

G. Refusals

1. If a defendant refuses to submit to a chemical test, the arresting deputy will:
 - a. Read the DWI warnings to the defendant exactly as worded on the Report of Refusal. This must be done no less than three (3) times with an interval of at least ten (10) minutes between readings.
 - b. Record the defendant's exact responses to the warnings on the refusal form.
 - c. Complete the remaining portions of the Refusal Form.
 - d. The Refusal Form will be included with the UTT's and forwarded to the court of jurisdiction.

H. Arrest Package

1. Each DWI Package will contain the following, when applicable:
 - a. Misdemeanor
 - i. long form DWI Report
 - ii. DWI Investigation Field Notes
 - iii. UTT's
 - iv. Breathalyzer Operational Checklist
 - v. Supporting Depositions
 - vi. Voluntary Statements
 - vii. Evidence Report
 - viii. DMV; DLIC, DALL
 - ix. MVA Report (if applicable)

- x. Refusal Form (if applicable)
- xi. BAC Datamaster Evidence Ticket

b. Felony

- i. All of the above contained in F (2a), i –x, plus;
- ii. Felony Complaint

I. Arraignment

1. The signed original or duplicate original long for Supporting Deposition/DWI Bill of Particulars form and BAC Datamaster ticket will be submitted to the appropriate Court prior to the defendant's scheduled arraignment.
2. In the event there is an immediate arraignment, these documents can be hand delivered, thus obligating the Court to suspend the defendant driver's license pending prosecution.

J. Transportation/Release/Incarceration

1. Persons arrested for DWI/DWAI, when transported in a patrol vehicle, will be transported in accordance with provisions of Rules and Regulations 065, "Prisoner Transport".
2. If not incarcerated, every effort will be made to identify a responsible person to accept release of the defendant. With approval of the on duty supervisor, the defendant can be transported by patrol unit to a person deemed responsible for the defendant.
3. Barring unforeseen circumstances, whenever a DWI arrest is made, the vehicle operated by the defendant will be towed unless a capable passenger is identified or other arrangements are made for immediate pickup.

K. Endangering the Welfare of a Child

1. Defendants that have passengers in their vehicle, 17 years old or under while they operated the vehicle under the influence of alcohol or drugs will be charged with Endangering the Welfare of a Child providing that all of the criteria have fit the case. Additionally, the arresting deputy sheriff/investigator will submit a completed NYS Office of Children and Family Services report of suspected child abuse or maltreatment form (NYS child abuse hotline report). The deputy sheriff/investigator will call the NYS Child Abuse and Maltreatment Register and report the incident to the operator. The NYS Office of Children and Family Services report will be done as soon as practically possible.

Greene County Sheriff's Office

Subject: ZERO TOLERANCE LAW							Policy 076	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley				
Reviewed:								

POLICY: To familiarize personnel of the policy and procedure of the GCSO relative to the enforcement of the New York State Vehicle and traffic Law, Section 1192-a (Zero Tolerance; operating a motor vehicle after consuming alcoholic beverages by an individual under 21 years of age), in order to ensure uniformity of procedure when effecting an investigation and processing a motorist who operated a motor vehicle after consuming alcohol and who is under the age of 21 years.

I. General Procedures

- A. Notify dispatch of location of scene (traffic stop, MVA, civilian complaint).
- B. Make and notate observations (V&T violation, MVA scene, complaint scene).
- C. Make and notate observations of motorist (odor of alcohol, blood shot eyes, admissions of alcohol consumption, slurred speech, poor coordination).
- D. Obtain normal documents (License, Registration, and Insurance Card).
- E. Determine if motorist is less than 21 years of age.
- F. Field test motorist using standard DWI field tests.
- G. Pre-screen motorist.

II. Detention Of Motorist

- A. The motorist, if under 21 years of age, may be detained but may not be arrested.
 - 1. Advise the motorist that he or she is being detained pursuant to Section 1192-a.
 - 2. Ask the motorist to submit to a chemical test.
 - a. If motorist submits, transport to a chemical testing site.
 - b. If motorist refuses, proceed with refusal section.

III. Chemical Testing

A. Breathalyzer Test

1. The breathalyzer test shall be administered to the motorist by a certified breath test operator and be in compliance with all State and local rules and regulations governing the administration of said tests.

IV. Refusal Of Chemical Test

A. Upon refusal of the chemical test the motorist will be warned of the consequences of said refusal in the following manner:

1. The motorist will be read: "A refusal to submit to a chemical test, or any portion thereof, will result in the revocation of your license or operating privilege, whether or not you are found guilty of operating a motor vehicle after consuming alcohol. Your refusal to submit to a chemical test, or any portion thereof, can be introduced into evidence against you at any hearing resulting from this charge".
2. After reading this warning the motorist will be asked to submit again to a chemical test.
3. Refusal of this request will be deemed a refusal.

V. Processing

A. If the motorist taking a chemical test is .02%-.07%:

1. The motorist is issued a "Notice of Hearing".
2. The motorist is issued copies of any written document or report, all pertinent documentation for the breathalyzer (certifications of calibration, ampoule and simulator certifications) and Breath Test Operator's permit.
3. The motorist is released.

VI. Detaining Deputy

A. Deputy shall comply with the previously stated procedure.

B. Deputy shall file the following documents:

1. Standard Incident Report
2. DWI Investigation Field Notes
3. Notice of Hearing (dates and times will be distributed to deputies).
4. Copies of breathalyzer documents (packets at breathalyzer locations).
5. Copy of BTO permit
6. Notice of Chemical Refusal Hearing
7. Report of Refusal to submit to a chemical test.
8. Evidence Report

VII. Shift Supervisor

- A. Shall review all reports and documents submitted by deputies.

Greene County Sheriff's Office

Subject:	ACCIDENT INVESTIGATION/ DRIVER EXCHANGE	Policy	077
Effective:	January 1, 2020	Standard Number(s):	40.1,40.2, 47.7
Rescinded:	Amended:	Sheriff Peter Kusminsky	
Reviewed:			

POLICY: GCSO personnel will complete an accident investigation and report whenever summoned to the scene of an accident. The report will be completed on an MV-104A Form and should be as thorough as possible prior to submission for approval. In certain cases where damage is minor, the drivers may wish to exchange relevant information and not have a police report taken. In no event, however, should a deputy encourage this as a substitute for a police accident investigation and report.

Police Accident Report Forms (MV-104A) will be completed in accordance with the directions set forth in the DMV Police Accident Manual.

Deputies will ensure that injured persons are cared for and that in all cases proper identification information is exchanged between parties per Section 600 (2) b of the Vehicle and Traffic Law.

Vehicle operators involved in property damage accidents, whether on the road, river or creek, where the accident cannot be investigated on the scene by the Greene County Sheriff's Office will be issued a civilian accident report. The assigned deputy will make an SJS report indicating such.

I. Procedure

A. Logistical Considerations

1. Upon arrival at any motor vehicle accident, deputies should safeguard the scene and care for the injured.
2. The fire department, ambulance and/or tow company shall be requested when needed.
3. All drivers shall be interviewed and the identification and statements of witnesses shall be obtained if appropriate.
4. The MV-104A shall be completed.
5. Supervisors will review the MV-104A for accuracy and completeness and forward same to Records Office.

B. Fatal And Serious Injury Accidents

1. The supervisor on duty will respond to all fatal and serious injury motor vehicle accidents.
2. Appropriate technical documentation will be completed including photographs, measurements and/or accident scene diagrams.
3. A complete case file will be complied with copies of all relevant documents.
4. Personal notification, per GCSO Rules and Regulations 089, "Emergency Notifications", of next of kin shall be arranged when appropriate.
5. The Sheriff, Undersheriff, Captain, LED Lieutenant and the on call Investigator will be notified per GCSO Rules and Regulations 093, Sheriff Notifications to Be Made".
6. The District Attorney will be notified in event of a fatal or serious injury accident where possible criminal charges will be lodged.
7. In the event that an individual is unconscious, unresponsive or deceased investigating members will contact the next of kin and advise them of the situation.

C. Fire Hazards

1. When a deputy is called to the scene of a MVA where the potential for a fire is readily apparent, the fire department will be notified and requested to respond.
2. The supervisor on duty will be notified and will respond if necessary.

D. Driving While Intoxicated or Impairment Due To Drugs

1. Whenever a deputy suspects the ability of a driver involved in an accident has been impaired by alcohol or drugs, a screening test will be performed per GCSO Rules and Regulations 075, "DWI, DWAI, DWAI Drugs", or 076, "Zero Tolerance Law", to determine if probable cause exists to make an arrest.

E. Hit And Run Accidents

1. GCSO personnel will conduct a thorough investigation of hit and run accidents. The investigation should be pursued as far as practical to establish the identity and affect the arrest of the hit and run driver.
2. An incident, MV104A, all statements and relevant investigatory documentation shall be filed.

F. MVA's Involving Hazardous Materials

1. Whenever a MVA involves a vehicle transporting hazardous material, the investigating deputy shall take all necessary steps to ensure the safety of all persons at or near the scene. Initial responders should remain upwind from the suspected hazardous material and utilize the D.O.T. Emergency Response Guide in making a preliminary assessment of the situation.
2. The Sheriff and Undersheriff, LED Captain and the LED Lieutenant will be advised per GCSO Rules and Regulations 093, "Sheriff Notifications To Be Made".
3. The Greene County Department of Health will be advised.
4. The Greene County Office of Emergency Management Services will be advised.
5. The New York State Department of Environmental Conservation will be advised.

6. The driver of the vehicle should be interviewed to determine the nature of the material and to determine if the appropriate placards are displayed on the vehicle.
7. The Fire Department will be summoned to provide actual or potential assistance.
8. The supervisor on duty will respond to the scene and make an assessment of the situation.
9. The Greene County Hazardous Materials Emergency Response Team will be summoned when necessary. Notification will be made through the Fire Chief at the scene.
10. The Town Supervisor will be notified if the incident is of a serious nature.

G. Delayed Accident Reports

1. The GCSO is frequently called upon to complete an accident investigation and report after the parties have departed the scene. This service will be provided only when it is possible to obtain an accurate account of the circumstances within a reasonable time following the accident.
2. All drivers must be interviewed prior to completion of the report in order to provide an objective report.
3. The MV-104A should note that the investigation and report was not completed at the time of the accident and that the deputy was not present at the scene.
4. Discrepancies in driver's accounts should be noted on the report as such when no definitive cause can be determined.

H. Sheriff's Vehicle Accident Reports

1. In all accident reports involving an Agency vehicle, a report will be filed in accordance With GCSO Rules and Regulation 078 "Motor Vehicle Accidents-County Owned Vehicles".
2. An MV-104A report form, if needed, will be completed by a supervisor or command officer. In no event will the driver of the Sheriff's vehicle complete his or her own accident report.
3. The supervisor on duty will respond to the scene of any accident involving a Sheriff's vehicle. The supervisor will assess the cause of the accident and discuss the assessment with the deputy involved.
4. All of the above documentation will be placed in a case file and forwarded to the Lieutenant for review.
5. The Lieutenant will forward copies to the County Administrator.

I. Accidents Involving Other County Vehicles Or Property

1. In all accidents involving public property or County vehicles, a thorough investigation will be conducted and a report filed. Such investigation should include photographs and other technical support when appropriate.
2. Copies of the report shall be forwarded to the appropriate department or agency.
3. Enforcement action will be taken when appropriate.

Greene County Sheriff's Office

Subject:	MOTOR VEHICLE ACCIDENTS-COUNTY OWNED VEHICLES	Policy	078
Effective:	January 1, 2020	Standard Number(s):	40.1,40.2
Rescinded:	Amended:	Sheriff Peter Kusminsky	
Reviewed:			

POLICY: Personnel from the GCSO will complete an accident investigation and report whenever a County owned vehicle is involved in a motor vehicle accident.

I. Procedure

- A. Whenever personnel are involved in a motor vehicle accident the immediate supervisor, appropriate Lieutenant shall be notified. The supervisor on duty shall be responsible for all aspects of the investigation all reports. The Lieutenant will review all reports and oversee the repair and return to service of the vehicle.
 - 1. Any and all motor vehicle accidents involving County vehicles shall be reported.
 - 2. The supervisor on duty and the appropriate Lieutenant will be advised of the incident.
 - 3. The Sheriff will be advised of all accidents.
 - 4. Photographs will be taken of all motor vehicle accidents involving significant property damage, personal injury or a fatality.
 - 5. A supporting deposition from the operator of the vehicle shall accompany the MV104A report.
 - 6. Towing, if necessary, will be done at the direction of the supervisor in charge.
 - 7. The completed MV104A and all associated documents and photos, including a Greene County Accident Report Form, will be turned over to the appropriate Lieutenant in a timely manner.
 - 8. It shall be the responsibility of the appropriate division Lieutenant to review the MV104A Report, photos and other related documents for thoroughness and completeness.
 - 9. It shall be the responsibility of the supervisor on duty to complete the MV104A Report form when necessary (damage in excess of \$1000 or personal injury). The Lieutenant shall be responsible for obtaining the estimate of damage and notification of the County Administrator's office and the County insurance carrier of the accident. Copies of all reports and other documentation will be forwarded to the Lieutenant.
 - 10. It shall be the responsibility of the appropriate Lieutenant to monitor the progress of all phases of the accident until the vehicle is returned to service. This includes removal and replacement, if needed, of all associated equipment.

Greene County Sheriff's Office

Subject: FILING OF ACCIDENT REPORTS						Policy 079	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: All deputies will file a complete accident report utilizing Form 104-A furnished by the New York State Department of Motor Vehicles. Directions per cover sheets on the Form 104-A packet are to be accurately adhered to in completing the report. Diagrams, when applicable, will be rendered on a separate diagram sheet.

Greene County Sheriff's Office

Subject:	HIT-RUN PERSONAL INJURY ACCIDENTS						Policy	080
Effective:	January 1, 2020			Standard Number(s):				47.7
Rescinded:	Amended: August 17th, 2020			Sheriff Peter Kusminsky				
Reviewed:								

POLICY: A standard Incident Report will be completed in addition to the accident report Form MV-104A with all hit-run accidents.

The Incident Report will contain all information leading to the final disposition, that being whether an arrest was or was not made and the reason thereof.

The immediate supervisor will carefully review the hit-run incident and determine if a Criminal Investigation will be requested.

Greene County Sheriff's Office

Subject: CASE REVIEW-TRAFFIC						Policy 081	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff Gregory R. Seeley			
Reviewed:							

The Lieutenants are hereby designated as the supervising authority in charge of all traffic matters.

Greene County Sheriff's Office

Subject: ACCESS TO AND RELEASE OF RECORDS	Policy 082									
Effective: January 1, 2020	Standard Number(s): 28.1									
Rescinded:	Amended: August 17th, 2020									
	Sheriff Peter Kusminsky									
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>									

Purpose: To establish rules, regulations and procedures for the release of and access to Greene County Sheriff's Office records.

I. Policy:

- A. The peoples' right to know the process of government decision making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- B. This Rules and Regulation provides information concerning the procedures by which records may be obtained.
- C. The Sheriff or his designee:
 - 1. Shall furnish to the public the information and records required by the Freedom of Information Law and those that were furnished to the public prior to its enactment.
 - 2. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.
- D. Hours For Public Inspection
 - 1. Request for public access to records shall be accepted and records produced during all hours open for business; 9:00 A.M. to 5:00 P.M.

Greene County Sheriff's Office

Subject: IMPOUNDED VEHICLES TOWED VEHICLES						Policy 083		
Effective: January 1, 2020				Standard Number(s): 47.8				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky			
Reviewed:								

POLICY: An impounded vehicle is any motor vehicle or other vehicle seized and held in the custody of the GCSO.

I. Procedure

A. A vehicle may be impounded for the following reasons:

1. Pursuant to an arrest.
2. For inspection pursuant to an accident.
3. As evidence pursuant to a criminal investigation, accident, etc.
4. For safekeeping.
5. At the request of another law enforcement agency upon their lawful seizure.
6. When abandoned under the provisions of the NYS Vehicle and Traffic Law.

B. An impounded vehicle will be removed by:

1. A commercial tow operator pursuant to GCSO Rules and Regulations, O84, "Agency Tow Procedures".
2. Any other means as deemed necessary by the deputy in charge of the incident, under emergency or extraordinary circumstances.

C. An impounded vehicle will be removed to:

1. A secure area as provided by the commercial tow operator.
2. A storage facility at the Greene County Sheriff's Office.
3. Any other location as directed by the deputy in charge of the incident.

D. Procedure Upon Impoundment

1. Before a vehicle is removed for impound, the deputy in charge of the incident with the approval of the shift supervisor, will cause an inventory of the contents of the vehicle to be conducted. All items of obvious and special or exceptional value will be recorded on the Vehicle Inventory Report.

2. Search of an impounded vehicle shall include, but not be limited to:

a. The Vehicle:

- i. Passenger compartment, front and rear, including all storage compartments.
- ii. The trunk.
- iii. The undercarriage.
- iv. Wheel covers and any other areas in or around the vehicle.

b. Items Found Within The Vehicle:

- i. Pockets, etc., of clothing found in an impounded vehicle.
- ii. Closed containers will be opened and checked thoroughly. Videotapes found in the vehicle will be viewed and the contents described in the inventory report.
- iii. Locked containers will be opened and checked thoroughly at the discretion of the deputy conducting the inventory.

(a) Locked containers will be checked thoroughly when a key is available or the combination is known.

b) When no key is available or combination known, a locked container will be opened by force if necessary at the discretion of the officer conducting the inventory based on the totality of the circumstances. In all instances, the deputy conducting the inventory will make every attempt to minimize any damage done to personal property. Any damage caused by an inventory search will be recorded on the Vehicle Inventory Report and noted on the Incident Report when(applicable.

c. The Vehicle Inventory Report will be distributed as follows:

- i. Original attached to the "Records" copy of the Incident Report.
- ii. Copies as applicable to Arrest Report, Court, DA, etc.

E. NYSPIN Entries

- 1. A NYSPIN entry (IENT) will be made whenever required by law or procedure.
 - a. Entry will be made using the license plate number only (no VIN) whenever the vehicle is properly registered. There is a 90-day purge.
 - b. Entry will be made using the Vehicle Identification Number (VIN) and the license plate number when the vehicle is properly registered. If the vehicle is not properly registered, only the VIN will be used on the IENT. There is an automatic 90-day purge.
- 2. When an impounded vehicle is released the deputy authorizing the release shall cause an impound cancel (ICAN) message to be sent while the vehicle is still on the computer.
- 3. It shall be the responsibility of the NYSPIN Security Officer to check the status of all impounded vehicle entries during the monthly validation and to take whatever appropriate action is necessary.

F. Notification Of Owner

1. When a vehicle is impounded without the knowledge of the lawful owner, the deputy in charge of the incident will make every effort to make such notification. This will be recorded on the Incident Report as well as any unsuccessful attempts to notify.
2. When the deputy in charge of the incident is unable to contact the lawful owner of an impounded vehicle, the supervisor of the next shift will direct continuation of such attempts. When notification has been made, an Incident Report supplement will be prepared documenting the circumstances.

G. Release of An Impounded Vehicle

1. When release of an impounded vehicle is prohibited, the deputy authorizing the hold of The vehicle shall make the appropriate notations on the Tow Log, indicating reasons. This will also be noted on the Incident Report.
2. No impounded vehicle shall be released without the appropriate documents based on the circumstances of the impoundment.
3. An Agency receipt will be obtained from the person to whom an impounded vehicle is released.

H. Items Seized Pursuant To An Inventory Search Of An Impounded Vehicle

1. Contraband seized shall be considered evidence and handled accordingly.
2. Items of obvious and exceptional value located during an inventory search will be removed and secured for safekeeping. These items will be turned over to the rightful owner as soon as possible.
3. All lawfully possessed firearms, deadly weapons and noxious materials will be seized and secured for safekeeping. These items will be turned over to the rightful owner as soon as possible.

TOWED VEHICLES:

All deputies will complete the Vehicle Inventory Report before the vehicle is released from the scene.

Greene County Sheriff's Office

Subject: TOW AGENCY PROCEDURES						Policy 084	
Effective: January 01, 2020			Standard Number(s): 47.8				
Rescinded:		Amended: August 17, 2020			Sheriff Peter J. Kusminsky		
Reviewed:							

Greene County Sheriff's Office Tow/Wrecker Rotation Policy (08-17-2020) Participant Requirements

1. Must provide a current copy of certificate to conduct business in New York State.
2. Must provide a current copy of certificate for insurance for actual towing and recovery of vehicles with a minimum of \$1,000,000.00 coverage.
3. Must provide a copy of all tow truck operators' driver license showing tow truck endorsement and operator must be capable of operating all equipment.
4. Participant must possess at least (1) basic towing vehicle which shall be a minimum (1) ton vehicle equipped with a winch, dollies, and clean up tools. (shovel, broom, etc.)
5. Must provide a current copy of tow truck registration designating it as such.
6. A copy of the current rate schedule stating all rates and/or fees must be on file with the Greene County Sheriff's Office. Failure to do so will result in the tow agency being excluded from the list until the rate schedule is received. This includes, but is not limited to rates for roadside assistance, recovery, mileage, and storage. The tow operator must charge an appropriate amount based on the prevailing rates in the area and must advise the patron, in writing upon request, of the rates prior to hooking up. No tow company with rates higher than 20% above the area average will be considered for the tow lists.
7. Participants must comply with any and all requirements necessary to operate a tow/wrecker service within New York State which will keep an orderly and fair system in force.
8. Tow operators must be available 24/7, 365 days a year. They must maintain only **one** phone number where dispatch can contact an employee or company designee (i.e. answering service) any day at any time. If there is no answer, a tow operator from the rotating list or adjoining area may be called at the Sheriff's Office discretion and the tow company that did not answer may face penalties. Multiple violations may result in removal from the tow list.

9. Tow/Wrecker services appearing on the rotational list **must have their businesses physically located within Greene County**. (Owners and employees simply residing within Greene County do not qualify under this section.)
10. Absent extraordinary circumstances, the tow operator must **be on the scene of an incident within 30 minutes of being dispatched**.
11. Tow operators must accept cash payment and at least two major credit cards. Patrons will be given a reasonable amount of time to obtain cash/credit card during off hours prior to the vehicle being retained at the tow operator's location. Questions as to what is reasonable, if there is a dispute, will be determined by the GCSO.
12. The tow operator shall clean up all debris resulting from an accident and/or the repair of a vehicle, and shall perform such other cleanup services related to the accident/repair as directed by a police officer.
13. The tow operator **shall not require** that a vehicle be towed to any particular shop for repairs, but shall tow the vehicle to any location designated by the operator of the towed vehicle, except in the following limited circumstances: If the tow operator determines that the operator of the vehicle to be towed is unable, or unwilling to make payment at that time, or at the time the towed vehicle would arrive at the preferred destination, or if the distance requested is unreasonably distant, or exigent circumstances exist (such as severe weather conditions), the tow operator may tow the vehicle to the tow operator's facility and retain the vehicle until payment is made by the operator of the vehicle. This is not to be considered an impound of the towed vehicle. If the towing of a vehicle to the vehicle operator's desired destination presents a risk to the tow operator's personal safety, the tow operator may tow the vehicle to the tow operator's facility. Also occasions arise where the time of day or the weather conditions prohibit the tow operator from making long distance tows. The tow operator shall tow the vehicle to the location originally requested by the operator of the vehicle at the first opportunity which eliminates the initial safety concern of the tow operator, or to an alternative location acceptable to the operator of the vehicle. **There shall be no extra charges** for any additional hook up or mileage due to towing at a later date or time. **There shall be no storage charges** or any other additional charges to the operator of the vehicle for the tow operator's actions in this situation. The **vehicle owner may also elect to have their own tow transport** the vehicle from the tow operator's facility. There **shall be no penalty** for the vehicle owner selecting another tow.
14. The tow company **MUST** own or lease a secure storage area available in which to store specified vehicles away from public access within the post they are assigned. This area should consist of a fenced-in area with a secure gate. Companies without secure fencing may contract with another tow service for secure storage provided no additional fees are passed on to the motorist. The contract must be in writing and a copy furnished to the Sheriff's Office. Any tow company without a secure storage area will not be considered for our tow lists. Tow operators must allow customers one hour from the time of arrival at their station to obtain funds for payment. Patrons must not be charged storage for any days that the tow operator is unavailable to release the vehicle (i.e. Sunday/Holidays). An "off hour" release fee may be charged if the vehicle is to be picked up on other than normal business hours. This must also be stated in the list of fees.

15. A tow agency may be temporarily or permanently removed from the rotational list for any legitimate reason, including but not limited to: unsatisfactory performance, violations of law, imposition of unreasonable charges on motorists, refusals to accept standard methods of payment from motorists, and failure to meet the characteristics and other standards outlined in these guidelines.
 - a) In the event the Sheriff's Office decides to remove, or is considering the removal of a tow agency from the list, it may provide the agency with written notice of the change, and the reasons for the change. If the tow agency disagrees, the Sheriff's Office may offer an opportunity to be heard either orally or in writing at the GCSO's discretion.

System of Allocation (call-out)

1. Specific requests by an operator/owner/Officer for a particular service will be honored whenever possible. An exception is when those services are not available or the Officer on the scene determines the urgency of the call dictates differently.
2. Routine calls for service will be allocated on a rotation basis from a computer-generated program maintained in the Greene County Emergency Operation Center. A record of all vehicles towed will be maintained by the Greene County Emergency Operations Center.
3. Calls will be made from the computer program for the particular post of the county which needs the service. Tow/Wrecker services will be listed in the posts they are physically located in.
4. If no tow agency is available within the post the call is assigned, the next closest available tow agency may be contacted.
5. Multiple requests will be handled by rotation. Two tows/wreckers from one service will not be sent unless it is special circumstances such as owners request and the same wrecker service is next in rotation for the second vehicle.
6. Incidents involving large vehicles, tractor trailers, buses, etc. will result in calling those services capable of handling the incident.
7. In special circumstances, the Officer on the scene can request next available (ie: traffic problem, hazard).
8. In the event a tow is cancelled, that tow agency will then be moved back to the top of the rotation list.
9. Cruising wreckers that arrive on scene that are not by owner's request and were not contacted by Emergency Services or patrol on scene, will be advised to leave the scene unless they turn out to be up next on the rotational list. They will NOT hook up until the Officer advises them they have been assigned the tow.

Vehicles Impounded and stored by participants

1. Police agency handling the incident shall notify the towing service when a vehicle is impounded and stored.
2. Vehicles impounded will not have any part of the vehicle or its contents examined or removed without prior approval of the Police agency handling the incident.
3. When a vehicle is to be released from impound, the Police agency shall notify the towing service of the release.

Handling Complaints

1. All inquiries and complaints with respect to the Greene County Sheriff's Office Tow/Wrecker Policy and Procedure will be directed to:

Greene County Sheriff's Office
370 Mansion Street
West Coxsackie, NY 12192
Phone # (518) 943-3300

2. Under no circumstance will Greene County Emergency Control be contacted directly in regards to complaints.



GREENE COUNTY SHERIFF'S OFFICE

370 Mansion Street
West Coxsackle, NY 12192

518-943-3300 Fax 518-943-6832



Peter J. Kuschnick
SHERIFF

Adam M. Brainard
UNDERSHERIFF

Tracey E. Quinn
CAPTAIN

Michael J. Dverbaugh
SUPERINTENDENT

Tow/Wrecker Service Information Request Form

Agency Name: _____

Mailing Address: _____

Physical Address: _____

Main Phone #: _____ Fax #: _____

Alt. Phone #'s(cell/pager/etc.): _____, _____, _____

After Hours Call-Out Personnel:

Name	Phone Number
------	--------------

_____	_____

Type & Number of Tow/Wreckers: (ie: hook, flatbed, heavy duty, etc.)

- | | | |
|----|----|----|
| 1. | 3. | 5. |
| 2. | 4. | 6. |

Impound Lot Available? _____ AAA? _____ Handle Lock-outs? _____

Road side Service? _____

Secure Outdoor Lot Available? _____ Secure Indoor Lot Available? _____

Do you accept Credit Cards? _____

Please attach additional information and continue to update this office with changes to your business.

Greene County Sheriff's Office

Subject:	RADIO OPERATIONS FOR LAW ENFORCEMENT DIVISION	Policy	085
Effective:	January 1, 2020	Standard Number(s):	40.1, 55.4
Rescinded:	Amended: August 17th, 2020	Sheriff Peter Kusminsky	
Reviewed:			

POLICY: The purpose of this section is to provide LED personnel with a clear, concise guideline for communication with the Greene County 911 center(dispatch) for a variety of issues including, but not limited to:

- Traffic Stops
- Driver License Inquiries
- Wants and Warrant Inquiries
- Property Inquiries

I. Procedure

A. Vehicle and traffic stops are performed on a continuous basis and they are never routine. For this reason traffic stops are given a high priority for radio traffic. The manner in which the dispatcher is advised of the stop is an important aspect in officer safety and allows the dispatcher a proper format when entering data directly into the CAD system.

B. Advise Communications that you are stopping a vehicle in the following manner:

1. Give unit number, and then advise dispatch of a "V&T" stop.
2. Wait for Communications to respond.
3. Give the best location possible. This may include a nearby cross street, address, landmark, and direction of travel.
4. Give the plate number slowly and clearly, two times, i.e. Lincoln, Charles, Zebra, One,Two, Three.
5. Wait for an acknowledgement. Communications personnel are to immediately acknowledge they have received the information regarding the stop by providing the unit number and the time.
6. Once the Deputy has completed interviewing and gathering information from the driver and returns to his or her patrol vehicle, the Deputy will notify dispatch they are secure and running data, or secure and request data.
7. If the patrol vehicle is equipped with a Mobile Data Computer, the Deputy may run driver/vehicle information through EJUSTICE or NEW WORLD CAD System, or;
8. Request for a driver's license check (DLIC) in the following manner:

- Notify Communications by stating the unit number followed by “License Check” and the State. I.e., Greene car 12 to “Greene”, License Check New York, or Greene car 12 to Greene, License Check Texas”.
 - Upon acknowledgement by Communications provide the information in the following format.
 - If by name:
Last name, First name, Middle Initial, Date of Birth (mm/dd/yy), and sex.
 - If by ID number:
Provide the complete number
- C. The Miscellaneous field is to be completed for all DMV requests, included will be the unit number and location. A delayed hit will automatically be generated for 72 hours after the inquiry and are extremely useful if a vehicle is later entered as stolen.
- D. NYSPIN / E-Justice warrant inquiries are performed the same as a driver license check.
- E. Article inquiries are done by type of article and serial number. Any item with a serial or owner-applied number can be entered as stolen.

GREENE COUNTY SHERIFF'S OFFICE

Subject: COMMUNICATIONS		Policy 085A					
Effective: January 17th, 2021	Standard Number(s): 55.1						
Rescinded:	Amended:	Sheriff Peter Kusminsky					
Reviewed:							

The purpose of this policy is to establish guidelines for monitoring commercial and residential alarms, misdirected emergency calls and 24 hour telephone communications.

1. Commercial and Residential Alarm Monitoring

- All commercial and residential alarm activation phone calls will be directed to and fielded by Greene County Dispatch. Greene County Dispatch will take all pertinent information and assign the nearest patrol car.

2. Misdirected Emergency Calls

- Greene County Dispatch will handle all 911 calls for Greene County. In the event that a 911 call is received from out of County, Greene County Dispatch will follow their policy and transfer the call to the correct jurisdiction.

3. 24 Hour Telephone Communication

- The primary phone number for the GCSO will be 518-943-3300. Multiple extensions for various departments will be available to callers. Non-emergency phone calls can leave a message in a voice mailbox. During after business hours, or if no one answers, phone calls directed to Deputies, Sergeants or the operator will be rolled over to Greene County Dispatch. Greene County Dispatch will handle the call and notify the Deputy assigned to the originating post of the phone call, or the supervisor on duty.

GREENE COUNTY SHERIFF'S OFFICE

Subject: MOBILE DATA COMPUTERS (MDC's)	Policy 085B								
Effective: January 17th, 2021	Standard Number(s): 55.1								
Rescinded:	Amended: Sheriff Peter Kusminsky								
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>								

The purpose of this policy is to establish guidelines for the usage of Mobile Data Computers.

1. Deputies assigned to a patrol car equipped with a Mobile Data Computer will utilize the computer during their shift.
2. All Deputies have been assigned an individual Duo Key for security code authentication to enter the secure Greene County Dispatch network. Deputies will sign onto the secure network with their own individual login information.
3. The New World CAD System will be signed into by the Deputy with their personal credentials. Greene County Dispatch utilizes the same CAD system to dispatch, manage and store calls. Deputies have the ability to run data's, check history of calls, message each other as well as dispatchers with pertinent information, view maps with real time locations of current calls for service and see other patrol units via gps. Deputies are reminded that all messages sent and received in the CAD system are recorded and may be considered Rosario material.
4. EJustice may be used on the MDC when necessary. Deputies will sign into EJustice with their personal login information.
5. Tracs 10 will be utilized on the MDC for writing UTT's. Deputies will sign with their personal login information.
6. MDC's are removable from the cradles and may be used as a tablet to take depositions or photographs.
7. Deputies are to check regularly for updates for the CAD system and other updates put out by Greene County Dispatch.

8. At the conclusion of their shift, the Deputy will sign out of service in the CAD system, then shut down all programs and power down the MDC.
9. Any issues with the MDC equipment or software will be directed to the Sergeant in charge of the MDC's.
10. Deputies are reminded to refer to Policy and Procedure 034 "Computer Usage" for proper usage of department computers.

Greene County Sheriff's Office

Subject: OFFICER STATUS-COMMUNICATIONS						Policy 086	
Effective: January 1, 2020			Standard Number(s): 55.1				
Rescinded:		Amended: August 17th, 2020		Sheriff Peter Kusminsky			
Reviewed:							

POLICY: The GCSO shall establish a policy requiring the monitoring and the recording of the status of personnel when on assignment or out of service. This policy shall provide for officer safety and control of units in the field.

I. Procedure

A. Sworn Personnel:

1. All deputies are required to go "in" and "out" of service with the Greene County 911. (Dispatch)
2. All deputies shall advise Greene County 911 when, where, and why they are out of their vehicles. Greene County 911 will log all such activity in the CAD system, e.g. Traffic Stops, Follow-ups, Field Interviews etc. NOTE – All traffic stops will be called in to Greene County 911 via radio.
3. Deputies assigned to a call are responsible for the completion of that call unless it is re-assigned by the shift supervisor or Greene County 911.
4. Deputies may be assigned to calls for service or other details without regard to assigned zone, as activity needs dictate.
5. Deputies will notify Greene County 911 when arriving on scene, and when clear. They will additionally advise if they are still committed to the incident for the purpose of follow-ups when clearing the original incident location.
8. Personnel are required to maintain radio contact with the Greene County 911 at all times when on duty, a telephone number may be substituted in areas with poor radio coverage. Investigators are required to maintain radio, telephone, or paging communications at all times while on duty.
9. All radio transmissions will be conducted in a professional manner. Messages will be as brief as possible to make efficient use of airtime without sacrificing the intent of the message. No personal or nonessential conversations are allowed. Interference with the communications of others is strictly prohibited.

10. If a member is involved in a situation which requires radio silence for an extended period of time, the member will switch over to the MRD frequency (Channel 4) and that frequency will be utilized for communications between agencies at the scene. This will prevent tying up the 911 polling frequency. Dispatch will then monitor MRD until the situation is resolved.

Greene County Sheriff's Office

Subject: TWO-WAY RADIOS						Policy 087	
Effective: January 1, 2020			Standard Number(s): 55.3				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The GCSO will issue portable radios to all patrol deputies and investigators that are assigned to the field.

All GCSO vehicles are equipped with a multiple channel mobile radio. Operators of vehicles will have the radio on at all times while operating the unit and upon leaving the patrol vehicle are required to turn on their portable radio.

I. Procedure

A. Portable Police Radios

1. General

- a. All on-duty uniformed personnel will carry issued portable radios in their outer vest carrier or belt attachment device secured to their person using hand microphones if available. Non-uniformed personnel will carry their radios in an expedient manner. When a portable radio is not available for use, a notation of that fact will be made by the dispatcher. Personnel are responsible for the proper care and use of the portable radio.

2. Care and Maintenance

- a. Personally issued Agency radios will be assigned to individual personnel and will remain assigned to that individual regardless of change in assignment, unless reassigned. Batteries will be charged on a regular basis so as to be operational at all times.
- b. Portable radios will be available for use at all times.

Greene County Sheriff's Office

Subject: TELEPHONE COMMUNICATIONS						Policy 088	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: Effective immediately, the proper and prescribed manner for all sworn personnel answering the telephone is as follows:

Greene County Sheriff's Office Deputy Sheriff _____, may I help you?

Deputies will use their rank/title when answering the phone.

Columbia County Sheriff's Office

Subject: EMERGENCY NOTIFICATIONS						Policy 089		
Effective: January 1, 2020				Standard Number(s): 43.7				
Rescinded:			Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:								

POLICY: The following procedure will be adopted when it becomes necessary for Agency personnel to make emergency notifications.

I. Procedure

- A. Subject to the availability of personnel emergency messages, of any legitimate type as defined by the person receiving the message, may be delivered. Deputies shall deliver any message pertaining to a death, serious injury or serious illness.
- B. Notifying next of kin where there is a death, serious injury or serious illness can place the deputy in a delicate and uncomfortable situation. The following procedures should be used whenever possible and practical:
 - 1. Notification should be made as promptly as possible and in person, circumstances permitting.
 - 2. The presence of a clergyman, relative or and/or close friend should be obtained whenever possible before notification.
 - 3. If notification has to be made alone, the deputy should offer assistance to the next of kin in contacting a relative, close friend or clergyman.
 - 4. Deputies delivering emergency notifications shall tell citizens the source of the information.
 - 5. When requested by another agency to make notification of next of kin, the dispatcher or deputy should obtain whatever pertinent information about the situation is available in order to assist the relative receiving the message. Furthermore, the other agency must provide the Greene County Sheriff's Office with a file 25, an e-mail or a fax with the pertinent information needed for the notification.

Greene County Sheriff's Office

Subject: RADIO OPERATIONS FOR LAW ENFORCEMENT DIVISION						Policy 090	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

POLICY: The purpose of this section is to provide LED personnel with a clear, concise guideline for communication with the Greene County 911 center(dispatch) for a variety of issues including, but not limited to:

- Traffic Stops
- Driver License Inquiries
- Wants and Warrant Inquiries
- Property Inquiries

I. Procedure

A. Vehicle and traffic stops are performed on a continuous basis and they are never routine. For this reason traffic stops are given a high priority for radio traffic. The manner in which the dispatcher is advised of the stop is an important aspect in officer safety and allows the dispatcher a proper format when entering data directly into the CAD system.

B. Advise Communications that you are stopping a vehicle in the following manner:

1. Give unit number, followed by the State of the plate on the vehicle being stopped.
2. Wait for Communications to respond.
3. Give the plate number slowly and clearly, two times, i.e. Lincoln, Charles, Zebra, One, Two, Three,
4. Give the best location possible. This may include a nearby cross street, address, landmark, and direction of travel.
5. Wait for an acknowledgement! Communications personnel are to immediately acknowledge they have received the information regarding the stop by providing the unit number and the time.
6. The registration number will be inquired upon in NYSPIN / E-Justice (RALL) as soon as possible.

C. Request for a drivers license check (DLIC) in the following manner:

1. Notify Communications by stating the unit number followed by "License Check" and the State. I.e., Greene car 12 to "Greene", License Check New York, or Greene car 12 to Greene, License Check Texas".

2. Upon acknowledgement by Communications provide the information in the following format.

If by name

Last name, First name, Middle Initial, Date of Birth (mm/dd/yy), and sex.

If by ID number

Provide the complete number

- D. The Miscellaneous field is to be completed for all DMV requests, included will be the unit number and location. A delayed hit will automatically be generated for 72 hours after the inquiry and are extremely useful if a vehicle is later entered as stolen.
- E. NYSPIN / E-Justice warrant inquiries are performed the same as a driver license check.
- F. Article inquiries are done by type of article and serial number. Any item with a serial or owner-applied number can be entered as stolen.

Greene County Sheriff's Office

Subject: INCLEMENT WEATHER PLAN						Policy 091	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: Strong winds, severe inclement weather and heavy snow accumulation may cause hazardous driving conditions on Greene County highways necessitating notification procedures and Agency response. LED and Communications Personnel will utilize procedures designed to be used during times of severe inclement weather and hazardous driving conditions.

I. Notification

A. It shall be the responsibility of the personnel working in their perspective zones to advise the Communications Center of inclement weather and the need for call out of any agency responsible for the removal of snow or sanding and salting roads having ice, slippery or other dangerous driving conditions. The Communications Center will make highway department notifications when required for other natural events causing dangerous conditions on local, county and state highways such as, but not limited to flooding, trees down and other events that has impacted on the normal flow of vehicular traffic.

B. Area patrols are to keep the shift supervisor advised of any sudden changes in conditions that would require the call out of a highway or public works department.

This information is to be used to determine the need for call out of highway departments and GCSO personnel required to address this type of weather event.

The Communications Center will further be responsible to broadcast hazardous weather information over the police frequency.

In severe weather conditions, the Sheriff will be advised of the situation and the actions that are being taken.

II. Response

A. Conditions vary throughout the County at any given time. Every effort will be made during non-business hours to notify only those areas experiencing hazardous conditions.

C. The Patrol Deputy will make the determination for the Communications Center as to what agencies will be contacted in the following manner:

1. Selective Call Out: An individual call out in a particular town or area.
2. Zone Call: An area call out by patrol zone, i.e. north, east, west.

3. All Call: All town and state agencies in Greene County responsible for ice and snow removal are contacted.

D. A Lieutenant will further authorize call out of GCSO personnel by holding shifts over or calling in additional deputies as needed for proper coverage and available response to any weather related emergency.

III. Enforcement

A. All uniform patrol units will assist local and state highway agencies in the removal of any vehicles deemed to be abandoned or parked in such a manner as to hamper snow removal operations. Prior to such enforcement, an effort will be made to contact the registered owner of such vehicle in order to offer a reasonable amount of time as practical for such owner to make his or her own arrangements for the removal of said vehicle.

B. Any vehicle deemed to be abandoned or parked in such a manner as to hamper snow removal operations and with which contact is not made with the registered owner, such vehicle will be removed from the highway using the protocol set forth in GCSO Rules and Regulations 035, "Tow Agency Procedures".

C. All vehicles towed from Greene County highways without the owners' knowledge will be entered into NYSPIN / E-Justice as an impounded vehicle and will be ticketed by GCSO patrol or the police jurisdiction handling such enforcement.

D. All requests for enforcement of parking violations will be documented by GCSO personnel through normal complaints received procedures.

IV. Response To The Public

A. All requests by the public for road and weather conditions will be handled in a polite and professional manner.

B. Surrounding county information weather conditions, requested by callers, can be determined by direct contact with that county via radio or by checking teletype information.

C. New York State highway information requests can be referred to 1-800-THE-ROAD.

D. Local radio and weather information will be supplied by the Communications Center to any professional agency requesting same, such as the National Weather Service and the American Automobile Association.

V. Highway Department Responsibility

A. It shall be the responsibility of each highway department (state, county, town, village) to update and provide annually a list of contact persons to be notified in the event of a weather emergency. This list shall be submitted to the GCSO in a timely manner.

Greene County Sheriff's Office

Subject: NOTIFICATION OF HAZARDS						Policy 092	
Effective: January 1, 2020			Standard Number(s): 47.6				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: It shall be the policy of this Agency that when a hazard exists, notification to the proper authority be made immediately or as soon as physically possible.

I. Procedure

A. Examples of hazards mandating notification include:

1. Traffic light malfunctions and repairs.
2. Holes in roadways and sidewalks.
3. Power lines down.
4. Debris causing problems with vehicular or pedestrian traffic.
5. Breaks in waterlines, gas or utility mains.
6. Snow and/or ice on roadways.
7. Fire hazards.

B. Hazards are to be reported by personnel to the dispatcher who will record the hazard on Computer Aided Dispatch and notify the appropriate agency to correct the hazard.

Greene County Sheriff's Office

Subject:	SHERIFF NOTIFICATIONS TO BE MADE	Policy	093
Effective:	January 1, 2016	Standard Number(s):	
Rescinded:	Amended:	Sheriff, Gregory R. Seeley	
Reviewed:			

POLICY: The Sheriff and Undersheriff will be notified by the appropriate Lieutenant or Sergeant in the event any of the following incidents occur:

1. Deaths
2. Major Crimes
3. Serious incidents in the Jail
4. Injury to a Deputy
5. Accident involving a Deputy
6. Escape
7. Aircraft crash
8. Strike
9. Drowning
10. Civil disturbance
11. Fire
12. Bomb threat
13. Pursuit
14. Serious allegations against the Agency or a member of the Agency
15. Hazardous Materials Spills
16. Chemical, radiological and biological threats or actions.

When a major crime or death occurs, the District Attorney will be notified. The Coroner will be notified in event of a death.

Greene County Sheriff's Office

Subject:	NYSPIN / E-JUSTICE USE AND DISSEMINATION POLICY	Policy	094
Effective:	January 1, 2020	Standard Number(s): 55.1	
Rescinded:	Amended:	Sheriff Peter Kusminsky	
Reviewed:			

Purpose: This policy relates to the use and dissemination of printed materials supplied by the New York State Police Information Network (NYSPIN / E-JUSTICE). This computer system supplies to Law Enforcement, for official use, information from such sources as NCIC, DCJS and Department of Motor Vehicles.

The purpose of this is to insure that any information obtained from NYSPIN / E-JUSTICE, but disseminated outside criminal justice comes from an official report or record to prevent unauthorized persons from accessing criminal justice information by means of fraud or deceit. It will generally outline what materials can or cannot be delivered to Law Enforcement agencies or the general public. Specific regulations are outlined in the NYSPIN / E-JUSTICE Manual, part 1.

Policy: As outlined in the NYSPIN / E-JUSTICE Manual Code of Ethics (Part 1, 1.3B, C, D, and E, the NYSPIN / E-JUSTICE is for official use only and may only be used for criminal justice purposes. Messages of private, personal or social natures are prohibited.

Messages may only be sent and inquiries may only be made on the authority of a member of an agency assigned an agency identifier (ORI).

Inquiries to NYSPIN / E-JUSTICE may only be made for criminal justice purposes.

No printed material obtained via NYSPIN / E-JUSTICE (or copies thereof) may be delivered to persons or agencies outside criminal justice except as directed by an appropriate court or other proper legal authority.

It is recognized that in the normal course of official duty it may become necessary to lawfully disseminate information, other than criminal history, received from NYSPIN / E-JUSTICE to persons or agencies not associated with the administration of criminal justice, including private citizens. In all instances, such dissemination must be secondary dissemination from an official agency report or record, including blotter entries but not printed material (or copies thereof), as described in the NYSPIN / E-JUSTICE Manual. Some examples of authorized secondary dissemination include but are not limited to:

1. Release of registrant information obtained from NYSPIN / E-JUSTICE to a towing company when a vehicle was impounded at a police request.
2. Release of operator or registrant information obtained via NYSPIN / E-JUSTICE from a MV-104A police accident report.

3. The release to hospital officials, information relating to insurance company information obtained via NYSPIN / E-JUSTICE.
4. The release of arson convictions only for Volunteer Fire Department Checks.

Sale of information or receiving a benefit for information received via NYSPIN / E-JUSTICE is prohibited and may constitute official misconduct or other crimes. Dissemination of criminal justice information obtained via NYSPIN / E-JUSTICE to unauthorized persons or agencies that may use such information commercially, such as private investigators, process servers, bail bondsmen or their agents, and private security agencies is strictly prohibited.

All NYSPIN / E-JUSTICE and non-NYSPIN / E-JUSTICE participants must enter into a use and dissemination agreement with the Division of State Police certifying that all agency employees authorized to access information available from NYSPIN / E-JUSTICE will comply with NYSPIN / E-JUSTICE rules and operating instructions governing the use and dissemination of information obtained from the system.

Any news releases relating to the NYSPIN / E-JUSTICE system, the Division of State Police must approve in advance, including those at a local level.

NYSPIN / E-JUSTICE participants must establish procedures for appropriate training and certification of NYSPIN / E-JUSTICE operators as described in the NYSPIN / E-JUSTICE Operating Manual. Only certified operators may operate the terminal device. Operators must be limited to specific employees of the agency who are designated to support members using NYSPIN / E-JUSTICE.

Positive NYSPIN / E-JUSTICE, DCJS, and NCIC responses, as well as messages from NYSPIN / E-JUSTICE participants, could be used as information relevant to arrest of a person who has committed or is committing an offense. Criminal Procedure Law provisions defining "reasonable cause" and "arrest without a warrant" always apply to NYSPIN / E-JUSTICE information. Information obtained through NYSPIN / E-JUSTICE must be independently evaluated to determine what, if any, action is authorized based thereon. To prevent the unnecessary detention or false arrest of innocent parties, both NYSPIN / E-JUSTICE and non-NYSPIN / E-JUSTICE participants must establish minimum training standard for their criminal justice employee who ultimately use the information obtained from the NYSPIN / E-JUSTICE system. NYSPIN / E-JUSTICE assumed no responsibility for the unlawful or unauthorized use of information derived from the system.

NYSPIN / E-JUSTICE Access Rules:

All rules relating to the access of NYSPIN / E-JUSTICE must be followed. The following additional agency rules apply to the use of NYSPIN / E-JUSTICE:

1. ONLY certified operators will access NYSPIN / E-JUSTICE:
2. Use of another's operator identification number is a crime and is strictly prohibited;
3. Log on will be for as brief a period as necessary to conduct business. Log off when finished with the transaction. Workstations are never to be left unattended while logged onto the NYSPIN / E-JUSTICE system;
4. Adjusting any settings on the NYSPIN / E-JUSTICE workstation or tampering with any hardware or software without specific authorization of the TAC is prohibited;
5. The MIS/ or COMMENTS/ field will be completed on all NYSPIN / E-JUSTICE inquiries to identify who made the inquiry and the reason for the inquiry;

6. The GCSO will comply with 221 Executive Law concerning sending a required NYSPIN / E-JUSTICE message within 2 hour after the commission of a violent felony and 5 hours after all other felonies;
7. Arrests for Penal Law violations, misdemeanors, and felonies may be sent via File 13 Arrest Message. Any File 13 messages sent should be directed to the surrounding area (AP30). Other destinations may be entered at the discretion of the arresting Deputy.
8. When sending a message for another agency, ALWAYS use the ORI/ of the agency. The Authority will always be the officer requesting the message. Proper signature of the message will always appear as noted below.

AUTH / DEPUTY SAM SAMPLE DISPATCH NAME / NUMBER
 GREENE COUNTY SHERIFF'S OFFICE NY0190000

NYSPIN / E-JUSTICE Inquiries:

Access to NYSPIN / E-JUSTICE is governed by the NYSPIN / E-JUSTICE Rules, which have the weight of law under the NYCRR, State Law (Article 156 and others) and Federal Law which controls access to computerized criminal history, files stored in NCIC and state Department of Motor Vehicles Information. The following additional requirements apply to inquiries made via NYSPIN / E-JUSTICE.

1. Inquiries are made using the ORI of the division or agency actually requesting the information. Example:
 GCSO Law Enforcement Division - ORI/NY0190000

To determine the ORI of an agency, use the AOTST@ screen format, Type 2 inquiry. (Note: Since the ORI is used in NLETS inquiries, the GCSO ORI must be used as the requesting ORI. The MIS/ field should be used to identify the actual agency requesting the information.)

2. When a unit from another agency that is dispatched by GCSO requests information via radio, it is not necessary to enter the agency's ORI/ in the ORI/ field of the inquiry since the calling unit is identified in the inquiry.
3. ALWAYS complete the MIS/ field of an inquiry briefly indicating who was making the inquiry and their location. On CCH requests the incident type will be entered. The MIS/ field on a RALL inquiry for a traffic stop should appear as follows:
 MIS / 2C19 RT 9 OAK LEAF DR
4. Upon receipt of a NYSPIN / E-JUSTICE response that will lead to the arrest of an individual or the issuance of a ticket, initial the response and deliver the original to the officer making the arrest. The original copy of the hit is important in documenting the officer's reasonable cause to arrest.

NICS Checks for the County Clerks Office:

The GCSO will receive a fax request from the Greene County Clerks Office. The Communications personnel on duty will run a "QICS" criminal history inquiry. The screen format will be filled out as follows:

```
KCSO QICS
12345 FILE 15 TYPE F NAME SEARCH - NATIONAL INSTANT RECORD CHECK
      SYSTEM (NICS) PUR/P, H, L, B & A
. OPERATOR / ***** .LOG / KCSO. CONFIDENTIAL LOG / N
. PUR/P. REASON / GUN. ORI / NY0100000. CASE# / I01234
. NAM / DOE, JOHN E           .SEX/M. RAC/W. DOB/04011967
. HGT/* .WGT/*
. SOC / 987654321 .MNU/*           .POB/* .STATE-OF-RESIDENCE / NY
. FEDERAL-FIREARMS-LICENSEE-ID#/
. STATE-FIREARMS-LICENSEE-ID#/
. ALL-PROTECTION-ORDERS? / Y
. REQUESTOR'S NAME / HARRISON, DAVID W SHERIFF
. COMMENTS / NICS CHECK FOR COUNTY CLERK.
```

Negative Responses:

If you receive a negative NYSPIN / E-JUSTICE and NCIC Wanted Person Inquiry Response AND a negative CCH response from DCJS and NCIC, check YES in the Approved block, complete the Case number and NTN fields (NTN can be found on the computer generated NICS response), fax the completed document back to the county clerks office The member will then relay the completed form, NICS responses, and fax receipt to the Civil Office for filing.

Positive Responses:

If the CCH response is positive from DCJS, submit an HIQR DCJS - Type 3" inquiry for a rap sheet. If NCIC III responds positive, submit an HIQR NCIC - Type 4" inquiry for rap sheets from other states or the Federal Offender file that may be available. If the NYSPIN / E-JUSTICE, NCIC or DCJS name check produces a wanted hit, attempt to confirm the wanted person is the same as the applicant. Attach all positive responses and/or rap sheets and deliver to the Undersheriff or Lieutenant in his absence.

VOLUNTEER FIREMAN - ARSON CCH CHECKS:

'837-O OF THE New York State Executive Law requires that fire chiefs obtain an arson history check on any applicant for membership in a volunteer fire company or if a volunteer transfers from one company to another. This check is conducted at no cost to the volunteer or the fire department. If a history of an arson conviction is found, the applicant is barred from membership. The Greene County Sheriff's Office will be conducting all of the checks for Greene County Fire Companies utilizing NYSPIN / E-JUSTICE. This policy details exactly how the checks will be made as well as the record keeping process.

Policy Summary:

The following is a summary of the policy for volunteer fireman background checks:

1. Chief or designee must submit to the GCSO a fully completed and legible DCJS 9.
2. Make an SJS entry
 - Incident Type - Records - Record Check Fireman.
 - Business Name - Name of Fire Company
 - Persons - Person to be checked as "Other Associate", Fire Department as Person Reporting.
 - Narrative - Indicate result of the check and who the complete DCJS-9 was forwarded to.
 - Status - Closed by Investigation
3. Record the SJS number in Box D.
4. Request HINQ DCJS (PUR/C REASON/VFF CASE NUMBER/I + SJS Number COMMENTS/VOLUNTEER FIREMAN CHECK ACOMPANY NAME@).
- 5a. NO HIT on Type 1 Inquiry
 - On DCJS-9, check "Other" and record "No record of arson conviction was found."
 - Attach Type 1 response to DCJS-9 and forward to the Criminal Records Clerk
 - See 7
- 5b. HIT on Type 1 Inquiry - Exact Match on Name and DOB/ (and Social Security Number).
 - Request HIQR DCJS Type 3 CCH.
 - PUR/, REASON & Case Number same as type 1. Enter N in the III/ field.
 - Carefully review rap sheet.
- 6a. Rap sheet shows no ARSON conviction.
 - Check "Other" and record "No record of an arson conviction."
 - Attach Rap sheet to DCJS-9 and forward to the Criminal Records Clerk.
 - See 7
- 6b. Rap sheet shows ARSON arrest but no disposition.
 - Forward all paper work to the Undersheriff or Lieutenant.
- 6c. ARSON conviction on Rap Sheet.
 - Check "Other" and record "Convicted of Arson."

- Attach Rap sheet to DCJS-9 and forward to the Criminal Records Clerk
 - See 7
7. The Criminal Records Clerk will give the completed DCJS-9 to fire chief or send it by first class mail, clearly marked "confidential".

Required Forms:

The fire chief of a company screening an applicant is responsible for completing the DCJS-9 Correspondence Inquiry. This is a two-ply carbonless form that is used to request the NYSPIN / E-JUSTICE check. The white original is presented to the GCSO. The fire company, to track outstanding record checks, may retain the yellow copy. The applicant is required to show the fire chief two forms of identification:

- Photo driver's license.
- Another verifiable form of identification.

The fire chief or designee is required to complete the form before it is submitted to the Sheriff's Office. THE FORM MUST BE TYPED OR BE CLEARLY LEGIBLE. Under no circumstance will you guess about information on the form or run DMV or other inquiries to verify the accuracy of the data. POSITIVE IDENTIFICATION OF THE APPLICANT IS THE FIRE CHIEF'S RESPONSIBILITY.

Contrary to the shading directions on the DCJS-9 form, the following fields are mandatory for a volunteer fireman check:

- Box A Date
- Box B Request for - Checked "Other" & "Request for arson conviction history"
- Box C Requesting Agency - Fire Company Name, Address, Telephone Number and Fax if the agency has one.
- Box D-Reason For Request - "Application to join Volunteer Fire Company"

ALSO

- Field 2 Names
- Field 3 Addresses
- Field 4 Nicknames
- Field 5 Aliases or Maiden Name
- Field 6 Sexes
- Field 7 Racial Appearances
- Field 10 Date of Birth
- Field 11 Age
- Field 12 Place of Birth
- Field 14 Social Security Number
- Field 17 Name of Requesting Officer (Chief of Company)
- Field 18 Authorized by (Chief's Signature or designee)
- Field 19 Title

Do not accept an improperly completed DCJS-9.

Processing the Arson History Request:

The original white copy of the DCJS-9 Form is used as the basis for an SJS entry and the subsequent criminal history inquiries. The following sections describe in detail the process for screening the volunteer firefighter. This entire process is streamlined to ensure that the GCSO has a minimum amount of paper work while meeting the requirements of New York State Law and the policies of NYSPIN / E-JUSTICE and DCJS. Confidentiality of the applicant is also considered in this process. Under no circumstance is the fire company to receive or see any information in a rap sheet if one is found.

Adopting an Incident:

A Records Management System entry is made on all background checks made for fire companies. A separate incident number is adopted for each request. ALL requests must be supported a legibly completed DCJS-9 Correspondence Inquiry. DO NOT under any circumstance make inquiries if the information is not legible and do not guess as to the interpretation of the data. Return the form to the Fire Chief and have it completed again. Inform the Chief that the accuracy of the check is only as good as the effort that the fire company puts into reviewing the identification submitted by the applicant and the data entered into the NYSPIN / E-JUSTICE Inquiry. Ensure that boxes 17 through 19 are completed and signed by the fire chief or designee.

Make a Records Management entry using incident type RECORDS - RECORD CHECK FIREMAN. Record the fire company name and address in the business name and address field. The applicant is recorded under "Persons" as "Other Associate", to include the applicant's name and address. Also under "Persons", enter the name of the fire company with all contact information. Within the narrative, enter "Background check for fire company applicant, OA with the last name of the individual." Under administration, select "Closed by Investigation." Complete all other minimum SJS fields as with any other SJS entry. Record the incident number in box D in the gray shaded portion of the form. A printed copy of the SJS Incident Report IS NOT required.

NYSPIN / E-JUSTICE CCH Name Search Inquiry:

The completed DCJS-9 form is used as the basis for the NYSPIN / E-JUSTICE Inquiry. Request the HINQ DCJS Type 1 criminal history inquiry format. Complete the inquiry screen. The following is an example of a completed inquiry:

```
KCSO HINQ DCJS
02345 FILE 15 TYPE 1 NAME SEARCH TO DCJS (AND NCIC) PUR/C & F
. OPERATOR/ .LOG/KCSO.CONFIDENTIAL LOG/N
. PUR/C.REASON/VFF.ORI/NY0100000.CASE#/I01256
. NAM/FIREFIGHTER, HARRY A .SEX/M.RAC/B.DOB/10131944
. SKIN TONE/* .HGT/* .SOC/080342001.FBI/* .MNU/*
. ALIAS#1/*
. ALIAS#2/*
. ALIAS#3/*
. ALIAS#4/*
. ALIAS#5/*
. REQUESTOR'S NAME/RIVERO, JOHN DEPUTY SHERIFF
. COMMENTS/ VOLUNTEER FIREFIGHTER INQUIRY MELLENVILLE.
```

Note that the purpose code is C, the reason code is VFF, the case number is I followed by the SJS incident number, the requesting officer is the officer making the inquiry, and the comments field is completed with "Volunteer Firefighter Application and the fire company name).

There are three possible DCJS responses:

- NO HIT (See 6.4.4.1).
- A hit which IS NOT and exact match to the information submitted (See 6.4.4.1).
- EXACT MATCH (See 6.4.4.2).

Note: When a type 1 inquiry is made with REASON/VFF, the NYSPIN / E-JUSTICE and NCIC wanted person inquiries are automatically suppressed. The NCIC CCH inquiry is also automatically suppressed. Only a DCJS name search response will be received.

NO HIT or Hit - Not an Exact Match Response:

If "NO SUSPECTS" is received from DCJS, or if a CCH hit is received and the suspect name and numeric identifiers are not an exact match, check the "Other" box and enter under remarks: "No record of an arson conviction was found." The DCJS response and DCJS-9 form are forwarded to the Criminal Records Clerk. The Criminal Records Clerk will then use first class mail to return the DCJS-9 if the fire department representative is not waiting.

Exact Match Response:

If the DCJS name search response is an exact match to the applicant data on the DCJS-9, request and complete the HIQR DCJS Type 3 criminal history inquiry format using the same data as in the Type 1 inquiry. When the rap sheet is returned, carefully review the information for any arson arrest or conviction and proceed as follows:

- A. If the individual has arrests for crimes that do not include an arson arrest AND convictions, complete the DCJS-9, check the "Other" box and enter under remarks: "No record of an arson conviction." The Type 3 response is then attached to the DCJS-9 and forwarded the Criminal Records Clerk. The Criminal Records Clerk will use first class mail to return the DCJS-9 if the fire department representative is not waiting for the completed document. .
- B. If the individual has an arrest for arson but there is no conviction, deliver the DCJS-9 as well as the CCH inquiries and responses to the Undersheriff or Lieutenant. They will contact DCJS who will arrange for a disposition. The Undersheriff or Lieutenant will make notification to the Fire Chief. No arrest data is to be supplied to the fire company, simply advise the representative that a decision regarding the applicant should be delayed. The DCJS Office of Operations, Criminal History Bureau, 485-7685, is the contact point for assistance.
- C. If the applicant has an arson conviction, check the "Other" box and enter under remarks: "Convicted of arson." The CCH response and the DCJS-9 are then forwarded to the Criminal Records Clerk. If the representative is not waiting, the Criminal Records Clerk will use first class mail to return the DCJS-9.

Applicant Disputes Results:

If an applicant disputes the results of an inquiry made by the GCSO indicating a prior arson conviction, the Fire Chief should immediately refer the applicant to DCJS for a personal record review. The applicant may call 485-7685 to schedule the record review. If the subsequent record review results in a determination that the individual is free from an arson conviction, DCJS will notify GCSO who in turn will forward the results to the inquiring fire company. Under no circumstance will this Office assist with the actual record review or provide the applicant with a copy of the rap sheet or details therein.

Requests for Criminal History Information via NYSPIN / E-JUSTICE

Any employee of the Greene County Sheriff's Office authorized to receive Criminal History Information must provide to the operator as much information as possible to generate such request. Such information at best will be:

1. Name, physical descriptors such as sex, race, and date of birth of the suspect for which the inquiry is being made.
2. Reason for the request. This will include a specific nature of investigation and cannot be generic.
3. Any inquiry for Criminal History information must be associated with an official case incident for all agencies accessing NYSPIN / E-JUSTICE. The case number for all requests will be provided as a means of tracking such requests during a NYSPIN / E-JUSTICE audit.
 - a. Jail requests must indicate the Before Conviction (BC), or After Conviction (AC) number of the suspect incarcerated.
 - b. The requestor in all cases will be the person requesting the RAP SHEET.
4. Type codes by NYSPIN / E-JUSTICE operators are to indicate the request to be generated. For the most part the following will be used:

PDI Police Department Investigation
ARR Arrest
IAD Incarceration Investigation (Jail use only)
GUN Brady Bill (pistol permit investigation)
VFF Volunteer Firefighter Arson Checks for new members
WAR Warrant entry investigation

Other type codes may be accessed through NYSPIN / E-JUSTICE help screen as needed

5. All requests for Criminal History will be kept on file with such case file involving the suspect as a record of the inquiry.
6. All requests for Criminal History regarding arrests will be stored in records with the original case.
7. Fax transmissions of Criminal History information may be made to a secure fax number in which the receiving agency has total control over incoming documents.
8. Any Greene County Justice Court requesting Criminal History Information may do so after providing the suspect name, physical descriptors, and court docket number which will be used for tracking.
 - a. The court ORI number will be used for all requests for RAP SHEET.
 - b. The requestor in all cases will be the person requesting the RAP SHEET.
 - c. Valid reason codes for court requests are as follow:

CDI	Conditional Discharge Investigation
PPI	Pre Plea Investigation
PSI	Pre Sentence Investigation
RRB	Released on Own Recognizance Investigation
 - d. The response file will be forwarded to the court in the most convenient manner to the department. Fax transmissions are acceptable however security of the court fax machine must be verified..
11. The NYSPIN / E-JUSTICE Terminal Agency Coordinator or Security Officer (For GCSO this is the Communications Sergeant) shall have the final approval when there is any question of authorization to receive Criminal History Information.

Greene County Sheriff's Office

Subject: NYSIC-CTC						Policy 095	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

Policy: In an effort to improve communication between local and federal law enforcement and more fully engage New York State Law Enforcement in the prevention of terrorism, the New York State Office of Public Security, California Highway Patrol and New York State Police have been selected to participate in a pilot program with the FBI's Counter Terrorism Watch (CTW) in Washington, D.C.

This initiative will provide local law enforcement direct and timely access to FBI and other federal databases relating to terrorism. Access will be provided through the newly established Counter Terrorism Component (CTC) of the Upstate New York Regional Intelligence Center (UNYRIC).

Access to UNYRIC is 24/7 via toll free number **1-866-486-9742** or by fax at **518-786-9398**.

I. Procedure

A. Agencies placing a call to UNYRIC must provide the following information:

1. Verification of law enforcement status.
2. Agency ORI.
3. Agency call back number.
4. Brief synopsis of circumstances leading to request and why there is reason to believe suspect might be related to terrorism.
5. Requestor should be prepared to provide all available identifying information that will enable checks be performed in a timely and accurate manner.
 - a. Inquiry on a subject should include full name, any aliases, date of birth, place of birth, any addresses, telephone numbers, e-mail addresses, social security number, driver license client identification number, passport, alien identification numbers and visa status, if applicable.
 - b. Inquiry on a vehicle should include state of registration, plate number, vehicle identification number, year, make, model, color and body style.

B. The request will be classified by the FBI as requiring either an immediate or a routine response from the FBI CTW.

- C. The CTW will provide guidance as to the course of action to be taken and all developed information will be forwarded to the local FBI Joint Terrorism Task Force (JTTF) for further action.
- D. It is the responsibility of the requesting agency to transmit the response to the requesting officer in a secure and safe manner.

II. Protocols For Requesting Checks From UNYRIC CTC:

- A. Requests for information can be generated from a suspicious incident or observation, vehicle and/or traffic stops or a criminal investigation.
- B. Checks through the UNYRIC CTC should be requested when a terrorism nexus is suspected and all other standard checks have been performed.
- C. Requests to UNYRIC will be made by calling **1-866-486-9742** or by fax at **518-786-9398** using the FBI CTW request form available from the Major Criminal Investigation Division.
- D. Requests will be classified as follows:
 - 1. Immediate Response: Immediate response will require a response from the FBI within 20 minutes based upon circumstances where a subject is in detention or being interviewed, an arrest has been made and the subject may make bail and an immediate response is necessary.
 - 2. Routine Response: Routine response will be required within 96 hours from the FBI based upon circumstances involving ongoing investigations. The UNYRIC member will enter all information into the CTC database and will fax the computer generated CTW request form to the FBI.
- E. Requests for this Agency will be made by Sr. Investigator, Investigators, LED Lieutenants, and Patrol Sergeants for whom a Security Clearance Request Form has been submitted and approved by UNYRIC.
- F. Patrol Deputies encountering an individual or condition warranting UNYRIC consideration will immediately make contact with the Shift Supervisor / Sergeant to initiate the inquiry.

III. Action By the FBI Counter Terrorism Watch (CTW):

- A. The FBI CTW will query appropriate databases that will result in one of three possible responses:
 - 1. **Hit (Red):** Subject is under active investigation and is subject to arrest or detention. If this information is to be transmitted via Public Safety Answering Point (PSAP), officer safety protocol should be utilized to ensure further information transmitted over the radio is on a secure channel. Requestor will be advised subject should be taken into custody and appropriate local JTTF will be notified and respond to take custody of the individual.
 - 2. **Investigative Hit (Yellow):** Subject, plate number, phone number, home address or e-mail address is of interest and further information is required. Information transmitted by the PSAP will ensure officer safety by transmission over a secure channel. Requesting officer will be advised by CTC regarding course of action to be taken after receiving guidance from the FBI CTW. Further action may include request to secure additional information. State and local officers should take no action that signals possible law enforcement interest in the subject unless specifically directed to do so.
 - 3. **No Hit:** No further action is required.

Greene County Sheriff's Office

Subject: THREAT ADVISORY PROTOCOL						Policy 096	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff Gregory R. Seeley			
Reviewed:							

Policy: On March 12, 2002, the Director of the Federal Office of Homeland Security announced the creation of the Homeland Security Advisory System (HSAS) in order to provide a national framework for the many different alert systems in the United States at the local, state and federal levels. The New York State Office of Public Security placed a computer warning system in the Greene County Sheriff's Communications Center to advise of terrorist threat by both audible and visual alerts. The Greene County Sheriff's Office will react to the level of threat received in the E911 Center with the appropriate level of response.

The five threat levels established by the Homeland Security Advisory System are:

Green:	Threat Level 1	Low Threat Condition	Low risk of terrorist attack
Blue:	Threat Level 2	Guarded Threat Condition	General risk of terrorist attack
Yellow:	Threat Level 3	Elevated Threat Condition	Significant risk of terrorist attack
Orange:	Threat Level 4	High Threat Condition	High risk of terrorist attack
Red:	Threat Level 5	Severe Threat Condition	Severe risk of terrorist attack

I. Procedure

A. The level of response initiated by the Greene County Sheriff's Office upon receiving advisories and alerts from the NYS Office of Public Security will include the following:

1. **Green** (Threat Level 1)

a. Refining and exercising preplanned protective measures to include the following GCSO protocols:

- 057E School Response Plan
- 066 Bomb Threats
- 066A Bomb Threats-County Buildings

b. Ensuring personnel receive training on departmental or Agency-specific protective measures to include the following GCSO protocols:

- O14D SRT
- O14F Search and Rescue
- O77A Biological/Chemical Response
- O77B Radiological Response

c. Regularly assessing facilities for vulnerabilities and taking measures to reduce

them.

2. **Blue** (Threat Level 2)

- a. Checking communications with designated emergency response or command locations to include the following GCSO protocols:

- C60 General Radio Dispatch
- C62 Radio Dispatcher Operations
- C120 General Fire Dispatch
- O55 Radio Communications
- O55B Specific Incidents/Situations

- b. Reviewing and updating emergency response procedures to include the following GCSO protocols:

- O61 Major Disasters
- O62 Emergency Mobilization Plan

- c. Providing the public with necessary information to include the following GCSO protocol:

- A30 Media Responsibilities

3. **Yellow** (Threat Level 3)

- a. Increasing surveillance of critical locations;
- b. Assessing further refinement of protective measures within the context of current threat information; and
- c. Implementing, as appropriate, contingency and emergency response plans.

4. **Orange** (Threat Level 4)

- a. Coordinating necessary security efforts with armed forces or local, state or federal law enforcement agencies;
- b. Taking additional precautions at public events;
- c. Preparing to work at an alternate site or with a dispersed workforce;
- d. Restricting access to essential personnel only.

5. **Red** (Threat Level 5)

- a. Assigning emergency response personnel, pre-positioning specially trained teams and creating new teams as required;
- b. Monitoring, redirecting or constraining transportation systems;
- c. Closing public and government facilities as deemed necessary;
- d. Increasing or directing personnel to address critical emergency needs.

Upon receiving terrorist threat advisories from the NYS Office of Public Security, Sheriff's Office Communications Center personnel will immediately notify the Sheriff, Undersheriff or in their absence Road Patrol Lieutenants or the Sr. Investigator as follows:

- a. **Green, Blue, and Yellow:** As soon as possible exclusive of immediate pager notification.
 - b. **Orange, Red:** Immediately by pager notification.
2. Agency personnel will be notified by the Communication Center personnel as follows:
- a. **Green, Blue, Yellow:** Alert/advisory information will be disseminated via in house e-mail.
 - b. **Orange, Red:** Alert/advisory information will be disseminated via in house e-mail and at the direction of the Sheriff, Undersheriff or their designee may be broadcast to personnel by radio transmission or mobile computer terminal.
3. Upon receipt of an **Orange** advisory, the Sheriff, Undersheriff or their designee may direct communications personnel to advise and upon receipt of a **Red** advisory or specified emergency, e.g. natural disaster, weather event, etc., will direct communications personnel to advise the following as needed:
- a. Greene County Chairman of the Legislature.
 - b. Director, Greene County Department of Health
 - c. Director, Greene County Emergency Management Services
 - d. Director, Greene County Emergency Medical Services
 - e. Superintendent, Greene County Highway Department
 - f. Supervisor, Greene County Central Services, Buildings, Grounds and Parks
 - g. Chiefs, Greene County Fire Departments
 - h. Captains, Greene County Ambulance Services
 - i. Greene County Police Agencies (local and state)
 - j. Greene County Public and Parochial School District Superintendents and B.O.C.E.S. Superintendent.
 - k. Contiguous counties when applicable.
- C. Command And Control
1. Command and control in response to **Green , Blue, Yellow, Orange and Red** alerts/ advisories will be the Sheriff of Greene County or the Undersheriff in his absence. In the absence of the Undersheriff the Senior Command Officer will assume command and control.
 2. Existing protocols, as applicable to the specific incident/situation, will be implemented by the Sheriff, Undersheriff or Senior Command Officer.

Greene County Sheriff's Office

Subject: NEWS MEDIA						Policy 097	
Effective: January 1, 2020			Standard Number(s): 28.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: The Greene County Sheriff's Office will strive to maintain an atmosphere of openness with both the public and the news media limited only by mandates of law. The Agency is committed to informing the media (and the public) about events involving the Sheriff's Office. As a public agency, the Sheriff's Office welcomes legitimate inquiries and all authorized personnel are encouraged to cooperate with members of the media regarding Agency operations and activities consistent with this Rules and Regulation. Public information shall be released to the media as promptly as circumstances allow without partiality and in as objective a manner as possible.

I. Release of Information

- A. The Sheriff, Undersheriff or designee personnel may release certain information as outlined in this Rules and Regulation to any recognized member of the news media with emphasis on setting a positive atmosphere for relationship with the media by establishing and maintaining a professional working relationship.
- B. Any request for statistical information shall be approved only by the Sheriff or Undersheriff.
- C. The public information function is the responsibility of all GCSO personnel. Under certain circumstances listed herein, that function will be exercised only by the staff assigned to the Office of the Sheriff.
- D. The Sheriff may authorize a subordinate to release selected information. If the supervisor is uncertain regarding information to be released, he or she shall contact or refer the media representative to the Division in charge of the investigation, Lieutenant, Undersheriff or Sheriff.

F. Telephone Contact

- 1. Sheriff, Undersheriff or designee may release certain information to news media personnel on the telephone after such media personnel have provided their name and the name of their employer. In the event the Sheriff's Office supervisor is uncertain as to the identity of the caller, the supervisor shall take the news media representative's name and telephone that person utilizing the telephone number listed in the telephone directory.

G. Non-Criminal Incident

1. Personnel releasing information to the media shall take reasonable steps to ensure accuracy of the information.
2. In case of a death, victim identification shall be withheld pending notification of family. Inquiries may be referred to the Coroner's Office.

H. Criminal Incident

1. Prior to the arrest of a suspect or before formal charges have been filed, only the following information may be disclosed:
 - (a) The Agency believes that a crime has been committed and is presently investigating the circumstances.
 - (b) Only the Sheriff, Undersheriff or designee may authorize release of information necessary to alert the public of measures for their personal protection; or release composite/suspect photographs to the media, to neighborhood groups, etc, after assuring that no victim information or past criminal history of the suspect is contained therein.
2. Once a warrant has been issued or an arrest made, personnel shall not disclose the following:
 - (a) Any prior criminal record of the accused or implication of a prior record. If previously convicted, the Sheriff or Undersheriff may release this information.
 - (b) The existence of any comments or lack of comments by the accused. With concurrence of the District Attorney, the Sheriff or Undersheriff may release this information.
 - (c) The identity or address of any witness.
 - (d) The possibility of the defendant pleading guilty to the offense charged or a lesser offense.
 - (e) Any opinion, stated or implied, as to the guilt or innocence of the accused.
 - (f) Statements as to the character or reputation of a suspect, witness or victim.
 - (g) Any possible connection with any uncharged crime or crime pattern.
 - (h) The results of or refusal to take any test/examination (e.g. CVSA).
 - (i) The identity of a victim of a sex crime.
 - (j) Any opinions regarding merits of the case or quality of evidence.
 - (k) Information received from other law enforcement agencies without their prior concurrence to release that information.
 - (l) Personnel records of Agency personnel including home addresses and telephone numbers.
 - (m) Identity of a suspect prior to arrest unless such information will aid in apprehending the suspect or warn the public of potential danger.

3. The Lieutenant or higher ranking officer may release the following information:

- (a) The facts and circumstances surrounding an arrest, i.e. the time and place of the arrest, whether the deputies encountered any resistance, whether the defendant was armed, etc.
- (b) The identity of the arresting and investigating personnel and their assignments. Names of undercover personnel will not be used.
- (c) A brief description of any seized evidence.
- (d) A brief description of the offense charged.
- (e) The scheduled time of appearance in court.
- (f) A request for assistance by the media in order to obtain any additional evidence.
- (g) A short factual statement concerning an arrested suspect's name, age, residence and occupation.

Note: Discretion should be used in revealing the names of the suspect's family so as not to bring undue suffering to persons not directly involved with the crime.

- (h) The amount of bail necessary to secure the defendant's release.
- (i) The age and sex of the victim (no Name) and general location (no address) when rape or sex offenses are involved.
- (j) The type of force used against the victim and extent of injuries to the victim or assailant.
- (k) Information which may assist in an investigation, such as lookouts for persons or vehicles.
- (l) Name of person in charge of a case, the supervisor and division and assignment.

4. Once the prosecution of the defendant has commenced, all inquiries shall be referred to the District Attorney's Office.

I. Coordination With Other Law Enforcement Agencies

- 1. When personnel from this Agency are working in conjunction with another agency, it shall be the responsibility of the agency in control of the investigation to release information to the news media subject to a prior agreement between the agencies and authorization of the Sheriff or Undersheriff.

J. Juveniles and Youthful Offenders

1. Incidents or arrests involving juveniles or arrests for which the person could be adjudicated as a youthful offender shall be handled in the same manner as adults except that suspect's name, addresses, photographs and other identifying information shall not be disclosed.

K. Witness/Victim Interviews

1. Personnel may counsel both witnesses and victims of their right to refuse news media interviews but shall not interfere with any news media representative's pursuit of information. Such interviews may not interfere with the investigation.

II. Access to Incident or Crime Scenes

- A. News media representatives may be granted access to the outer perimeter of a scene except as follows:

1. Where open access to the area will interfere with the investigation, the commanding officer may establish police lines and restrict entry. Should such restrictions become necessary, the commanding officer should explain the circumstances requiring the closure and access should be granted to news media personnel as soon as practical (e.g. hazardous conditions dictate isolation of the incident). Preservation of evidence and public safety shall be of paramount importance.

- B. When Agency personnel are in control of a private dwelling, private area or other areas generally not open to the public, permission must be obtained from the person having authority over such premises as well as the commanding officer in charge of the scene.

III. Photographs

- A. Members of the news media and the public may take pictures of events which occur in public places. In any location other than a public place, photography shall be allowed at the discretion of the officer in charge and with permission of the owner or person having authority over the premises.
- B. Suspect photographs will not be released without authorization of the Sheriff or Undersheriff.
- C. Personnel shall not pose any suspect/defendant or witness for photographing.
- D. Agency photographs may be released to the news media only by the Sheriff, Undersheriff or their designee upon approval of the employee involved.

IV. Office of the Sheriff, Undersheriff or their Designee, with the Sheriff's approval, shall:

- A. Issue written or verbal news releases to include problem traffic areas to be avoided, temporary policy changes, etc., on an as needed basis.
- B. Arrange for an assist at Agency news conferences.
- C. Coordinate the release of information on confidential news conferences.
- D. Release information concerning internal investigations of personnel, whether of this Agency or other governmental agencies.
- E. May assume control over the release of information to the news media and/or the public in event of an exceptional incident.
- F. Issue statements concerning Agency policy.
- G. Coordinate the release of information or Agency news meant to generate public interest.
- H. If necessary, periodically meet with, and maintain liaison with representatives of the media to resolve differences and improve relations between the media, the public and the Sheriff's Office.

Note: If the Sheriff or Undersheriff designates any of the above responsibilities to another person, that person shall inform the Sheriff or Undersheriff of the outcome of any of the above and shall forward a copy of any written releases, etc., to the Sheriff or Undersheriff prior to distribution.

V. Supervisory Personnel At The Incident Site

- A. Supervisory Personnel at an incident scene command post will periodically inform the Sheriff or Undersheriff or their designee at the command center of the progress of activities so that periodic reports will be disseminated to the media by the Sheriff, Undersheriff or their designee.

VI. News Releases

A. News releases of events other than major incidents may be released by Lieutenants, Undersheriff or the Sheriff.

1. News releases serve the following functions:
 - (a) Provide background about an incident.
 - (b) Provide essential information at a news conference.
 - (c) Take an official position on an issue.
 - (d) Avoid being misquoted.
 - (e) Correct, defend or counter an existing situation.
 - (f) Provide advance publicity about a program.
 - (g) Provide background information on an Agency initiative.

(h) Provide response to accusations made against the Agency.

Greene County Sheriff's Office

Subject: V.I.N.E. POLICY							Policy 098	
Effective: January 1, 2020				Standard Number(s): 29.4				
Rescinded:			Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:								

POLICY: VINE (Victim Information Notification Everyday) is an automated telephone notification program created in 1994 to provide information on sentencing and release to those convicted of criminal activity to the public and to victims of crimes. Custody status of incarcerated persons is monitored through a computer connection with a jail's or prison's on-site offender records system.

VINE was enacted in New York State in 1998 as part of Jenna's Law and in 1999 the New York State Sheriff's Association created VIP (VINE Interactive Page), allowing access of data through a secured internet site.

I. Procedure

A. GCSO personnel will release the following information pertaining to VINE to crime victims:

1. The 24-hour toll free number for offender information is 1-888-VINE-4-NY (1-888-3469).
2. Card from NYS Correctional Services entitled "VINE NY".
3. Pamphlet from the NYS Sheriff's Association entitled "New York Sheriff's Victim Hotline".

Greene County Sheriff's Office

Subject: CRIME VICTIM COMPENSATION						Policy 099	
Effective: January 1, 2020			Standard Number(s): 29.4				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The GCSO recognizes that many innocent victims suffer personal physical injury, death, disability, incur financial hardship or become dependent upon public assistance as a result of violent crimes. Personnel are required to aid crime victims to avail themselves of assistance as provided by the New York State Crime Victim's Compensation Law.

The purpose of this Rules and Regulation is to define the Agency's policy, procedures and responsibilities pursuant to the New York State Crime Victim's Compensation Law.

I. Procedure

A. Agency personnel may advise victims of their option to contact the local Crime Victim's Office for assistance or guidance and assist the victim in contacting the Crime Victim's Coordinator assigned to the District Attorney's Office.

B. The following qualify for crime victim's compensation awards:

1. Cost of repair or replacement of essential personal property lost, damaged or destroyed as a direct result of a crime up to \$500.00.
2. Transportation expenses for necessary court appearances in connection with the prosecution of the crime.
3. The cost of residing at or utilizing the services of a domestic violence shelter.
4. For Good Samaritan victims only, property losses up to \$5,000.00.

i. A Good Samaritan victim is a person who has been killed or injured while attempting to prevent a crime, lawfully apprehend a perpetrator of a crime or assist a police officer in making an arrest.

E. Emergency benefits may be obtained if:

1. The victim is deemed to be potentially eligible for compensation benefits and would suffer an undue financial hardship if some immediate payment is not made.
2. If it is believed by Agency personnel that a person may be eligible for emergency aid, the victim should be referred directly to the Crime Victim's Coordinator.

Greene County Sheriff's Office

Subject: RIGHTS OF VICTIMS OF FAMILY OFFENSES		Policy 100
Effective: January 1, 2020	Standard Number(s): 29.4	
Rescinded:	Amended: August 17th, 2020	Sheriff Peter Kusminsky
Reviewed:		

POLICY: All deputies are hereby ordered and directed to comply with Chapter 847 of the Family Court Act which requires police officers who are investigating family offenses provide the victim of such offense with written notice of the rights and remedies of the family Court Act, the Domestic Relations Law and the Penal Law.

Said legislation requires the victims be given information regarding shelter and other appropriate services that are available within the community.

Any and all questions regarding rights of victims of family offenses should be directed to the shift supervisor.

Greene County Sheriff's Office

Subject: RIGHTS OF VICTIMS OF SEX OFFENSES	Policy 101										
Effective: January 1, 2020	Standard Number(s): 29.4,29.5										
Rescinded:	Amended: August 17th, 2020										
Sheriff Peter Kusminsky											
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>										

POLICY: All deputies are hereby ordered and directed to comply with Chapter 301, Section 642 of the Executive Law which requires police officers who are investigating offenses involving Section 130 of the Penal Law to provide victims with the name, address and telephone number of the nearest Rape Crisis Center in writing.

All interviews of victims of sex offenses will be conducted in a private and comfortable setting. Interviews may be conducted at the GCSO, hospital or any appropriate setting. At all times the privacy and confidentiality of the victim will be a priority.

Greene County Sheriff's Office

Subject: CRIMINAL RECORDS RELEASE OF INFORMATION	Policy 102									
Effective: January 1, 2016	Standard Number(s):									
Rescinded:	Amended: Sheriff, Gregory R. Seeley									
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>									

Purpose: The following guidelines will establish policy and procedure for the use and dissemination of criminal records and provide security and safeguards to protect the confidentiality of said records.

1. Criminal Records: All data normally contained within the confines of the Greene County Sheriff's Office, which indicates past or present information involving the arrest of an individual or any subsequent material received at a later date pertaining to that arrest, are considered to be criminal records.

2. Who May View A Criminal Record?
 - A. Any law enforcement or criminal justice agency official, whose agency has been assigned an NCIC seven digit numerical identifier and who presents proper identification in person.

 - B. Agency representatives who are allowed to view criminal record are as follows:
 1. Department of Defense
 2. District Attorneys
 3. FBI, BATF, DEA, etc.
 4. Judges
 5. Parole Officers
 6. Police Officers in New York State
 7. Postal Inspectors
 8. Probation Officers
 9. Public Defenders
 10. Secret Service
 11. Treasury Department, Internal Revenue

3. Who May Obtain Record Checks But Not View The Criminal Record?
 - A. Certain agencies may obtain records checks conducted by Records Office which provides conviction data on a subject, but only if the arrest was made by the Greene County Sheriff's Office and a disposition for the charge is known.

 - B. These agencies include:
 1. Armed Forces (see C (1) below)
 2. Department of Social Services (see C (2) below)
 3. Out of State Police Agencies
 4. Private Citizens (see C (3) below)

C. Types of record checks provided:

1. Service will be provided by U.S. Mail or facsimile if the required "Request for Information" form is submitted by the requestor, properly signed by the subject.
2. Only dates of incarceration or personal data will be provided the Department of Social Services. Arrest dates and charges will not be released.
3. Private citizens may request a record check on themselves per paragraph D, of GCSO Rules and Regulations A11B, "Criminal Background Checks".
4. Telephone inquiries will not be processed without a properly completed Request for Information in hand.

4. Criminal Records May Be Obtained For Official Use

- A. No GCSO personnel or other officials with authority, listed in Section 2 (B), shall obtain a Criminal record check on another individual to use the data for off duty or private employment use.
- B. The following individuals or agencies are not authorized to request records checks for any reason without a signed Request For Information form (FOIL):
 1. Attorneys
 2. Civil Courts without subpoena
 3. Employers
 4. Former law enforcement officers
 5. Insurance agents
 6. Banks
 7. Bail Bondsmen
 8. Private businesses
 9. Private or independent colleges
 10. Private citizens checking another citizen
 11. Police personnel obtaining information for use in an off-duty capacity

5. Criminal Records Office Security

- A. Only GCSO Records Office personnel and personnel acting in an official capacity with explicit approval of the Sheriff have access to criminal records for records check purposes.

6. Photographs

- A. Photographs of a subject, if available, may be obtained and used for investigative or court presentation purposes by law enforcement and/or criminal justice agency officials.
- B. The following must be strictly adhered to:
 1. No photograph may be used for unofficial or off-duty use.
 2. No photograph may be used for any reason by any person if the date on the photograph is the same as the date of arrest for a charge subsequently sealed by the court, pursuant to NYS CPL Sections 160.50 or 160.55 or if the subject has been designated as a Youthful Offender for the charge.
 3. No photograph may be taken or issued from Agency photo files unless the date is recorded and person receiving the photo signs for it. If mailed or faxed the Issuing authority will sign.
 4. No photographs will be released to the media without permission of the Sheriff Or Undersheriff.

7. Fingerprints

Fingerprints after being taken are transferred to the Records Office. The Records Office mails the fingerprint cards to the Division of Criminal Justice Services.

- A. Copies may be made of fingerprint cards for law enforcement personnel to be used for investigative purposes.
- B. All provisions of the Sealed Record section (8, A (1,2,3)) must be complied with.

8. Sealed Records

A. Restricted use of information:

- 1. At no time will any information contained within criminal records be used if said information pertains to an arrest which has subsequently been ordered sealed by the court pursuant to NYS CPL 160.50 or 160.55.
- 2. If the individual has been designated a youthful offender.
- 3. This would include photographs, fingerprints, or any material that relates to the date of arrest that has been ordered sealed by the court.

Greene County Sheriff's Office

Subject: RELEASE OF VETERAN INFORMATION						Policy 103	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

Policy:

Section 250 of the Military Law of the State of New York entitles any veteran honorably separated from the Armed Forces of the United States after 6 April 1917, to record the certificate of discharge, known as Form DD-214, in the Office of the County Clerk. The Greene County Sheriff's Office requires a veteran provide a copy of Form DD214 with application for employment.

No filed certificate or any information contained therein, shall be disclosed to any person except the veteran or parent, spouse, dependent or child of the veteran, representative of the estate of the deceased veteran or a public official acting within the scope of his or her employment, unless such disclosure is authorized in writing by the veteran.

Procedure:

A. Certificates of discharge from the Armed Forces of the United States (Form DD214) contained within personnel files of personnel employed or previously employed by the Greene County Sheriff's Office or contained with applications for employment with the Greene County Sheriff's Office will not be released to anyone other than the veteran or parent, spouse, dependent or child of the veteran, representative of the estate of the deceased veteran or a public official acting within the scope of his or her employment, unless such disclosure is authorized in writing by the veteran.

B. Written authorization for release of Form DD-214 will be forwarded to the Sheriff, or in his absence, the Undersheriff for review, approval and release.

Greene County Sheriff's Office

Subject: Privacy of Medical Information						Policy 104	
Effective: January 1, 2020			Standard Number(s):				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Policy: Effective April 14, 2003 the Health Insurance Portability and Accountability Act, "Standards for Confidentiality of Individually Identifiable Health Information" (HIPAA Privacy Rule) became enforceable (see 45 Code of Federal Regulations-Parts 160 and 164). This federal regulation gives privacy protections to certain medical records and provides criminal penalties and other sanctions for unauthorized disclosures of "protected health information" by "covered entities".

The HIPAA Privacy Rule governs disclosures of "protected health information" (essentially all health records identifiable by a patient name or other personal identifier such as a Social Security Number) by three types of "covered entities":

1. Health Plans (group and individual health insurers, HMO's and Government sponsored health plans).
2. Health Care Clearinghouses (billing services).
3. Health Care Providers (doctors, nurses, paramedics and other emergency Services personnel, hospitals and clinics, pharmacies).

When law enforcement agencies seek protected health information from covered entities, the HIPAA Privacy Rule will dictate how the covered entities respond to law enforcement. Generally, covered entities may not use or disclose protected health information unless permitted by a provision of the rules such as:

1. The patient provides written authorization (permission) for the disclosure.
2. Disclosure is for a health oversight purpose (a health care fraud investigation).

3. Disclosure is for a certain law enforcement purpose:

- A. Required by Law
- B. Court Order or warrant or subpoena issued by a judicial officer.
- C. Grand Jury Subpoena
- D. Administrative subpoena, **only** if they meet three (3) very specific Requirements:
 - i. Information sought is relevant and material to a legitimate law enforcement investigation.
 - ii. The request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought.
 - iii. De-identified information could not reasonably be uses
- E. Locate and identify the following information **only**:
 - i. Name/address
 - ii. Date/place of birth
 - iii. SSN
 - iv. Blood type/Rh factor
 - v. Type of injury
 - vi. Date/time of treatment
 - vii. Date/time of death
- F. Crime on premises
- G. Information about a crime victim
- H. Emergency health care worker can report crimes, victims, perpetrators
- I. Victims of abuse, neglect, domestic violence
- J. Disclosure to coroners
- K. To avert serious threat to health and safety
- L. National security and intelligence
- M. Protective services for the President and others
- N. Jails, prisons and law enforcement custody

Law enforcement requestors are advised to identify themselves with badge and official identification and if possible to make requests in writing on an official letterhead. So that patients do not know their medical information has been released, an oral request to the provider followed with a written request within 30 days may be made.

I. Procedure:

- A. GCSO personnel requesting medical information within the guidelines established by HIPAA Privacy Rules, will do so only having notified and gained permission from their immediate supervisor.
- B. Supervisors will notify the Sheriff and in his absence the Undersheriff or a Lieutenant.
- C. GCSO personnel will abide by the terms and conditions of the HIPAA Privacy Rule.

Greene County Sheriff's Office

Subject: Identity Theft							Policy 105	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley				
Reviewed:								

Policy: Identity theft is one of the fastest growing and most serious economic crimes in the United States impacting on financial institutions and persons whose identifying information has been illegally used. Identity theft is a known tool of terrorism. The Greene County Sheriff's Office will take those measures necessary to record criminal complaints, assist victims in contacting relevant investigative and consumer protection agencies and work with federal, state and local law enforcement and reporting agencies to identify, investigate, arrest and prosecute offenders.

I. Procedure:

A. Legal Prohibitions:

1. Identity theft is punishable under Section 190 of the New York State Penal Law.
2. Identity theft is punishable under Section 18, United States Code, 1028 (a) (7), "when any person knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit or aid to abet any lawful activity that constitutes a felony under any applicable state or local law".

B. Incident Reports:

1. Deputies and Investigators will complete Incident Reports on identity theft to include recording all relevant information and data in such reports sufficient for further investigation to assist with the collection of information on the victim, type of crime committed and possible leads, an Identity Theft Packet will be issued. An SJS will be initiated and the SJS number will be placed at the top of the packet where the GCSO report number is indicated before distributing the packet.
 - a. Criminal acts that may have been committed by illegally using another individual's personal identity.
 - b. Classify as identity theft fraudulent acts when there is evidence the following type of unauthorized activities have taken place in the victim's name in violation of state and/or federal law:
 - Credit, debit and ATM card charges.
 - Credit card checks written against their account.
 - Credit card accounts opened or account address changes.
 - Establishment of a line of credit or obtaining a loan from a financial institution.

- Good or services purchased in their name.
 - Gaining access to secure areas.
 - Used as computer fraud.
- c. Obtain and verify appropriate identifying information on the victim to include DOB, SSN, driver's license ID number, photo identification and most recent address(es) and telephone number(s).
 - d. Document the nature of the fraud or other crime committed in the victim's name.
 - e. Determine what types of personal identifying information may have been used, i.e. SSN, driver's license, birth certificate, credit card numbers and state of issuance, etc., and whether they were lost, stolen or misappropriated.
 - f. Document information concerning where the crime took place, financial institutions or related businesses involved and the residence or location of the victim at the time of these events.
 - g. Determine if the victim authorized anyone to use his or her name or personal information.
 - h. Determine if the victim has knowledge or belief that a specific person or persons have used his or her identity to commit fraud or other crimes.
 - i. Determine if the victim is willing to assist in the prosecution of suspects identified in the crime.
 - j. Determine if the victim has filed a report with other law enforcement agencies and if such agencies provided the complainant with a report number.
 - k. If not otherwise provided, document/describe the crime, documents or information used and the manner in which the victim's identifying information was used.
 - l. Forward the Incident Report through supervisor(s) to the appropriate investigative officers and, if there are national security implications, to federal intelligence and investigative agencies.

C. Assisting Victims:

1. Deputies and Investigators taking reports of identity theft should initiate reasonable measures to help victims resolve their problem, to include as appropriate:
 - a. Contact the Federal Trade Commission (FTC) at 1-877-IDTHEFT. The FTC acts as the national clearinghouse for information related to identity theft crimes and provides counselors trained in resolving credit related problems.
 - b. Cancel each credit and debit card and request new cards with new account numbers.
 - c. Contact the fraud departments of the three major credit reporting agencies, Equifax (1-800-525-6285), Experian (1-888-397-3742) TransUnion (1-800-680-7289), request that they place a fraud alert on the account, add the victim's statement requesting creditors contact the victim prior to opening new accounts in his or her name and request copies of the victim's credit report.
 - d. If bank accounts are involved, report the loss to each financial institution, cancel existing accounts and open new accounts with new account numbers. If deemed necessary place stop payments on outstanding checks and contact creditors to inform them this action has been taken.
 - e. If a driver's license is involved contact the state motor vehicle department. If the

driver's license uses a social security number request a new driver's license number. In such cases contact the Social Security Administration to determine the accuracy and integrity of the Social Security account.

- f. Change locks on residences and automobiles if there are indication keys may have been copied.

D. Investigation:

1. Investigation of identity theft will include but not be limited to the following actions as appropriate:
 - a. Review the Incident Report and conduct any follow-up inquiries on victims or others as appropriate for clarification/expansion of information.
 - b. Access the FTC Consumer Sentinel Law Enforcement Network and search the database for investigative leads.
 - c. Contact other involved or potentially involved law enforcement agencies for collaboration and avoidance of duplication. These agencies include but are not limited to:
 - Federal law enforcement agencies to include the U.S. Secret Service, F.B.I., U.S. Postal Inspection Service to determine if the victim has filed a crime report.
 - Any state or local law enforcement agency with which the victim has files a crime report or where there is indication that identity theft took place.

E. Community Awareness and Prevention:

1. When reasonable and appropriate, deputies and investigators engaged in Community Policing activities will provide the public with information on identity theft and measures that can be employed to prevent such crimes.

Greene County Sheriff's Office

Subject: Hate Crimes							Policy 106	
Effective: January 1, 2020				Standard Number(s): 44.2				
Rescinded:			Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:								

I. PURPOSE

This policy is designed to assist employees in identifying and investigating hate crimes and assisting victimized individuals and communities. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery.

II. POLICY

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

III. DEFINITIONS

A. New York State Penal Law §485.05 Hate crimes.

1. A person commits a hate crime when he or she commits a specified offense and either:

(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

he or she has been
previously convicted of the crime of aggravated harassment in the first degree
within the preceding ten years; or 2. Proof of race, color, national origin, ancestry, gender,
religion, religious
practice, age, disability or sexual orientation of the defendant, the victim or of
both the defendant and the victim does not, by itself, constitute purposes, or acquired
pursuant
to section six of the religious corporation law and maintained for purposes of
religious instruction, and the damage to the premises exceeds fifty dollars; or

2. Commits the crime of aggravated harassment in the second degree in the
manner proscribed by the provisions of subdivision three of section 240.30 of
this article and has been previously convicted of the crime of aggravated
harassment in the second degree for the commission of conduct proscribed by
the provisions of subdivision three of section 240.30 or legally
sufficient evidence satisfying the people's burden under paragraph (a) or (b) of
subdivision one of this section.

For purposes of this section:

- (a) the term "age" means sixty years old or more;
- (b) the term "disability" means a physical or mental impairment that
substantially limits a major life activity.

B. Penal Law § 240.31 Aggravated harassment in the first degree.

A person is guilty of aggravated harassment in the first degree when with intent
to harass, annoy, threaten or alarm another person, because of a belief or
perception regarding such person's race, color, national origin, ancestry, gender,
religion, religious practice, age, disability or sexual orientation, regardless of
whether the belief or perception is correct, he or she:

1. Damages premises primarily used for religious

3. Etches, paints, draws upon or otherwise places a swastika, commonly
exhibited as the emblem of Nazi Germany, on any building or other real
property, public or private, owned by any person, firm or corporation or any
public agency or instrumentality, without express permission of the owner or
operator of such building or real property;

4. Sets on fire a cross in public view; or

5. Etches, paints, draws upon or otherwise places or displays a noose,
commonly exhibited as a symbol of racism and intimidation, on any building or
other real property, public or private, owned by any person, firm or corporation
or any public agency or instrumentality, without express permission of the
owner or operator of such building or real property.

Aggravated harassment in the first degree is a class E felony.

C. Penal Law § 240.30(3) Aggravated harassment in the second degree.

A person is guilty of aggravated harassment in the second degree when with intent
to harass, annoy, threaten or alarm another person, he or she:

Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct.

Aggravated harassment in the second degree is a class A misdemeanor.

IV. PROCEDURES

A. Goals

1. Officers shall conduct a thorough and complete investigation in all suspected and confirmed hate crime incidents and assist the local prosecutor.
2. Officers should make every effort to become familiar with organized hate groups operating in the community and police contacts should be documented.

B. Initial Response Procedures

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

1. Secure the scene. Steps should be taken so that the initial situation does not escalate. This includes but is not limited to:
 - a. Stabilizing injured victims and requesting medical aid.
 - b. Providing protection to victims and witnesses by increased police presence.
 - c. Protect the crime scene and have technician collect and photograph physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
2. Identify criminal evidence on the victim if applicable.
3. Request the assistance of a translator or counselor when necessary.
4. Request the assistance of an investigator and supervisor.
5. Conduct a preliminary investigation and record information on;
 - a. the identity of suspected perpetrators,
 - b. the identity of witnesses, including those no longer at the scene,

- c. prior bias-motivated occurrences in the immediate area or against the same victim. (check with Crime Analyst, NYSIC (518) 786-2100 and/or Regional Crime Analysis Center if one exists),
 - d. statements made by suspects; exact language is critical.
6. Arrest suspected perpetrators if probable cause exists.
 - a. Conduct interview and attempt to establish motive
 - b. Consult with prosecutor if there is a question as to proper criminal charges
7. Take measures to ensure that necessary preliminary actions have been taken and brief the responding supervisor as to those action
During your investigation, look for possible signs that the incident may be a hate crime:
 - The motivation of the perpetrator or lack of motive.
 - Statements made by the perpetrator.
 - The presence of multiple perpetrators.
 - The display of offensive symbols, words or acts.
 - Was any hate literature found in the possession of the suspect?
 - Is the victim the only person of a particular group at a park or facility?
 - Is the victim from a different racial, ethnic, religious group than the perpetrator?
 - 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.
 - The perpetrator's perception of the victim, whether accurate or not.
 - The date, time or circumstances of the occurrence, such as on a religious holiday, or an event occurring at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.
 - Multiple incidents occurring in a short time period and all the victims were of the same identifiable group.
 - 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?

- Incident occurred in proximity to an establishment that could be associated with one of the protected classes.
 - The perpetrator targeted a particular portion of the victim's body; i.e. Sikh victims forcibly having his hair cut, or a victim targeted for his/her sexual orientation being attacked near or around his or her genitalia.
 - The victim's perception that he/she was selected because they are a member of an identifiable group.
8. The mere mention of a bias remark does not make an incident motivated, just as the absence of a remark does not make an incident without bias. Even the mere perception that the incident may be motivated by bias shall necessitate a notification to a patrol supervisor.
9. Be cognizant of dual motivation by some suspects. Example: A suspect may be looking to commit robberies but specifically targets elderly victims.
10. Note that an attack against a transgender victim could be covered under sexual orientation or gender.

C. Supervisory Responsibilities

The supervisor shall confer with the initial responding officer(s), take measures to ensure that necessary preliminary actions have been taken, and make appropriate departmental notifications as necessary. The supervisor shall request any appropriate additional personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim.
 - a. Express the law enforcement agency's official position on the importance of these cases, and describe the measures that will be taken to apprehend the perpetrators.
 - b. Express the department's interest in protecting victims' anonymity whenever possible.
 - c. Allow the victim a period in which to express his or her immediate concerns and express his or her feelings.
 - d. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.

- e. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, a family clergyman or departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services.
 - f. Tell the victim about the probable sequence of events in the investigation and prosecution.
 - g. Explain security measures and precautions to the victim.
2. Ensure that officers and investigator conduct a thorough preliminary investigation.
 3. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime.
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Take preventive measures to ensure the safety of the victim.

Investigating Officers Responsibilities:

In responding to the scene of an alleged hate crime, investigating officer shall assume control of the follow-up investigation to include the following:

1. Ensure that the scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the owner of the property shall be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible. The officer or investigator shall follow-up to ensure that this is accomplished in a timely manner.
2. Conduct a comprehensive interview with all victims and witnesses (and depose) at the scene, or as soon as possible thereafter, and canvass the neighborhood for additional sources of information.
3. Work closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution.
4. Coordinate the investigation with agency, state, and regional crime analysis centers. These sources shall provide the investigative officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

5. Coordinate the investigation with other units of the agency and with outside agencies where appropriate.
6. Maintain contact with the initial responding officer and keep him or her apprised of the status of the case.
7. Recommend to Commanding Officer whether the incident should be classified as a hate crime.
8. Investigative officers shall take steps to ensure that appropriate assistance is being provided to hate crime victims, to include the following measures:
 - a. Contact the victim periodically to determine whether he or she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Attempt, whenever possible, to conduct all interviews with victims at their convenience and minimize, to the degree possible, interactions in which victims have to relate the incident.
9. Recommended Steps When Suspect is Not in Custody or Has Not Been Identified
 - a. Coordinate investigation with other department units.
 - b. Work with Analyst or Regional Crime Analysis Center to research leads and prepare bulletins.
 - c. Conduct extensive canvass and distribute bulletins in area of the incident.
 - d. Debrief individuals arrested in the area.
 - e. Work with media to attempt to garner witnesses and investigative leads.
 - f. Follow-up leads in timely manner.

Incident Report Preparation

Incident reports should clearly indicate the following information:

- Offense – Hate Crime designated Penal Law
- Victim age, gender, race, and ethnicity (when victim(s) is an individual(s))
- Offender age, gender, race, and ethnicity (when available)

The narrative portion of the Incident report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. The specific bias motivation of the perpetrator should be documented (Ex: selected victim because he was Hispanic, Jewish, Muslim, etc...)

Arrest Processing

The Hate Crimes law is a sentencing enhancement statute. Thus, when the specified crime is a misdemeanor or a class C, D, or E, felony, the hate crime shall be deemed to be one category higher. For example, if a defendant is alleged to have committed an Assault in the second degree, which is a "D" felony and it is alleged that the assault was a hate crime, then upon a conviction the assault is deemed to be a "C" felony and the sentence imposed will be based upon the sentencing range for a "C" felony. "A" and "B" felonies charged as hate crimes stay the same but are subject to higher penalties.

It is important to realize that a class A misdemeanor charged as a hate crime is deemed a class E felony. This may affect the manner in which the case is handled (e.g., arraignment, bail, grand jury). Reporting of hate crime arrests is statutorily required. It is essential that if an individual is being charged with a hate crime, the arrest is properly coded. When an arrest is being processed for a hate crime, you are required to use the penal law code with the letter "H" to highlight and make the distinction. The letter "H" is applied to the subdivision of the PL section. In those cases where no subdivision exists, a double zero is used with the letter "H". Use caution when using automated booking system to ensure that the correct offense is selected.

Examples:

PL section 120.00, subdivision 1 – Assault 3rd

- 120.00(01**H**), when it is a Hate Crime
- PL Section 140.15 – Criminal Trespass 2nd
- 140.15 (00**H**), when it is a Hate Crime

Note: Do not use the letter H when you are not charging a hate crime or the arrest will be reported as a hate crime arrest by DCJS.

Accusatory Instrument

1. As the Legislature made clear in the language of Penal Law section 485.00, the victim of a hate crime is society as a whole. It is apparently for that reason that the hate crime statute does not require specification of any particular person, only “a person.” It is the attribute of the protected class (i.e., sex, race, sexual orientation, etc.), not the name of any particular individual member or members of that class which is of importance. Accordingly, the manner in which to allege a hate crime is to set forth the particular attribute of the protected class which is claimed to have motivated the defendant, and not name any particular person or persons. The indictment can simply allege that the defendant committed the underlying crime in whole or in substantial part because of a belief or perception of the race, or sex, or sexual orientation, etc, of “a person.” Likewise, when alleging aggravated harassment in the first degree, the accusatory instrument need only allege prohibited conduct directed toward a class of individuals.
2. The accusatory paperwork filed with the court should also list the “H” designator. The narrative portion of the accusatory incident must include the elements and facts of the crime that demonstrate that the victim was intentionally selected or the act was intentionally committed because of a belief or perception regarding such person’s race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

Records Management Section

1. Assist department in complying with state hate crime reporting requirements.
 - a. Submit all incidents of reported hate crimes to DCJS each month using the State form 3294 (see Attachment A). Forms must be submitted each month. If no hate crimes were reported, departments must complete the form by checking the “Nothing to Report (NTR)” box.
 - b. Report monthly, by submitting a duplicate copy of form 3294, to the Regional or County Crime Analysis Center in accordance with any county or local laws.

Community Relations and Crime Prevention

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

1. Provide victim(s) with a point of contact in the department to whom they can direct questions or concerns, and keep them informed of the case progress including the end result of the investigation or prosecution.
2. Protect the privacy of the victim and their families as much as possible.
3. Provide any direct assistance reasonably possible and referral assistance to the victim and the family of the victim.
4. Meet with neighborhood groups, residents in target communities and other identified groups, to allay fears, emphasize the agency's concern over this and related incidents, reduce the potential for counter-violence and reprisals, and provide safety, security, and crime prevention information.
5. Engage the media as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
6. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
7. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.
8. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

Greene County Sheriff's Office

Subject: DOMESTIC VIOLENCE POLICY						Policy 107	
Effective: January 1, 2020			Standard Number(s): 29.4				
Rescinded:		Amended: August 17 th , 2020			Sheriff Peter Kusminsky		
Reviewed:							

I. Purpose

The purpose of this policy will be to prescribe a course of action for responding to domestic incidents that shall be fully adopted and implemented by this department.

II. Policy

It shall be the policy of the Greene County Sheriff's Office to respond to every domestic incident as a serious call for service. GCSO members shall consistently seek to enhance the safety of victims and their children through a combination of law enforcement and referral to domestic violence service providers. The GCSO will further promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic violence calls for service.

It is the policy of the Greene County Sheriff's Office that members will:

- A. Respond to every domestic incident as a serious call for service.
- B. Enhance the safety of victims and their children through a combination of law enforcement and referral to domestic violence service providers.
- C. Promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with, domestic violence calls.
- D. Follow this policy regardless of the perceived nature of the relationship between the alleged victim and perpetrator.
- E. Not utilize dispute mediation and/or reconciliation as methods of resolving domestic disputes whenever criminal prosecution is possible.

III. References

- A. Criminal Procedure Law
- B. Family Court Act
- C. Penal Law

IV. Definitions

- A. Domestic Incident: Means any dispute, act of violence, or report of an offense between individuals within a family or household where police intervention is requested. A domestic incident is not necessarily a violation of law.
- B. Members of the same family or household: Defined as such by the Family Court Act and the Criminal Procedure Law in that they:

1. Are related by consanguinity or affinity.
 - a. Consanguinity – related by blood.
 - b. Affinity – familial relation resulting from a marriage.
2. Are legally married to one another.
3. Were formerly married to one another regardless of whether they still reside in the same household.
4. Have a child in common regardless of whether such persons have been married or have lived together at any time.
5. Are not related by consanguinity or affinity but who are or have been in an “intimate relationship” regardless of whether such persons have lived together at any time.

- C. Intimate relationship: People who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. A court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship."

Note: As of July 2008 with the passage of (CPL) §530.11 (1) amendment police shall apply mandatory arrest provisions of CPL sections 140.10 (4) and 140.10 (5) to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

- D. Domestic Violence: For the purposes of this policy, the term “domestic violence” shall include all designated family offenses as defined in **CPL § 530.11 (1) and FCA § 812 (1) (See Appendix “A”)**.

Additionally, for purposes of this policy, the term “domestic violence” shall also include the following acts or offenses between members of the same family or household, as defined in section B of this policy:

1. Acts that violate the terms of a valid order of protection issued by the

Family, Criminal, or Supreme Courts of New York State, or any valid order of protection or restraining order issued by a court in any other state, commonwealth, territory, or possession of the United States, or by any tribal governments located within the United States; or

2. Coercion 1st degree (P.L. § 135.65), Coercion 2nd degree (P.L. 135.60), Tampering with a witness (P.L. § 215.10, 11, 12, 13), Intimidating a witness (P.L. §215.15, 16, or 17), Endangering the welfare of a child (P.L. § 260.10), Endangering the welfare of an incompetent or physically disabled person (P.L. § 260.25), and/or Endangering the welfare of a vulnerable elderly person (P.L. § 260.32, 34); or
3. Any conduct specifically intended to prevent or delay a person from communicating a request for emergency assistance by intentionally disabling or removing communication equipment, such as a telephone or teletypewriter service (TTY) (P.L. §145(4)).

E. Concurrent Jurisdiction: Where two or more courts from different systems simultaneously have jurisdiction over a specific case. A victim of a Family Offense may elect to proceed in either a civil or criminal court or in both. Criminal courts and the Family Court have concurrent jurisdiction when:

1. A designated Family Offense is alleged to have been committed; **and**
2. A family/household relationship exists; **and**
3. The alleged offender is 16 years of age or older.

F. Order of Protection: A civil or criminal order that provides protections to a person from another person that they are married to, separated from, divorced from, have a child in common with, are/were in an intimate/dating relationship with (including same sex and teen couples) or are related to by blood or marriage. An Order of Protection may only be issued by a court, and can likewise only be modified or terminated by that same court or a court of competent jurisdiction, and shall be considered valid under the following conditions:

1. Any order of protection, including an order on consent, from the Family, Criminal, or Supreme Courts of New York State, and/or
2. Any foreign order of protection, defined as a court order that is issued by a court other than a court located within New York State, including:
 - a. Any state, county, or local court of other states;
 - b. Any Indian tribal court located within the United States;
 - c. Any court within the District of Greene; and
 - d. Any court of a commonwealth, territory, or possession or the United States (American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands).

- G. Officer: State, Local, Federal and Tribal law enforcement officers.
- H. Registry: Statewide computerized database of Orders of Protection.
- I. Victim's Rights Notice: As used in this policy shall mean the notice or form described in Criminal Procedure Law section 530.11 (6).
- J. Domestic Incident Report: The state issued form described in Executive Law § 837 (15) and mandated by CPL 140.10 (5) for officers to complete for all calls for service where police intervention is requested for a domestic incident.
- K. Duty Weapon: For the purpose of this policy, a duty weapon is defined as those weapons owned by the agency or by the officer and approved by the agency for use by the officer on duty or off duty in the performance of the officer's duties.
- L. Note: Anytime a "Note" appears, it will be provided as ancillary to the policy. Examples might be where a law has changed a "Note" may be added for some period of time without a vote of the Council being required for the amendment.

V. Communications Procedures

- A. Call Priority: All domestic incident calls shall be handled as high priority.
- B. A domestic incident call shall not be reclassified or recoded without a supervisor's review.

VI. Responding Officer Procedures

- A. A domestic incident call signifies that violence or abuse has potentially occurred, and that people are in need of law enforcement assistance.
- B. Arrival on scene is part of the investigation, therefore, officers should be alert to the sights and sounds coming from the location, and that anything or anyone present may serve as evidence. As always, officers should wait for backup to arrive, when appropriate, and should always put officer safety first in order to be most helpful to the victim(s) and most able to hold any offenders accountable by taking control of the scene.
- C. The responding on-scene officer shall:
 - 1. Take control of the situation by first separating the involved parties.
 - 2. Take control of all weapons used or threatened to be used in the incident.
 - 3. Locate and visually check all occupants of the location to verify their

safety and well-being, including children.

4. Assess the need for medical attention and request that any required assistance be dispatched.
5. Interview all available witnesses, separately including victim, suspect and children.
6. If the victim, children or other witnesses do not speak English or require accommodations such as a sign language interpreter, contact the local domestic violence service provider or seek other methods (i.e. Language Line) for assistance in obtaining a translator/interpreters as soon as possible.
 - a. Never use the children to translate or interpret. It can compromise the children's safety and expose them to details of the abuse that are inappropriate and is not an accurate way to obtain information. Terminology and language may be too advanced for young children.
 - b. Officers should also discourage the use of witnesses as translators because of their potential for bias.
7. After all interviews have been conducted, determine whether an offense has been committed, whether an arrest should be made, and whether other action should be taken. If an arrest is made, advise the victim that release of the suspect can occur at any time so that the victim may take desired safety precautions. If you have not already, provide the victim with the phone number of the local domestic violence service provider and offer to facilitate that communication by whatever means your department has available (a phone call, an advocate arriving on scene, etc).
8. Provide the victim with the NYS Domestic and Sexual Violence Hotline: English: 1-800-942-6906 (TTY: 1-800-818-0656). Spanish: 1-800-942-6908 (TTY: 1-800-780-7660).
9. Highlight and provide the victim with a copy of the Victim Rights Notice and if necessary or requested, read the Victim Rights Notice to the victim.
10. Collect and record all potential evidence, including excited utterances and spontaneous admissions by all parties and witnesses. Make every effort to locate all potential witnesses, take photographs of injuries and/or property damage or, in accordance with department policies, request the response of appropriate crime scene investigators.
11. Complete the NYS Domestic Incident Report Form and any other reports necessary to fully document the officer's response, whether or not an offense was committed or an arrest is made. Provide the victim

with the victim's copy of the NYS Domestic Incident Report/Victim Rights Notice Form immediately upon its completion at the scene.

12. If the officer has reasonable cause to believe a crime has been committed, the officer will attempt to locate and arrest a suspect who has left the scene without delay by:
 - a. Conducting a search of the immediate area; and
 - b. Obtaining information from the victim and witnesses that will aid in apprehending the suspect; and
 - c. Continuing the investigation as necessary, or referring the matter to the proper unit for follow-up investigation and arrest or warrant application. If the search for the offender is unsuccessful and the victim has elected to remain at the scene, advise the victim to call the department if the offender returns. Prior to leaving the scene, officers should attempt to obtain a signed information, complaint, or deposition from the victim.
13. If the officer is advised or becomes aware the offender is under probation or parole supervision, a copy of the DIR shall be sent to the local supervising probation office or the State Division of Parole pursuant to their protocol. When possible, the officer should confirm receipt.

D. Responding officers at the scene of a domestic incident shall provide the following assistance to victims and, where appropriate, the children or other family or household members:

1. Advise all parties present about the serious nature of domestic violence, its potential for escalation, and of legal and human services assistance available; and
3. Assess the immediate safety and welfare of the children; and
3. Remain at the scene until the immediate threat of violence appears to have passed and all appropriate safety precautions have been taken; and
4. Provide the victim with referral information regarding domestic violence shelters, services and a local hotline number; and
5. When appropriate, officers must arrange for the transport of the victim to a shelter and assist with accommodation for victims of domestic violence and their children at available shelters or other places of safety.

VII. Arrest Policy

- A. Primary Physical Aggressor misdemeanor offenses must be determined when an officer has reasonable cause to believe that more than one family or household member has committed a family offense. In such circumstances, the

officer is not required to arrest each person, instead, the officer shall attempt to identify and arrest the primary physical aggressor after considering:

1. The comparative extent of any injuries inflicted by and between the parties.
2. Whether any such person is threatening or has threatened future harm against another party or another family or household member.
3. Whether such person has a prior history of domestic violence that the officer can reasonably ascertain.
4. Whether any such person acted defensively to protect himself or herself or a third party from injury.

Note - When investigating this factor at the scene, the following sources of information may be available: agency records, NYSPIN Services, Registry of Orders of Protection, criminal history, prior DIR's, prior acts of violence against others, reports of other officer(s) responding to address for past incidents and statements of neighbors or others in the residence.

- B. All warrantless arrests shall be made in conformance with § 140.10 of the Criminal Procedure Law and applicable department policy and procedure.
- C. The victim shall *not* be required to make a civilian arrest when the officer is able to make a lawful warrantless arrest.
- D. Officers will file the accusatory instrument themselves if an offense occurred in their presence, or if there is reasonable cause to believe that the suspect committed a crime in or out of their presence.
- E. Officers will file an accusatory instrument and apply for a warrant themselves for all mandatory arrest crimes when the suspect is not at the scene or has not been arrested.
- F. Even if the victim actively intercedes and requests that no arrest be made, a lawful warrantless arrest based on reasonable cause shall be made in accordance with CPL §140.10. and documentation of the victim's requests should be made, with attention to the possibility that such an arrest could lead to subsequent increased violence.
- G. Victims have the right to go to family court and family court is a civil court not a criminal court.
- H. Cross Complaints /Primary Physical Aggressor – every effort shall be made to determine the primary aggressor. The arrest of both parties will require supervisory approval.

VIII. Family Offense Arrest Processing

- A. Officers will provide victims of a Family Offense the information that:
1. There is concurrent jurisdiction with respect to family offenses in both Family Court and the criminal courts. Victims of family offenses may proceed in either Family and/or criminal court or both;
 2. A Family Court proceeding is a civil proceeding.
 3. A proceeding in the criminal courts is for the purpose of prosecuting the alleged offender and can result in a criminal conviction of the offender;
 4. A proceeding subject to the provisions of section 812 of the Family Court Act is initiated at the time of the filing of an accusatory instrument or family court petition, not at the time of arrest or request for arrest (when Family Court is not in session a criminal court may issue a Family Court order of protection); and
 5. An arrest may precede the initiation of a Family Court or a criminal court proceeding, but an arrest is not a requirement for commencing either proceeding. The arrest of an alleged offender shall be made under circumstances described in §140.10 (4) of the Criminal Procedure Law.
- B. Inform victims that they are not required to be present at arraignment. If an order of protection is desired, the court should be advised of such request.
- C. Booking procedures, fingerprinting and photographing shall conform to current departmental procedures and section 160.10 of the Criminal Procedure Law.

IX. Non-Family Offenses Arrest Processing

- A. Offenses that are not designated Family Offenses, but which occur in domestic incident situations cannot be handled in Family Court. Criminal courts have exclusive jurisdiction over these acts (e.g., murder or attempted murder, criminal possession of a weapon, rape, unlawful imprisonment).
- B. Booking procedures, fingerprinting and photographing shall conform to current department procedures and section 160.10 of the Criminal Procedure Law.
- C. Although the violation of an order of protection is not a designated Family Offense, the Family Court has concurrent jurisdiction to enforce these orders when it issues them.

X. Orders of Protection

- A. When an Order of Protection has been served by the department, the department shall provide the court with proof of service, and update the statewide Order of Protection computer registry, as pursuant to law (**See Appendix "C"**).
- B. Enforcement: The following procedures shall be followed in the enforcement of an Order of Protection:

1. The on-scene officer shall make an evaluation of the facts and circumstances surrounding the incident.
 2. A lawful warrantless arrest may be made based on reasonable cause even though the protected person may be unable to present a valid copy of the order. In such case, the officer shall attempt to verify the existence and terms of the order through department records or NYSPIN Services.
 3. Where an officer receives a complaint from a protected person or has an independent basis to believe that an order of protection has been violated, and has reasonable cause to believe that the terms of such order have been violated, an arrest shall be made for the appropriate degree of criminal contempt regardless of whether the prohibited conduct occurred in the officer's presence. A copy of the Order of Protection shall be attached to the court accusatory instrument. Stalking charges should always be considered when Orders of Protection are violated.
 4. If an arrest is made for violating an Order of Protection and the protected person does not verify (sign) the accusatory instrument, the officer should attempt to obtain a deposition and/or prepare his or her own accusatory instrument which shall include a statement that the terms of the order were violated and a description of the behavior constituting the alleged offense.
 5. In instances where the conduct prohibited by the Order of Protection is also conduct constituting another offense, the offender shall be charged with violation of the Order of Protection (e.g. Criminal Contempt) and the additional offense (e.g. Criminal Mischief, Aggravated Harassment, etc.).
- C. Out-of-State Orders: Orders of Protection issued in another State shall be given full faith and credit in New York State. When an officer is presented with an Order of Protection issued in a state other than New York State or by a Tribal Court, the officer shall determine its validity, similar to assessment of a New York State Order. Unless clearly invalid, an out-of-state order will be presumed to be valid, and shall be enforced according to the conditions set forth in that order, by the criminal court with jurisdiction over the acts constituting the immediate offense.

XI. Firearms

- A. Upon arresting an individual who is licensed to carry, possess, repair, or dispose of firearms, pursuant to Article 400 of the Penal Law, the arresting officer should, whenever practicable, notify the arraignment court that the alleged offender is so licensed and also advise the court of the licensing authority and county of issuance.

- B. The arresting officer shall confiscate all firearms, including long guns, when the domestic incident results in an arrest, and any weapon was either used or threatened to be used during the commission of such crime. If licensed, the arresting officer shall indicate, on the accusatory instrument, that the defendant is so licensed.
- C. The arresting officer shall provide the offender's name to any/all local agency/agencies issuing firearm permits, with notification of the arrest and firearms confiscation.
- D. This notification will also be made on the accusatory instrument when the following conditions are met:
 - 1. The arrest is for a willful failure to obey an Order of Protection issued under Article 8 of the FCA that involves violent behavior constituting the crime of Menacing, Reckless Endangerment, Assault or Attempted Assault.
 - 2. The arrest is a willful failure to obey a lawful Order of Protection issued under Article 8 of the FCA or Section 530.12 of the Criminal Procedure Law where such willful failure involves the infliction of serious physical injury or the use or threatened use of a deadly weapon or dangerous instrument.

XII. Appearance Tickets and Bail

- A. Following an on-scene arrest for a crime arising from a domestic incident, an appearance ticket shall not be issued. Instead, and where possible, the officer shall remove the alleged offender from the scene and complete pre-arrestment booking procedures in accordance with department policy and §160.10 of the Criminal Procedure Law.
- B. Any deviation from this procedure must be approved by the shift supervisor, and the reasons for such deviation must be documented in the case file.
- C. Officers shall not assure victims that an arrested individual will remain in custody for any period of time because of the provisions of this policy. Such assurances to the victim might influence decisions regarding safety precautions that the victim may take.

XIII. Additional Functions

- A. The department will maintain a current listing of agencies that provide aid to victims of domestic violence. Officers shall refer victims to these agencies when appropriate.
- B. Where victims of domestic violence are incapacitated by physical, mental or emotional impairments, and/or language barriers, officers will consult with the county adult protective services and assist, where appropriate, in supportive

interventions.

- C. Officers and communications personnel should be trained on an ongoing basis with regard to this policy, domestic violence, the applicable statutes concerning domestic violence, and the roles, responsibilities, and limitations of law enforcement in responding to and intervening in domestic violence cases.
- D. The department shall designate specific personnel to periodically review the adequacy of this policy, assess and enforce compliance with its provisions by department personnel, and make recommendations to the head of the department regarding any revisions deemed necessary to improve or enhance the implementation of this policy, including but not limited to changes in legislation and departmental practice that will impact the department's ability to fully comply with this policy.

XIV. Officer-involved Incidents

- A. Purpose: To acknowledge the special nature of officer-involved domestic incidents and to establish departmental policy and procedure in handling such calls.
- B. Definition: An officer-involved domestic incident, under this policy, shall include:
 - 1. Any domestic incident in which a police officer is identified as a suspect on a DIR or otherwise;
 - 2. Domestic violence perpetrated by a police officer upon a member or members of his/her family or household; and/or
 - 3. Any domestic incident or domestic violence in which the identified victim, witness, or suspect are police officers.
- C. Responding officer
 - 1. Upon arrival on the scene of a domestic incident involving an alleged offender who is a police officer, the primary responding officer shall immediately notify communications and request that a supervisor of higher rank than the alleged offender report to the scene, regardless of the alleged offending officer's jurisdiction;
 - 2. In responding to a domestic incident where the victim is a police officer, standard domestic violence response and investigation procedures should be followed. In addition to being provided with the local domestic violence service provider's contact information, the victim should be referred to the department's domestic violence officer or other appropriate personnel and given the choice to make contact at any point.

3. In the event that a reported domestic incident involves the Sheriff as the perpetrator, the supervisor shall immediately notify the LED Lieutenant(s) who will notify the Undersheriff. The District Attorney will be notified if an arrest is made or contemplated.

D. Notifications: All of the following notifications will be made without unnecessary delay. The particulars of the notification attempts shall be recorded and noted in the case folder or dispatch logs.

1. When the officer-involved is employed by the responding agency the supervisor on duty shall be notified by the responding officer. The supervisor shall respond to the scene without unnecessary delay.
2. When the officer-involved is employed by another jurisdiction, an attempt to notify the highest ranking supervisor on duty in that agency shall be made by the responding officer. The LED Lieutenant(s) will be notified.
3. If the officer-involved is an executive level officer such as Chief or OIC of another jurisdiction, the highest ranking supervisor of that agency, on duty, shall be notified by the responding officer.
4. Notification to the prosecutor's office shall be made as soon as practicable by the responding officer or other agency member pursuant to that agency's arrest and prosecution notification procedures.
5. Whenever notification to any official in another agency is required, notification efforts will be recorded by the responding officer and anyone else who provides notification.
6. Records of all notifications and contacts will be maintained in writing.
7. If the other agency requests any efforts of our agency beyond notification, advise the on-duty supervisor, the LED Lieutenant(s) and document your subsequent actions.
8. If an arrest is made, applicable departmental policies related to duty status/assignment, suspension, etc. will be followed.
9. If a criminal investigation is required, applicable departmental policy shall be followed. In the absence of departmental policy, this investigation should be completed before the officer can be interviewed by departmental personnel for any administrative investigation associated with the event.
10. Any deviation from such Arrest Procedures in Sections VIII or IX of this policy shall be made only in exigent circumstances, and may only be approved by the shift Sergeant, Lieutenant, Undersheriff or Sheriff. Any such deviation and its justification shall be documented in writing. If no

supervisor is available, there shall be no deviation from these procedures.

11. Any GCSO member which makes a domestic incident/domestic violence-related arrest of a law enforcement officer from another agency shall notify the employing agency of the arrest, the specific charge and the time of the arrest, prior to the end of the working shift during which the arrest was made. The LED Lieutenant(s) will also be notified.
12. A domestic incident which involves a police officer as an offender must comply with the notification procedures cited in this policy regardless of arrest status, and the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought.
13. Any officer who has been arrested or who has been involved in a domestic incident requiring police assistance will notify the designated departmental officer of this incident immediately, or as soon as practicable.
14. Whenever an officer has been served with an Order of Protection, including service of modifications of existing orders of protection, the officer will make a copy available to the Sheriff or designee immediately or as soon as practicable.
15. Whenever a Deputy Sheriff serves an Order of Protection and where the protected party is an officer in the department, the protected party will be notified as soon as practicable.
16. Whenever a Deputy Sheriff must serve an order of protection to a police officer regardless of what agency employs the officer to be served, two Deputy Sheriff's will be present when serving the order, one being a supervisor if one is on duty. The officer who is the subject of the order of protection will not be advised of the OP prior to being served. Once service is made, a supervisor from the employing agency must be notified that service was made. The GCSO LED Lieutenant(s) will be notified before service is made.

E. Victim Assistance

1. When the victim is a police officer, she/he shall be informed of and provided access to all the services and protections set forth for all domestic violence victims covered under this policy, **and her/his name and pedigree information shall remain confidential** within the department.
2. The department will publish the designated domestic violence victim

assistance personnel that provide officer-involved victim assistance and services to family members of the department.

F. Criminal Investigations

1. A criminal investigation shall be set in motion by the Sheriff with jurisdiction over the case. This may include assistance from an outside agency.
2. The criminal investigation shall be handled the same as any domestic incident investigation not involving a police officer.
3. Internal investigation processes shall be followed the same as other internal investigations of officers, unless a conflict in procedures with domestic incidents is evident.
4. When both parties in an alleged domestic incident are officers, the department shall proceed with the investigation and prosecution whether or not the victim chooses to participate.

G. Administrative Investigation

1. An administrative investigation shall take place regardless of whether an arrest has been made, and shall apply to all officer-involved domestic incidents.
2. Administrative Order of Protection: The Department may issue an Order directing the officer offender to stay away from or refrain from engaging in behavior directed at a specific person. This Order shall include provisions stating that violation shall be cause for disciplinary action.
3. Based upon the evidence found in the investigation, administrative actions and discipline of the offending officer shall be enforced.
4. Administrative discipline shall be handled according to agency policy and labor agreement.
5. Officers who are victims in an officer-involved domestic incident will be provided with information during and after the Administrative Investigation, with as much advance notice of outcomes as possible, given that they may have to adjust their own personal safety plan and make other arrangements for themselves in response to the potential for escalating violence that typically accompanies the enforcement of domestic violence offender accountability.

H. Duty Weapons

1. Whenever the Sheriff is given a copy of an Order of Protection by an officer, an officer of the court, or a party to the order, or

when there is reason to believe an officer is under a qualifying Order of Protection, the department will implement a procedure that attempts to verify the officer is in compliance with 18 U.S.C. § 922(g)(8) and or 922(g)(9), both of which describe when it is prohibited for an officer to possess pistols, rifles, shot guns or ammunition (**See Appendix "B"**). The Sheriff will be notified immediately.

2. A police officer's "duty" weapon is generally exempt from this prohibition.

Greene County Sheriff's Office

Subject: CHILD ABUSE						Policy 108	
Effective: January 1, 2020			Standard Number(s): 29.4				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: Greene County Sheriff's Office has a protocol that outlines a procedure common to investigating cases of physical and sexual abuse in Greene County. GCSO personnel will adhere to the sequence of steps outlined herein when encountering or taking complaints involving cases of physical and sexual abuse.

I. Procedure

A. Child sexual abuse cases are investigated by:

1. Child protective Service (CPS) via a hotline report from the New York State Central Registry also referred to as the "Albany Hotline".
2. Law Enforcement (LE) via a complaint regarding sexual abuse or via Law Enforcement Referral (LER) from the Albany Hotline.

B. It is recommended that all child sexual abuse calls originating from the New York State Central Registry (Albany Hotline) be investigated by both a Child Protective Services caseworker and a law enforcement officer. The rationale for this team approach (joint investigation) is to enhance case coordination and avoid duplication of investigative tasks such as interviews of the victims.

C. If at any time a Child Protective Services caseworker or law enforcement officer must commence a joint investigation without the assistance of the other party, either party should inform the other of the commencement of the investigation as soon as practical.

D. In the course of any investigation, either Child Protective Services or law enforcement may come across information that indicates possible child sexual or physical abuse. It is advised that the caseworker or investigator contact the necessary agency to assist in or lead the investigation of child sexual or physical abuse as soon as possible.

E. Following are the guidelines for investigation, each beginning with "Quick Steps". Please note that numbers in parentheses following a Quick Step refers to the procedure number contained in the in-depth description of steps following the Quick Step.

G. Law Enforcement Case Quick Steps:

.... LE contacts complainant.

.... LE notifies District Attorney or County Attorney by telephone or fax.

- LE assesses if case meets the guidelines for a hotline call.
- LE goes out on case to interview the victim. Get information regarding corroborative evidence.
- Interview non-offending parent or caretaker. Referral is made to Crime Victim Assistance Program.
- Interview siblings, witnesses and victims.
- Interview any other witnesses.
- Assessment and arrangements for medical examinations.
- Interview perpetrator by LE. If juvenile, make necessary interviewing arrangements.
- Assessment regarding safety of child (ren). Is Order of Protection needed?
- All information given to prosecutor, including medical records if available.
- Prosecutor makes assessment regarding case ASAP and feedback if case is insufficient to prosecute.
- Prosecutors contact victims and guardians regarding disposition.

H. Procedure For Cases Through Law Enforcement:
(non-Child Protective Services case)

1. Law enforcement receives a complaint
2. Law enforcement contacts complainant.
3. Law enforcement should notify the District Attorney's of County Attorney's Office with information for case assignment as soon as possible.
 - a. The District Attorney's Office will assign an Assistant District Attorney specializing in sexual and physical abuse. The County Attorney's Office will assign someone specializing in juvenile matters.
 - b. The Assistant District Attorney or Assistant County Attorney will contact law enforcement.
 - c. On weekends, evenings or holidays, law enforcement should call an Assistant District Attorney specializing in sexual and physical abuse or Assistant County Attorney specializing in juveniles regarding any new interviews, gathering of evidence, preparing search warrants or bail requests.
4. Law enforcement should determine if the case meets the guidelines for a New York State Central Registry report. If in doubt about whether the case meets criteria for Child Protective Services involvement, consult with the Child Protective Services supervisor or Child Protective Services after hours on-call worker. Contact will be via Sheriff's Office Communications Center.

If it meets the guidelines and the report is taken by the New York State Central Registry, law enforcement will contact Child Protective Services regarding the case.

- a. Law enforcement may contact Child Protective Services during their office hours (Monday through Friday, 8:00 AM to 4 PM) or through the GCSO Communications Center on evenings, weekends and holidays.
 - b. If the case meets criteria of Child Protective Services, the case should be worked jointly.
5. If possible, arrangements should be made for the appropriate prosecuting office to be part of the interview with the child.
6. Law enforcement will run the investigation. Ideally the direction of the investigation is developed through the joint effort of law enforcement and the District Attorney's Office. Law enforcement conducts the actual investigation and evidence gathering in the preliminary stages. The District Attorney's Office or County Attorney's Office is to be consulted on legal issues such as evidentiary requirements for search and arrest warrants and the like.
7. The Crime Victim Assistance advocate can be contacted to provide support for the child or parents during interviews.
8. Law enforcement interviews the child: a forensic interview should be conducted whenever practical with the assistance of CPS and the Child Advocacy Center. Recording of these interviews will only be done when authorized by the DA's Office. Any recording will be forwarded to the DA's Office and one copy will be placed in the case file.
 - a. Inquire about any witnesses or victims.
 - b. If the child discloses any sexual abuse, law enforcement should seek to obtain corroborative evidence (e.g. drawings of rooms, description of bedroom layout or odd furniture, soiled sheets or clothing, pornography, objects that were used. Take special note of whether the perpetrator has a computer and if any information regarding the crime may be stored in the computer or on a computer disk).
 - c. If any agency investigator determines through an interview that another or multiple jurisdictions are involved, they must inform other agencies. Other agencies will determine whether they will interview the child or request that the initial interviewer continue to investigate.
9. Interview parents or caretakers. Refer to the Crime Victim Assistance Program for support services and any assistance regarding medical care.
10. Law enforcement should seek to recover corroborative evidence per Agency guidelines and practices. Usually this will involve consent or a search warrant. However, there are other modes of legally gathering evidence (e.g. plain view).
 - a. If the perpetrator is a juvenile (7-16 years old), the consent to search some areas of the home (e.g. parent's bedroom) needs to be authorized by the caretaker. The juvenile can give permission for consent to search his or her rooms.
11. Law enforcement should contact the District Attorney's Office or County Attorney's Office to get a search warrant to obtain any evidence that children have described (description of bedroom layout or odd furniture, soiled clothing or bedding, pornography, objects that were used; specifically state whether the perpetrator has computer and if any information regarding the crime may be stored in the computer or on a computer disk).
 - a. If the perpetrator is a juvenile (7-16 years old) and a search warrant is

necessary, contact the County Attorney's Office.

12. Law enforcement obtains any corroborative evidence with a search warrant.
13. Law enforcement interviews any other child (ren) who may possibly be involved and any witnesses for possible corroborative information.
14. Regardless of whether or not a child discloses abuse, additional interviews should be considered.
15. Within 72 hours of the last incident of the sexual or physical abuse, a child needs an immediate medical examination for:
 - a. Gathering physical evidence such as semen, photos of injuries or any empirical data.
 - b. The child's health needs.
 - i. Law enforcement should arrange to have the child taken to Columbia Memorial Hospital Emergency Room. The Crime Victims Assistance Program can assist with accompanying the child and family to the hospital to provide support services and may be able to assist with transportation. Law enforcement is responsible for collection and preservation of evidence.

+Authorizations for release of information need to be signed by the parent or guardian.

+Arrangements for getting copies of the medical records to the District Attorney's Office or the County Attorney's Office should be ensured. This can be accomplished by having the parent(s) or legal guardian sign a medical release consent for the District Attorney of Greene County.
16. Within 72 hours of the last incident of the sexual or physical abuse, the investigator recommends to the parent that arrangements for medical care should be made:
 - a. Releases of information need to be signed.
 - b. Arrange for copies of the medical records to be provided to the District Attorney's Office or the County Attorney's Office.
 - c. The Crime Victims Assistance Office will assist in obtaining past medical records (with parent's consent), scheduling appointment, accompaniment and providing transportation when possible.
17. Law enforcement to interview the perpetrator.
 - a. If the perpetrator is a juvenile:
 - i. Make every reasonable attempt to notify the parent or guardian upon apprehension of the child in order to obtain parent or guardian consent for an interview.
 - ii. Interview child in areas designated for juvenile perpetrators.
 - b. If the perpetrator resides with children:
 - i. Ask if those children can be interviewed or obtain permission from the parents of those children.

18. Law enforcement will assess the need for protection of the victim(s) such as:
 - a. Order of Protection.
 - b. Parents ability and understanding of the need to protect the child from the perpetrator. If there are any concerns about the parent(s) ability to protect the child, consult with the local CPS supervisor or contact the Albany Hotline.
19. If the District Attorney's Office or the County Attorney's Office needs a certified copy of the medical records for criminal court, the District Attorney's Office or County Attorney's Office will issue a subpoena. Law enforcement may obtain a certified copy from the District Attorney's Office or the County Attorney's Office.
20. The District Attorney's or County Attorney's Office will make an assessment regarding the prosecution of the case as soon as possible and give feedback if the case is insufficient to prosecute.

Greene County Sheriff's Office

Subject: MISSING / ABDUCTED PERSONS						Policy 109	
Effective: January 1, 2020			Standard Number(s): 44.3				
Rescinded:		Amended: August 17th, 2020				Sheriff Peter Kusminsky	
Reviewed:							

POLICY: The purpose of this Rules and Regulation is to provide guidelines for the case management and investigation of reported missing/abducted persons. The following procedures may also be used to enhance the management of any major investigation conducted by the GCSO.

Reports of missing persons will be investigated expeditiously and continuously until brought to resolve. GCSO personnel will utilize the following procedures to assist in such investigations.

I. Procedure

A. Initial Response

1. Communications Center

- a. Intake report from parent or caller.
- b. Obtain basic facts, details, brief description of the missing person and abductor if relevant.
- c. Dispatch deputy to the scene.
- d. Search records from previous incidents involving subject and prior unusual activity in the area.
- e. Broadcast known details as soon as possible (keeping in mind the one hour parameter) to all surrounding law enforcement agencies.
- f. Enter missing person into NYSPIN immediately, using the following criteria:
 - i. Disability (Code D): Person of any age who has proven physical/mental disability.
 - ii. Endangered (Code E): A person of any age who is missing under circumstances that indicate the disappearance was not voluntary.
 - iii. Juvenile (Code J): A person who is less than 16 and does not meet any of the above criteria.
 - iv. Disaster Victim (Code D): A person of any age who is reported missing after a disaster.

- g. Activate established protocol for dealing with missing children when confirmed.
 - i. The Uniform Patrol Division will assume responsibility for the immediate and thorough investigation of all reports of missing persons.
 - ii. When extenuating circumstances dictate, follow-up will be conducted by the initial case officer with assistance from the Criminal Investigation Unit.
- h. Ensure that an AMBER alert is activated if appropriate. This will require a supervisors approval and notification to the LED Lieutenant.
- i. Missing Vulnerable Adult, College Student, and Child Alert.
 - Request for alerts for missing children, vulnerable adults, and college students are made via the Integrated Justice Portal after the initial entry is made. This is done via the modify feature and utilizing the drop down box labeled "Type of assistance requested".
 - Select the proper assistance request and complete any other required information. Once submitted it will be immediately reviewed for qualification for an alert.

2. First Responder

- a. Interview parents and/or caller.
- b. Verify the child/person is missing.
- c. Verify child's custody status.
- d. Identify circumstances associated with disappearance.
- e. Determine when, where and last person seen and interview.
- f. Obtain detailed description of child/person as well as recent photograph, videotape or "Kid ID" kit.
- g. Obtain detailed description of suspect(s), vehicles, etc.
- h. Relay descriptive information to Communications Center for broadcast and NYSPIN entry.
- i. Secure the scene treating the area as a crime scene
- j. Request additional personnel, investigative assistance and supervisory assistance if circumstances require. Notify the LED Captain immediately.
- k. Coordinate briefing of all personnel so that all have the same information.
- l. Identify everyone at the scene and all are to be interviewed separately.
- m. Prepare reports and make all required notifications. If circumstances warrant, this will include the *Missing Person Data Collection Guide*.

3. Investigator Responsibility

- a. Notify the SR. Investigator of the incident.
- b. Receive briefing from first responding deputy and verify accuracy of information.
- c. Ascertain family dynamics.
- d. Review and evaluate all available information and evidence. Re-interview reporting persons for additional information, to resolve conflicting information and to apprise of anticipated procedures.
- e. Conduct interviews of friends, family and witnesses.
 - Conduct criminal history checks on all principal suspects and participants in the investigation.
- f. Establish and secure crime scene and ensure preservation of items of evidentiary value.
- g. Assist in coordinating search to include all surrounding areas, including vehicles, and other areas of concealment. A search of the last known immediate area should be conducted first.
- h. If necessary, establish roadblocks utilizing local law enforcement agencies.
- i. Coordinate activities with Evidence Technician and/or K9 Unit.
- j. Obtain most current medical and dental information. Have appropriate information releases signed.
- k. If the investigator determines that there has been an abduction and the child is:
 - i. less than 18 years of age; and
 - ii. police believe the child is in imminent danger of serious bodily harm or death whether at the hands of another or due to proven mental or physical disability

then the investigator will defer to supervisory personnel for the possible implementation of the AMBER ALERT program utilizing the Emergency Alert System. If AMBER ALERT is utilized, the investigator will have the family complete the authorization form enclosed in the Missing Person Folder.

- l. Report abductions immediately to the NYS and National Missing and Exploited Children Clearinghouses.
 - m. Develop an investigation plan for follow-up.
 - n. Coordinate with Senior Investigator to determine what additional resources and specialized services may be needed.
 - o. Execute investigative follow-up plan.
4. Investigative Supervisor Responsibility
- a. Obtain briefing reports from personnel at the scene.
 - b. Ascertain if additional personnel or equipment is needed to assist. If not, utilize established procedure list and dispatch immediately.
 - c. Establish a command post away from the child's/person's residence.

- d. Coordinate all police/search personnel involved in the search and investigation.
- e. Ensure all required notifications are made.
- f. Authorize and delegate the completion of the AMBER ALERT Submission Form for mass media notification via the Emergency Alert System.
- g. Delegate personnel assignment that may include:
 - i. On loan investigative teams.
 - ii. Reviewer of incoming and outgoing leads.
 - iii. Victim's family liaison.
 - iv. Crime scene.
 - v. Special Operations (searches, surveillance, volunteers).
 - vi. Liaison Officer to correspond with other agencies, child-find groups, etc., to deal with information not directly relevant to the investigation.
 - vii. Media Liaison.
- h. Be available to make any decisions or determinations as they develop.

B. Prolonged Investigations

1. Non-family Abductions

- a. Review all reports and transcripts of interviews including witness/suspect information, videos, photographs.
- b. Re-visit the crime scene.
- c. Re-examine all physical evidence collected.
- d. Consider developing time lines and other visual exhibits.
- e. Critique results of the ongoing investigation.
- f. Utilize the media for periodic coverage as well as publicizing rewards, Crime Stopper Programs, America's Most Wanted, Unsolved Mysteries, etc.
- g. Update NYSPIN and NCIC as needed.

2. Familial Abduction Investigations

- a. Identify and flag all pertinent sources of information (school, medical, birth, employment, etc.) for suspect and child.
- b. Obtain appropriate warrants of arrest and consider UFAP warrant if the facts support issuance.
- c. Provide support for the family through missing children's organizations.
- d. Utilize information sources to search for suspect through name, DOB, social security number (i.e. credit bureaus, DMV, database systems, Federal Parent Locator Service).

3. Runaway Investigations

- a. Review school records and conduct interviews of teachers, classmates and other school personnel.
- b. Check contents of school lockers and bedroom.
- c. Investigate Child Protective Agency records for abuse investigations.
- d. Contact the National Runaway Switchboard (1-800-621-4000).
- e. Update NCIC file to include all available information including medical and dental records. Consider upgrading status to “endangered” if facts warrant.
- f. Consider search of NCIC’s Unidentified Person File. Forward off-line search, notification and pictures to State Medical Examiners.

C. Recovery/Case Closure

1. Family and Non-Family Abductions

- a. Comprehensive physical examination of victim.
- b. Conduct careful interview with child involving all appropriate agencies.
- c. Provide effective re-unification techniques.
- d. Remove NCIC files and “flagged records”.
- e. Arrest suspect. If parent, arrest away from child.
- f. Perform post-case critique.

2. Runaways

- a. Conduct thorough interview of the child asking who (helped), what, where, how?
- b. Consider comprehensive physical examination.
- c. Apprise family/child of community services available.
- d. Complete a detailed report with information that can be easily accessed if the child leaves again.
- e. Cancel NCIC and other flagged information sources.

3. Forms

- a. Forms for reporting missing/abducted persons are available in the Sergeants Office or on the computers.

Greene County Sheriff's Office

Subject: BANK ALARMS						Policy 110	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: To establish a county-wide uniform policy in response to bank alarms and ensure the safety of bank employees, customers and responding law enforcement providers.

I. Procedure

A. Bank Alarm Procedures

1. Any response to bank alarms during normal business hours should be considered a robbery in progress that could result in serious physical injury to bank employees or customers and could result in a hostage situation.
2. Any response to a bank alarm during off business hours is to be considered a potential burglary in progress.
3. In the event a robbery has taken place and the perpetrator(s) have left or fled, the dispatcher will attempt to maintain an open telephone line and obtain as much information as possible regarding the suspect(s). Example: Vehicle description(s), license, state and plate number, vehicle color, direction of travel, number of persons, etc. This information is to be broadcast to all units as soon as possible and included in the NYSPIN / E-Justice File 8.

C. Units Responding To The Alarm:

1. Upon arrival at the scene of a bank alarm the law enforcement officer's primary consideration should be for his or her safety and the safety of others.
 - a. Responding units should, whenever possible, position their patrol units in a manner that affords good observation without allowing detection by possible perpetrators of the robbery or burglary.
 - b. Supporting or back-up units shall position themselves in a manner to observe as many avenues of escape as possible.
 - c. Uniformed deputies shall not enter the bank or make themselves visible to those inside the bank until a proper "all clear" signal is given.

- d. In the absence of an "all clear" signal, the initial approach to the bank should be made with caution in an attempt to observe activities of the interior of the premises from doors or windows.

The dispatcher will contact the bank to have an employee come outside to meet with Patrol deputies. A brief description of the employee must be given for patrol identification purposes.

- e. Through his or her observations and assessments, the deputy will make a determination if a crime is in progress. He or she will keep the dispatcher advised via radio. In any event, no entry is to be made until the "all clear" signal is posted.
- f. If the "all clear" signal is given, the bank must be entered by the deputy in order to guarantee all is normal inside.
 - i. Personal observation and judgment on the part of the deputy will determine the manner of the premises check.
 - ii. The dispatcher will be informed immediately upon cancellation of the alarm.
 - iii. The initial responding deputy will generate a written report of the incident.
 - iv. The initial responding deputy will be responsible in effecting that this policy was followed and to correct any deviations with bank employees.

D. Robbery Or Burglary In Progress

1. When the law enforcement officer's observation discloses that a robbery or burglary is in progress, he or she will, whenever possible, adhere to the following guidelines:
 - a. Maintain a constant observation of the activities in and around the bank to enable an immediate response or apprehension.
 - b. Keep the dispatcher and other responding units advised of the situation.
 - c. Remain outside the building in order to direct operations until appropriate supervisory personnel arrive and to prevent perpetrators from taking action inside.

E. Hostage Situations:

1. When information or observation discloses that a hostage situation exists, the first responding deputy at the scene will follow the guidelines below:
 - a. Alert the responding units, including appropriate supervisors.
 - b. Fully inform the responding supervisory officer who shall be responsible to make a determination as to the needs of a specialized unit.
 - c. Allowing the perpetrator(s) to leave the scene with a hostage or hostages prior to the arrival of a hostage negotiating team is a decision that cannot be made in a procedural order. Sound judgment and the prevailing circumstances at the scene will dictate the decision in each individual case.

F. Notification Of Bank Employee For After Hours Alarm:

1. In the event of a bank alarm after general business hours or on holidays, etc., where no employees are in or at the bank location, the dispatcher is to be notified after a preliminary security check of the premises. The dispatcher or Alarm Company will call the listed

responsible bank representative to respond and check the premises and reset the alarm. In the event the responsible bank representative must travel a considerable distance (time factor), arrangements should be made for the deputy to meet the official at an approximate time and location so the bank premises may be checked by both.

Greene County Sheriff's Office

Subject: HOSTAGE RECOVERY						Policy 111	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

Purpose: To establish procedures for the handling of a hostage situation.

I Policy

Incidents involving the taking of hostages are the worst situation in which a law enforcement agency can find itself. With human lives often at stake, care and planning is absolutely essential. The success of any hostage recover operation depends on good communications and the coordination of tactical maneuvers under one commander.

II Details

- A The procedures outlined in the section of this manual captioned "Special Response Team (SRT) which provide a plan for the handling of a barricaded person situation also apply to hostage situation insofar as the following activities are concerned:
 - 1 Activation of the SRT, and a hostage negotiator.
 - 2 Notification of command personnel, and establishment of a central command post,
 - 3 Evacuation of any injured persons and bystanders,
 - 4 Establishment of a command post along with inner and outer perimeters,
 - 5 Arrangements for ambulance, rescue and fire equipment,
 - 6 Arrangements for news media access, and
 - 7 Authorization for the use of force in any form.

- B Negotiations with subject in a barricade/hostage situation are to be carried out by officers who have received training in this highly specialized technique; however, recognizing that the first contact with such a subject can be critical, the initial responder may find that one has developed a rapport with the subject and that only later can trained negotiators be accepted into the process.
 - 1 If possible, the initial responder should await the arrival of negotiators, meanwhile avoiding any in-depth negotiations.

- 2 Upon arrival, the negotiator should be fully briefed on any conversations that may have taken place with the subject.
 - 3 Any members who become involved in the situation must realize the importance of trying to proceed very slowly.
 - 4 Under no circumstances will weapons of any sort be a negotiable item.
 - 5 Alcohol or drugs will not be negotiable unless the situation is deemed to be so serious that, after consultation with the senior officer present, there appears to be no alternative to acceding to the hostage-taker's demand. All efforts should be made to avoid this development.
 - 6 Under no circumstances will an officer be exchanged for a hostage.
 - 7 Only trained negotiators will conduct prolonged negotiations. The command post supervisor will be responsible for any departure from this order.
- C In a hostage situation the Special Response Team (SRT) entry team will have responsibility for the inner perimeter and will provide intelligence and information to the command post.
- 1 The command post supervisor shall insure that contact is maintained between the inner perimeter personnel and the Sheriff, Undersheriff, or Lieutenants for the purpose of consultation and decision-making.
 - 2 The use of firearms or chemical agents shall not be undertaken offensively without consent of the command post and only after consultation with the incident commander present.
- D Authority for activation of the entry team will come from the command post; however, once activated, the team will be under the directions of the team leader or designee.
- 1 Team members will observe strict discipline with regard to the use of their weapons, being fully mindful of the provisions of Article 35 of the NYS Penal Law as they apply to the use of force.
 - 2 Any decision to use snipers or other entry team elements will be made by the superior officer on the scene directly to the team leader who will relay the order to the team members.
 - 3 All personnel involved will use only that force which will achieve the objective, and which can be employed with safety to the public and other officer.
 - 4 The SRT entry team leader will have the option to use chemical agents if deemed necessary for the safety of the team or others.
 - 5 All members of the SRT entry team shall be clothed in readily identifiable coveralls or uniform.
- E The use of any surveillance vehicles shall be only upon the authorization of the command post supervisor. County owned vehicles will be considered first; however, if the situation is such that a non-recognizable vehicle is essential to the safety of the operation, privately owned vehicle will be considered.

Greene County Sheriff's Office

Subject: JAIL ESCAPE PLAN							Policy 112	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley				
Reviewed:								

POLICY: The purpose of this Rules and Regulation is to establish a procedure for all Agency personnel upon notification of an escape from the Greene County Jail. It is the responsibility of all personnel to read and understand the following procedures.

I. Procedure

A. Initial Response

1. Upon being notified of an escape by Jail personnel, the Communication Center will notify the following personnel:
 - a. Sheriff
 - b. Undersheriff
 - c. Jail Superintendent
 - d. Lieutenants of both the Law Enforcement Division and the Correctional Division
2. Immediate radio broadcast.
3. The shift sergeant or Sr. Deputy will be immediately notified.

B. Shift Sergeant/Sr. Deputy

1. The Shift Sergeant will respond directly to the Sheriff's Office and set up a command post. It will be the responsibility of the shift Sergeant to do the following:
 - a. Confer with personnel in charge of the jail.
 - b. Request additional personnel and have them report to the Sheriff's Office; K9, SRT, etc.
 - c. Coordination of initial stationary and roving post assignments.
 - d. Adjust post assignments as needed.
 - e. Confirm notification of Greene County Police agencies.

- f. Confirm notification of New York State Police and surrounding county police agencies.
- g. Confirm TT's sent.
- h. Supervise all record keeping:
 - i. Post assignments.
 - ii. Notifications; who and when.
 - iii. Arrival and departure times of all personnel.
 - iv. Car assignment.
 - v. Leads.
- i. Distribute ID Kits (photos and descriptions) to every post, assigned personnel and news media.

C. Criminal Investigation Branch

- 1. The Sr. Investigator remain at the CP to coordinate all leads.
- 2. The Sr. Investigator or Investigator on call or on duty will respond immediately to the Jail.
- 3. The responding Investigators will establish an initial investigative plan internal to the Jail, e.g. interviews of corrections officers and deputies.
- 4. Establish a long-range plan based upon the initial investigation.

D. Fixed And Patrol Post Instructions

- 1. Personnel assigned to "Fixed" or "Patrol" Posts will comply with the following instructions:
 - a. Fixed Posts

FIXED POSTS: The following fixed posts shall be established as soon as possible as directed by the Sheriff. If possible one Deputy shall man all fixed posts and one weapons qualified Correction Officer. A roadblock shall be established at each fixed post unless otherwise ordered by the Sheriff.

- ii. Personnel will:

- Familiarize themselves with the description of the escapee(s).
- Stop all vehicles coming from the direction of the Jail.
- Visually inspect all vehicles.

+If practical stop all vehicles traveling towards the facility and advise occupants of the escape and advise them not to pick up hitch hikers and to report suspicious persons to the Sheriff's Office.

+If practical keep a written log of all vehicles passing the roadblock.

- Do not allow vehicles or bystanders to congregate at the roadblock.
- Advise the CP of any person or activity.
 - +Do not abandon the post to investigate suspicious persons or activity unless authorized by the CP.
- If there is a sighting at another post, do not leave your post to assist. The CP will make all assignments to possible sightings or other investigations.
- In the event of personal necessity, or otherwise, request the CP to provide relief.
- Remain on the post until relieved by the CP.

b. Roving Patrols

ROVING PATROLS, SEARCHES, AND SIGHTINGS: Roving patrols shall be established to respond to sightings and relay information between fixed posts.

1. One man roving patrols will be established as needed.
2. SRT teams will be utilized for searches and sightings
3. K-9 will be available for searches
4. Any extra Road Patrol or Correction personnel shall be utilized for search and sightings

9. STAGING AREA:

1. A staging area will be established in the Emergency Operation Center
2. One staff member will be assigned to the staging area for logistics

All off duty personnel including SRT members will report to the staging area for assignment.

Greene County Sheriff's Office

Subject: SERVICE OF A CIVIL PROCESS							Policy 113	
Effective: January 1, 2020				Standard Number(s): 8.13				
Rescinded:			Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:								

POLICY: Service of process is to give legal notice to a defendant of the institution of a legal proceeding. The purpose of this rules and Regulation is to explain the legal requirements of service of process with the civil summons.

I. Procedure

1. A record of all attempts to serve each legal process document will be maintained.
2. The following information will be included, but not limited to the following elements of any civil process;

- Date and time received;
- Type of legal process (civil or criminal);
- Nature of Document;
- Source of Document;
- Name of Plaintiff/Complainant or name of defendant/respondant;
- Officer assigned for service;
- Date of assignment;
- Court Docket number;
- Date service is due.

A. Service of a summons upon a natural person may be accomplished by one of the following methods:

1. Personal delivery to the person to be served (CPLR, Section 308(1)).
2. Delivery to a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode of the person to be served. Promptly return the copy to the Civil Enforcement Division who will mail a copy of the summons to the person to be served at his or her last known residence. If you fail to mail a copy, the service will be invalid. Suitable age and discretion means a person who is able to understand the nature and purpose of your delivery of the summons to him or her. For example, it would be proper service to deliver the summons to the defendant's 20 year old son, but improper to deliver it to his or her 5 year old son. It would also be improper to serve the defendant's mentally incapacitated 35 year old brother.
3. A court may direct the manner in which a summons is to be served. If you receive such an order, read it over very carefully and be sure you comply with every provision contained therein (CPLR, Section 308(5)).

B. Other types of service:

1. Citations: A citation is similar to a summons. Personal delivery is required unless some other manner of service is directed by the court. Citations must be served at least ten (10) days prior to the hearing date specified in the citation. Only the court can dispense with this requirement.
2. Show Cause Orders: Read every Show Cause Order very carefully before serving. They usually require specific manner of service to be made in a relatively short period of time. It is not uncommon for this type of process to require service within 24 hours of its issuance to be valid.
3. Subpoena: There are three (3) situations to watch for when serving a subpoena. First, a subpoena is usually directed to a witness and the witness is the defendant. Second, you are frequently directed to tender a fee to the witness when making a service.

Third, subpoenas must be served before the time set for appearance. Obviously, if you do not serve the subpoena on the witness sometime prior to the time set for his appearance, the service is useless. A subpoena is served in the same manner as a summons (CPLR, Section 2303).

C. Proof of Service of a Summons (CPLR, Section 306):

1. General: Proof of service will specify the papers served, the person who was served and the date, time and address, or, if in the event there is no address, place and manner of service setting forth facts showing that the service was made by an authorized person and in an authorized manner.
2. Description: Proof of service will contain a description of the person served. If the service on the natural person is made by personal delivery or to a person of suitable age and discretion or to an agent for service, the proof will also include a description of the person delivery was made to (sex, color of skin, hair color, approximate age, approximate weight and height and other identifying features).
3. Form: The proof of service should be in the form of an affidavit or certificate.
 - a. Other Proofs: Many times the plaintiff or his or her attorney will supply you with his or her own certificate or affidavit. Matrimonial actions, out-of-state papers and many other types of service require special proof forms, so if the plaintiff supplies you his or her own form, it is generally good practice to use it rather than your own. Read it carefully before signing; do not sign a document that is not accurate.
 - b. Time Limits Relating to Proofs: It is essential that you execute your proofs of service as soon as possible, because:
 - i. If service is made on a natural person by delivery to a person of suitable age and discretion, the proof must be filed by the plaintiff within 20 days of the date of service.
 - ii. Citations: Proof of service of a citation issued by the Surrogate's Court must be filed with the Court Clerk at least 3 days before the date set for hearing the citation. Therefore, papers must be returned to the Civil Division as soon as possible.

D. Making The Service:

1. Locating the person to be served:
 - a. Presumably you have been provided with an address for service and possibly a letter

of instructions. You may also have been provided with a brief description of the person to be served. Proceed to the address and make the service. If you cannot locate your person, make inquiries in the neighborhood to find out where the person is. If the person has moved to another location in the county, proceed to the new address. If the person has moved to another county, let the other county make the service. Limit inquiries when attempting to locate a person. Common sense would dictate that you have other papers that deserve equal attention and you are not looking for an escaped felon. Don't make the entire neighborhood aware of someone's private affairs. Use discretion.

2. Identifying the person to be served:

- a. There is no way to compel a person to identify him or herself. An identification by a neighbor or co-worker is usually safe, but remember that services upon a natural person, a member of his or her household or his or her agent requires that you record a description of the person served. When serving a corporation or government body, the important thing is to be sure you are serving an authorized person. A description of such officer or agents is also necessary. If you are not sure you have the proper person for service, seek further advice from the plaintiff before proceeding.

3. Persons privileged from service:

- a. There are some classes of people who are legally immune from service. However, proceed with the service since the person claiming immunity has legal means available to him or her to prove immunity.

4. Gaining entrance to premises:

- a. Entrance into any premises must be peaceful. If the entrance door is locked, do not break in. If you are invited into a premises or if the door is ajar, you might reasonably enter to locate the subject. If you gain peaceful entrance and are subsequently ordered off the premises after looking for the defendant, leave at once. You are not acting under authority of a search warrant and could, therefore, be guilty of trespass. Use discretion.

5. The service:

- a. Deliver a true copy of the process to the person to be served. It is not necessary to touch the person to be served with the process. If he or she refuses to accept service, leave a copy in such a manner that he or she can readily reach it him or her self. Comply with any special instruction noted on the process paper.

D. Miscellaneous things that should not be done:

1. Service of process except criminal process on Sunday is void. Service on a Saturday on a person who observes that day as his or her Sabbath is a crime, but only if the service was made "maliciously", that is, with a knowledge of such observance.
2. Do not state any fact in a certificate or affidavit of service that is not true.
3. Do not conceal process in any way for any reason. Do not conceal a summons in an envelope when delivering to the defendant, even if asked to do so to avoid embarrassment. There are other methods to avoid such incidents, such as standing close enough to avoid seeing what you are doing.
4. Do not use trickery or deceit to effect service. Be resourceful, but do not represent the

process to be something it is not when making service.

5. Do not give legal advice to a defendant you are serving. These are matters for attorneys. Do not advise a defendant on the specifics of responding to a summons. Always inform the defendant what process you are serving.
6. Do not take process back after making service.
7. Do not use unreasonable force in effecting service. Protect yourself from assault in the event the defendant takes unwarranted steps against you, but do not restrain the defendant physically merely to make a service.

Greene County Sheriff's Office

Subject: MONEY ESCORTS						Policy 114	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: It is the policy of the GCSO that police services personnel will **not** personally handle any deposit funds while providing money escorts for bank deposits from the private business sector.

In escort situations a responsible member of the requesting business will handle monies.

It is the responsibility of the GCSO and the escort deputy to provide transportation and protection only.

Greene County Sheriff's Office

Subject: DNA DATABANKS							Policy 115	
Effective: January 1, 2020				Standard Number(s): 50.9				
Rescinded:			Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:								

POLICY: DNA technology has demonstrated its capability in linking suspects to crimes using the smallest traces of evidence without regard to passage of time.

Each of the 50 states maintains a DNA Databank containing DNA profiles of convicted offenders and DNA profiles developed by local forensic laboratories from crime scene evidence. Effective December 1, 1999, persons convicted of violent felony offenses and designated non-violent offenses, must provide a DNA sample to the state for inclusion in SDIS.

SDIS is maintained in the NYSP Forensic Investigation Center in Albany where all convicted offender DNA samples and profile developed from crime scene evidence for unsolved cases are analyzed and uploaded into SDIS. This information can be uploaded to NDIS to search against profiles from other states.

There are six (6) accredited DNA forensic crime laboratories in New York State:

- NYSP Forensic Investigation Center
- Erie County Forensic Laboratory
- Monroe County Public Safety Laboratory
- Westchester County Department of Laboratories and Research
- New York City Office of the Chief Medical Examiner Forensic Molecular and Biochemistry Laboratory
- Suffolk County Crime Laboratory

All DNA submitted to SDIS or NDIS must be certified to comply with applicable governmental quality control standards known as the short tandem repeat (STR), consisting of 13 core "loci" or locations on the DNA strand. Crime scene DNA profiles may be searched against SDIS profiles if 6 or more of the 12 loci are identified and against NDIS profiles if 10 or more of the 13 loci are identified.

The following definitions will apply for DNA purposes:

DNA	Deoxyribonucleic Acid
NDIS	National DNA Index System
SDIS	State DNA Index System
LDIS	Local DNA Index System
CODIS	Combined DNA Index System
NYSP	New York State Police
DCJS	Department of Criminal Justice Services
CJISWAN	Criminal Justice Information System Wide Area Network

I. Procedure

A. SDIS and NDIS systems can be searched as follows:

1. Fax Search Method: A fax search can be initiated and sent on an Agency letterhead directly to the FBI (202-324-1276). The FBI will send the fax to all 110 CODIS labs in the United States. This is a one-time search and will not be searched again unless specifically requested. There are not requirements for the CODIS labs to provide results of the search, making the fax search the least preferable method.
2. Keyboard Search: A keyboard search allows an agency that has entered into appropriate agreements with DCJS to send a formatted letterhead fax to the DCJS Databank Coordinator (518-457-9384) to request a search of SDIS. This is a one-time search again, unless specifically requested. Written notification of search results will be forwarded to the requesting agency by the DCJS Databank Coordinator.

If the keyboard search of SDIS does not yield a match, a keyboard search of DDIS can be requested by sending a formatted letter to NYS CODIS Administrator, who will forward request to National CODIS Administrator. This is a onetime search that will not be searched again unless specifically requested. Written notification of results will be forwarded by NYS CODIS Administrator to the requesting agency.

3. Electronic Transfer/Upload Search: An electronic transfer/upload search of a DNA profile can be initiated from a CODIS laboratory using an encrypted modem and eventually CJISWAN. The transfer/upload will search SDIS and NDIS on a regular basis. Notification of DNA profile results will be automatic. The electronic upload is the most preferable method for searching SDIS and NDIS as profiles will remain in the database and will regularly search new profiles added to the database.
 - a. Request forms, for all searches identified above, are available from the Investigation Branch.

It is the policy of the Greene County Sheriff's Office that any offenders that are required to provide a sample for inclusion in the State DNA Databank will be referred to the Sheriff's Designee.

GREENE COUNTY SHERIFF'S OFFICE

Subject:	DEATH/SERIOUS INJURY SERIOUS ILLNESS OF EMPLOYEE	Policy 116
Effective:	01/01/2020	Standard Number(s): 18.1
Rescinded:	Amended: August 17th, 2020	Sheriff Peter Kusminsky
Reviewed:		

PURPOSE: The purpose of this policy and procedures is to ensure the proper support and emotional care is provided for a member's family following a line-of-duty death (LODD) or a line of duty serious injury. The Greene County Sheriff's Office (GCSO) will provide liaison assistance to the immediate survivors of a member who dies or is seriously injured in the line of duty. This assistance is provided whether the death or serious injury was unlawful or accidental (i.e., automobile accident, training accident) while the member was performing a police-related function, either on or off-duty and while he or she was an active member of this agency. The Sheriff may institute all or certain parts of this policy and procedure for cases of a member's death weather they are Active or Retired. The Sheriff's Office will also provide a clarification and comprehensive study of survivor's benefits as well as emotional support during this dramatic period of readjustment for the surviving family. In line-of-duty cases of death Funeral arrangements of the deceased member are to be decided by the family with their wishes taking precedence over the agencies.

I. Definitions:

- A. Notification Officer – If not the Sheriff, assigned at the Order of the Sheriff;
- B. Hospital Liaison Officer – As designated by the Captain;
- C. Family Liaison Officer – As designated by the Captain;
- D. Benefits Coordinator – Assistant to the Sheriff and/or Personnel Office which may include Greene County Human Resources.
- E. Member- Any county Employee that is Co-employed by the Sheriff.

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II. PROCEDURES:

Coordination of events following the line-of-duty death or serious physical injury of a police officer is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the member's survivors and to the law enforcement community. In order to provide the best possible services and support for the member's family, specific tasks may be assigned to selected members of the agency. Their titles are:

Notification Officer
Hospital Liaison Officer
Family Liaison
Benefits Coordinator

NOTE: *This policy and procedure is based upon guidelines suggested in the handbook entitled, "Support Services to Surviving Families of Line of Duty Deaths," by Suzanne F. Sawyer, the Executive Director of Concerns of Police Survivors, Inc. (COPS) based in Camdenton, Missouri.*

A. Notification

1. It is the responsibility of the Sheriff to properly notify the next of kin of a member who has suffered severe injuries or died. The Sheriff may personally make the notification or designate a Notification Officer to inform the survivors.
2. The name of the deceased member will not be released by the agency before the immediate family is notified.
3. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the residence at the time of the notification.
4. Notification will be made in person and never alone. The Sheriff or his designee, member of the family clergy, a close family friend or fellow officer could appropriately accompany the Notification Officer.
5. The Notification Officer should relay as much information as possible to the family. Never give the family a false sense of hope.
6. If the family requests to go to the hospital, The GCSO will offer transportation by police vehicle.
7. If young children are at home, the Notification Officer should make all necessary arrangements to secure proper childcare. This may involve co-workers' spouses, relatives, etc.
8. Prior to departing to the hospital, the Notification Officer shall notify the hospital staff and the Hospital Liaison that the family is en-route.
9. During an event of this nature, external monitoring of police frequencies may be extensive. ALL communications regarding notifications should be restricted to phone. If the media has obtained the member's name, they will be advised to withhold the information pending notification of next-to-kin.
10. The Sheriff shall cause official notification to the Co-employer, the County of Greene.

Assistance to Affected Members

1. Members who were on the scene or who arrived moments after a member of the GCSO or another agency was critically injured or killed should be relieved of duty as quickly as reasonably possible

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2. Agency members who may have been witness to or emotionally affected by the serious injury or death of another GCSO member or another agency will be offered access to a Critical Incident Stress Debriefing in accordance with current mental health practices. These services will also be offered to the injured GCSO Officer as well.

C. Assisting the Family/ Injured Officer at the Hospital

1. The first supervisor, other than the Sheriff or his representative, to arrive at the hospital, will initiate the responsibilities of the Hospital Liaison and continue to do so until otherwise advised by the Captain. The Hospital Liaison is responsible for coordinating the activities of hospital personnel, the member's family, law enforcement officers, the press and others.
 - a. Arranging with the hospital personnel to provide an appropriate waiting area for the family, the Sheriff, the Notification Officer, and others requested present by the immediate family;
 - b. Arrange a separate area for Law Enforcement members to assemble,
 - c. Establish a press area;
 - d. Ensure medical personnel relay pertinent information regarding a member's condition only to the family and never released to the press without family approval;
 - e. Notifying the appropriate hospital personnel that all medical bills relating to the deceased member are directed to the Greene County Sheriff's Office, Assistant to the Sheriff. The members family should not receive any of the bills at their residence;
 - f. Ensuring the family is always kept updated on any information regarding the incident;
 - g. Arrange for transportation for the family back to their residence.
2. If it is possible for the family to visit the deceased member they should be allowed to. A law enforcement official should "prepare" the family for what they are about to see in the emergency room and accompany the family. Assure medical personnel are on hand to explain any questions the family might ask.

D. Support of the Family during the Wake and Funeral

1. The Sheriff or a designee will meet with the member's family at their home to determine their wishes regarding Departmental participation in the preparation of the funeral or services.
2. With the approval of the family, the Sheriff will assign a Family Liaison. The Sheriff will designate a Sheriff's Office Liaison and a Benefits Coordinator.

E. Family Liaison Officer

1. The Family Liaison Officer is a critical assignment. Every attempt should be made to assign someone who enjoyed a close relationship with the member and his/her family. This is not a decision-making position, but that of a "facilitator" between the family and the Department.

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2. Responsibilities of this position include:
 - a. Ensuring that the needs of the family come before the wishes of the agency;
 - b. Assisting the family with the funeral arrangements and making them aware of what the agency can offer if they decide to have a police funeral;
 - c. Being constantly available to the family and their needs.
 - d. Assisting the family with retrieving personal effects of the deceased from the following locations if applicable.
 - i. Assigned locker
 - ii. Assigned Office
 - iii. Assigned Desk
 - iv. Assigned CCSO vehicle
 - e. Determine if family desires burial in uniform; if so, selecting a member to deliver those necessary items, to the funeral director.

F. Sheriff's Office Liaison Officer

1. This position is normally assigned to the Captain if such member is not available the Sheriff will assign another member who has the authority to effectively coordinate resources,
2. Responsibilities of the Sheriff's Office Liaison Officer include;
 - a. Working very closely with the Family Liaison Officer to ensure that the needs of the family are fulfilled;
 - b. Handling the news media and not releasing information without written approval of the Sheriff or Undersheriff;
(The Sheriff or Undersheriff may choose to handle this responsibility releasing the Liaison Officer or such duties).
 - c. Apprising the Family Liaison Officer as well as the family of information concerning the death and the continuing investigation;
 - d. Meeting with the following person(s) to coordinate funeral activities and establish an itinerary:
 - i. Sheriff, Undersheriff.
 - ii. Funeral Director
 - iii. Family priest or minister,
 - iv. Supervising the issuing of teletype message to include the following:
 1. Name of deceased;
 2. Date and time of death;
 3. Circumstances surrounding the death;
 4. Funeral arrangements;
 5. Uniform to be worn;
 6. Expressions of sympathy in lieu of flowers;
 7. Contact person / number for visiting agencies.
 - e. Establish a command center, if necessary, to coordinate information and response to the tragedy.

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- vi. Obtain an "American Flag" for presentation to the family (Readily available from the American Legion Post);
- vii. Assign members to funeral detail, i.e. pall bearers, etc.
- viii. Issue all agency members black badge ribbon to be over badge on outer garment;
- ix. Brief the Sheriff and command staff regarding the funeral arrangements;
- x. Ensuring that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession;
- xi. Assigning supervisor to coordinate traffic management, viewing, funeral and processional;
- xii. Assign a uniform member to remain at the family's home during the viewing and funeral;
- xiii. Maintain a roster of all agencies sending members to include:
 - a) Name / address of agency;
 - b) Chief or Sheriff;
 - c) Officers attending;
 - d) Officers attending reception after funeral;
 - e) Number of vehicles.
- xiv. Arrangements for routine residence checks of survivor family by patrols for 4-6 weeks following the funeral. This service is necessary as survivors will be away from the residence dealing with a lot of legal matters and the potential risk of burglary / larceny to funds sent to residence in remembrance of the deceased.

G. Benefits Coordinator

1. The Benefits Coordinator will gather information on benefits/ funeral payments available to the family,
2. The Benefits Coordinator is responsible for:
 - a. Filing workers Compensation claims and related paperwork;
 - b. Coordinating with the Personnel Office as soon as possible to ensure the beneficiary receives death and retirement benefits information and notifications are made without any delay to the New York State Employees Retirement System Office;
 - c. Assisting in and or coordinating efforts in setting up special trust funds or educational funds;
 - d. Offer the "line-of-duty" Death benefits packet for the family to assist in making proper notifications and obtaining entitled benefits. (The Line of Duty" Death packet is to be maintained and updated by the Assistant to the Sheriff).

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H. Continued Support for the Family

1. Members of the department must remain sensitive to the needs of the survivor's family. The grief process has no timetable.
2. Survivors should be allowed to still feel a part of the law enforcement family.
3. Members of the agency are encouraged to keep in touch with the survivors.
4. The Family Liaison Officer acts as a long-term liaison with the surviving family to ensure that close contact is maintained between the agency and the survivors and that their needs are met for as long as they feel the need for support.
5. If criminal proceedings surround the death,
 - a. The Family Liaison Officer will:
 - i. Inform the family of all new developments prior to the press release(s);
 - ii. Keep family apprised of all legal proceedings;
 - iii. Introduce the family to victim's assistance specialist from the District Attorney's Office;
 - iv. Encourage the family to attend the trial, and accompany them whenever possible.
 - b. The Sheriff Liaison Officer will:
 - i. Arrange for CIB members to meet with the Family Liaison Officer and the Family at the earliest opportunity following the trial to answer their questions.

Greene County Sheriff's Office

Subject: AED POLICY							Policy 117	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley				
Reviewed:								

Purpose: To save the lives of persons who are victims of sudden cardiac arrest through the deployment of Automated External Defibrillators.

Sudden Cardiac Arrest is the cause of death for over 350,000 people per year in the United States. The American Heart Association estimates that up to 100,000 deaths could be prevented each year if defibrillation was readily available in the first few minutes after the attack.

When sudden cardiac arrest strikes, time is the critical factor. CPR only adds a few minutes to a cardiac arrest victim's life. Defibrillation is necessary to restore a productive heart rhythm and help prevent death.

- I** **Definitions** – For the purpose of this directive, the following definitions will apply:
- A **AED (Automated External Defibrillator)** – A portable device designed to correct the Ventricular Fibrillation (V-Fib or Ventricular Tachycardia, V-Tach) that most often causes the condition Sudden Cardiac Arrest (SCA). Unlike standard defibrillators, AED's are designed to be used by non-medical personnel with minimal training.
 - B **Trained Personnel** – All members who carry or use an AED while acting within the scope of their duties shall be trained in the use of the defibrillator and hold a current certification in cardiopulmonary resuscitation – defibrillation (CPR-D). Members will be re-certified in accordance with the American Heart Association guidelines and the New York State Health Department regulations.
 - C **Medical Emergency Treatment** – Treatment by trained personnel for respiratory difficulty, heart attack or chest pain.
 - D **ALS (Advanced Life Support)** – The administration of medications and/or interventions by trained and credentialed personnel above basic life support level.

Policy

It is the policy of the Greene County Sheriff's Office when possible to equip marked patrol vehicles, marine patrol vessels, the County Jail and the Sheriff's Office with Automated External Defibrillators, to train agency members in their use, and to deploy an AED-equipped patrol vehicle to the scene of incidents that may involve sudden cardiac arrest.

If the situation is appropriate for the utilization of the AED, it will be done in accordance with the member's training. If an individual of a higher medical authority who is ARD certified is present at the scene, the unit should be turned over to that individual or continue under the EMT's direction while the EMT is performing other emergency treatment.

If, upon arrival at the scene, the member determines that the use of the AED or CPR is unnecessary, inappropriate, or exposes the member or others to unreasonable risk, the member will notify the dispatcher that he (the member) is not instituting CPR or using the AED, and the reason for this action, and notify the dispatcher that the member is back in service, provided however, that if EMS is still required and activity levels permit, the member will remain until the arrival of EMS.

An AED will not be used on any person less than one year old.

Training

Designated members of the Sheriff's Office will be trained and certified in CPR-D by the American Heart Association or American Red Cross. They will be re-trained in accordance with the certifying agency's standards. An annual review of the AED and its use will be presented to each employee.

No member of this agency who is not trained and certified will operate an AED for rescue purposes.

Equipment

Patrol Officers are responsible for checking the readiness of the AED at the beginning of each shift. AED should be stored in a flat position to reseal the gel on the pads. This includes an examination of the general condition of the unit and a check of the ready indicator in the handle of the unit. If the indicator displays "OK" the unit is ready for use. If the indicator has a red "X" showing, the unit should be opened and diagnosed. If a unit's status is a red "X", the deputy should immediately report this to their supervisor, and a replacement shall be put into service as soon as possible.

Response to the Community

Discovery of a Victim While Operating Patrol Vehicle and Patrol Vessel

Responsibility	Action
Deputy Sheriff	1 Evaluate condition of the victim. 2 Obtain AED and notify Communications to dispatch EMS to the scene. 3 Perform appropriate emergency measures.
Communications	1 Notify Greene County Control to dispatch an ambulance.

A case will be taken for all incidents involving the use of the AED's.

Greene County Sheriff's Office

Subject: Naloxone (Narcan)						Policy 118	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff Gregory R. Seeley			
Reviewed:							

1.0 Purpose

To establish guidelines and regulations governing utilization of the naloxone administered by trained Opiate Overdose Responders within the Greene County Sheriff's Office.

The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses when the Greene County Sheriff's Office are first to arrive at the scene of a suspected overdose.

2.0 Definitions

NALOXONE – A prescription medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan®.

OPIOID – A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone and hydrocodone.

OVERDOSE RESCUE KIT – At minimum should include the following:

- 1.** Two(2) prefilled luer-lock syringes, without needles, each containing 2mg of naloxone in 2ml of solution, and within their manufacturer assigned expiration dates.
- 2.** Two(2) mucosal atomizer device (MAD) tips, compatible with standard luer-lock syringes.

3.0 Policy

Law Enforcement personnel and civilians may possess and administer naloxone so long as they have been trained consistent with New York State Public Health Law §3309 and the regulations in §80.138 of Title 10 of the New York Codes, Rules and Regulations. The New York State Department of Health training curriculum meets this standard. New York State Public Health Law §3309 provides protection for non-medical individuals from liability when administering naloxone to reverse opioid overdose.

4.0 Deployment

The Greene County Sheriff's Office will identify an individual to be the coordinator for the naloxone administration program:
Responsibilities will include:

1. Maintaining training records for personnel;
2. Assuring the supply, integrity and expiration dates of the Overdose Rescue Kits and;
3. Assuring the maintenance of the administration records.
4. Ensure the Deputies carrying or having access to the Overdose Rescue Kits are trained in the use of the naloxone.
5. Refresher training should occur at minimum biennially and consist of familiarity with the assembly of the Overdose Rescue Kit and the effective administration and maintenance of naloxone.

5.0 Naloxone Use

1. Deputies will request a Supervisor and an ambulance to respond to the scene where the aided is in a potential overdose state.
2. Deputies should use universal precautions and protections from blood borne pathogens and communicable diseases when administering naloxone.
3. Deputies will determine need for treatment with naloxone by evaluating the aided: if the aided is unresponsive with decreased or absent respirations they should administer naloxone following the established training guidelines.
4. Once the assessment of the aided is complete; which should include, but may not be limited to determining unresponsiveness and other indicators of opioid involved overdose, each Deputy will administer the medication from the Overdose Rescue Kit following the established training guidelines.
5. Deputies will use proper tactics when administering naloxone; aided individuals who are revived from an opioid overdose may regain consciousness in an agitated and combative state and may exhibit symptoms associated with withdrawal.
6. When naloxone is administered, Deputies will notify Greene County Emergency Control for initiation of such administration into the CAD.
6. Deputies will remain with the aided until EMS personnel arrive.
7. Deputies will inform EMS personnel upon their arrival that naloxone has been administered.
8. Deputies will complete a naloxone administration/restock form as well as an sjs entry.

6.0 Maintenance / Replacement of naloxone

1. Overdose Rescue Kits will be carried in a manner consistent with proper storage guidelines for temperature and sunlight exposure.
2. Used, lost, damaged, or expired Overdose Rescue Kits will be replaced through the Greene County Sheriff's Office naloxone coordinator.
3. Expired naloxone will be:
 - a. Maintained by the Greene County Sheriff's Office for use in training; or
 - b. Properly disposed of according to the Greene County Sheriff's Office destruction policy.

7.0 Documentaion / Narcan Report

1. Following naloxone administration, the Deputy shall complete a New York State Public Safety Naloxone Quality Improvement Usage Report. The Greene County Sheriff's Office naloxone coordinator will then send a copy of the report to the New York State Department of Health.

Greene County Sheriff's Office

Subject: CIVIL INCIDENTS						Policy 121	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff Gregory R. Seeley			
Reviewed:							

Purpose: Deputies are often dispatched in response to a complaint to incidents that are purely civil in nature. The purpose of this policy is to provide a protocol for deputies to follow when such a situation presents itself.

Policy: Deputies may not assist in the prosecution of a private or civil matter, except when authorized by due process. Where a purely civil matter is indicated, the responding deputy should carefully explain the Greene County Sheriff's Offices' lack of jurisdiction and suggest the complainant contact an attorney, legal assistance, small claims court, or any other referral service or agency deemed appropriate.

Greene County Sheriff's Office

Subject: USE OF AUTHORIZED EMERGENCY EQUIPMENT	Policy 122										
Effective: January 1, 2016	Standard Number(s):										
Rescinded:	Amended: Sheriff, Gregory R. Seeley										
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>										

POLICY: Deputies should become familiar with all emergency equipment on or within their vehicle.

I. Red Lights and Siren

- A. To be used when vehicles are exceeding the speed limit and responding to an emergency, i.e. fire, accident. Exception would be responding to an alarm where arrival should not be announced.

II. Spot Lights/Take Down Lights/Alley Lights

- A. Should be used to illuminate stopped vehicles or dark neighborhoods. Discretion should be used as to not blind oncoming vehicles during traffic stops or to indiscriminately shine lights into resident homes causing undue annoyance.

III. Public Address System

- A. Should be used when situations warrant but should be used discriminately so as to not alarm the public by the noise or disturb the peace.

IV. Flares

- A. Should be used when the situation at accidents or other hazardous incidents require prior warning to the public of the danger or attempts to change their direction of travel. Flares should be placed well in advance of the hazard.

Greene County Sheriff's Office

Subject: RESPONSIBILITY FOR EQUIPMENT						Policy 123	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: It is the policy of this Agency, pursuant to the Rules and Regulations that a deputy is responsible for the equipment assigned him or her, to include the patrol vehicle and changing of flat tires.

Greene County Sheriff's Office

Subject: EQUIPMENT CHECKS						Policy 124	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: Equipment has been discovered missing from patrol vehicles when required for an emergency. Deputies are directed as follows:

- A. All equipment is to be checked within assigned vehicles at the beginning of a tour of duty.
- B. Any deficiencies will be immediately reported to the shift supervisor.

Greene County Sheriff's Office

Subject: POLICE VEHICLE EQUIPMENT						Policy 125	
Effective: January 1, 2020			Standard Number(s): 42.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

I. All marked GCSO vehicles are equipped as follows:

- | | |
|---------------------------|-------------------|
| Light Bar/LED Dash Lights | Motorola Radio |
| GCSO Door Logo | Lockout Tool |
| Distinctive White Paint | Spare Tire |
| Flares | First Aid Kit |
| Shotgun (if signed out) | Fire Extinguisher |
| Radar (in certain units) | Crime Scene Tape |
| Reflective Traffic Vest | |

- To help identify our vehicles to the public, GCSO patrol vehicles in service will be conspicuously marked, or have “ghost lettering” (white reflective lettering on white car), unless directed otherwise by a supervisor for specific situations.

II. All unmarked GCSO vehicles are equipped with the following:

- | | |
|-------------------|------------|
| Flares | |
| Visor Lights | |
| First Aid Kit | Spare Tire |
| Fire Extinguisher | |

III. Responsibility

- A. It is the responsibility of the Deputy operating agency vehicles to make sure all equipment is in the vehicle at the beginning of his or her shift, to replenish any equipment or material expended during the shift and be certain all equipment is operable and in good working condition. Defective equipment or problems encountered are to be reported to the shift supervisor or the appropriate Lieutenant.

Greene County Sheriff's Office

Subject: USE OF SAFETY EQUIPMENT						Policy 126	
Effective: January 1, 2020			Standard Number(s): 42.3, 47.3				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The purpose of this Rules and Regulation is to ensure the safety of GCSO personnel through the use of personal safety equipment provided by the Agency. The GCSO recognizes that the personal safety of its deputies and civilian personnel is of paramount importance to members of their families as well as the Agency. In helping to ensure the safety of its personnel, the Agency provides seat belts and shoulder harnesses in all vehicles and soft body armor to all full time / part time sworn LED personnel. Additionally, other safety equipment is supplied for routine duties such as directing traffic.

Evidence exists supporting the use of vehicle equipped safety belts and should harnesses in reducing injuries resulting from motor vehicle accidents, as well as helping operators control vehicles during emergency operations. Evidence also exists supporting the use of soft body armor in saving deputies lives and reducing injuries resulting from gunshot and other injuries.

All Agency personnel and passengers will wear the safety belt and shoulder harness provided as standard equipment in Agency vehicles when operating or riding in an Agency owned vehicle or other vehicle while on official business. Safety belts and shoulder harnesses will be worn whether riding in the front or back of a vehicle. Agency personnel shall not disable or defeat the safety belt system of any Agency vehicle.

Whenever a deputy is at a traffic situation, i.e. traffic accident, directing traffic, etc., the reflective vest will be worn as the outermost garment. The only exception would be when wearing the orange raincoat with fluorescent markings.

I. Procedures

- A. Whenever Agency personnel operate or ride in an Agency owned vehicle or any other vehicle while on Agency business, whether on or off duty, the safety belt and shoulder harness will be worn.

Greene County Sheriff's Office

Subject: SOFT BODY ARMOR							Policy 127	
Effective: January 1, 2020				Standard Number(s): 41.1				
Rescinded:			Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:								

POLICY: The GCSO shall provide all full time sworn members of the LED Division, with a ballistic vest or soft body armor and shall establish a policy regarding its use.

I. Procedure

- A. Every full time sworn member of the LED, shall be issued a bulletproof vest (soft body armor) of a type consistent with state contract.
- B. The Greene County Sheriff's Office mandates the wearing of soft body armor
It is mandated that **all personnel wear soft body armor at all times.**
- C. Exemptions to this policy can only be granted at the direction of the Sheriff or his designee.

GREENE COUNTY SHERIFF'S OFFICE

Subject: USE OF FORCE	Policy 128
Effective: January 1st, 2020	Standard Number(s): 20.1, 43.8
Rescinded:	Amended: February 2 nd , 2021
	Sheriff Peter Kusminsky
Reviewed:	

Purpose: To establish a policy whereby personnel of the GCSO have guidance and procedures in the use and reporting of the use and presentation of physical force.

I. Policy

- A. The federal and state standards by which the use of force is measured are both founded in the basic premise of objective reasonableness. The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in [Graham v. Connor](#), is used in this policy and intended to provide officers with guidelines for the use of force, including deadly physical force.

II. DEFINITIONS

- A. **Objectively Reasonable-** An objective standard used to judge an officer's action. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.
- B. **Deadly Physical Force-** Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
- C. **Physical Injury-** Impairment of physical condition or substantial pain.
- D. **Serious Physical Injury-** Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss of impairment of the function of any bodily organ.

III. USE OF FORCE

- A. In general terms, force is authorized to be used when reasonably believed to be necessary to affect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
- B. Under the 4th Amendment, a police officer may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.

IV. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

- A. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at such time of the event.
- B. Factors that may be used in determining the reasonableness of force include, but not limited to:
 - 1. The severity of the crime of circumstance;
 - 2. The level and immediacy of threat or resistance posed by the suspect;
 - 3. The potential for injury to citizens, officers, and suspects;
 - 4. The risk or attempt of the suspect to escape;
 - 5. The knowledge, training, and experience of the officer;
 - 6. Officer/subject considerations such as age, size, relative strength, skill level, injury, or exhaustion, and the number of officers or subjects;
 - 7. Other environmental conditions or exigent circumstances.

V. DUTY TO INTERVENE

- A. Any member present and observing another member using force that he/she reasonably believes to be clearly beyond that which is justified under the circumstances shall intercede to prevent the use of unreasonable force, if and when the member has a realistic opportunity to prevent harm.
- B. A member who observes another officer use force that exceeds the degree of force as described in subdivision A of this section, shall promptly report these observations to a Supervisor.

VI. USE OF PHYSICAL FORCE

- A. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force.
- B. A chokehold or similar restraint is prohibited for use solely for the purpose of gaining compliance.

- C. Deadly physical force may be used for such purposes as those stated in section [35.30 of the New York State Penal Law](#). A Deputy may use deadly physical force against another person when the Deputy believes it to be necessary to defend himself/herself, another police officer or another person from the use, or imminent threat of serious physical injury or death. A Deputy is authorized to use any means at their disposal to defend themselves, another police officer or a citizen from the use or imminent use of serious physical injury or death.
- D. Where feasible, some warning should be given prior to the use of any type of physical force, up to and including deadly physical force.

VII MEDICAL CONSIDERATIONS

- A. Once it is reasonably safe to do so, medical assistance shall be provided to any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. The Shift Supervisor must be notified when a subject complains of pain, is injured or requires medical assistance following a use of physical force incident.
- B. Any individual exhibiting signs of physical distress following a use of physical force incident should be continuously monitored until (s)he can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.
- C. The on-scene supervisor or, if the on-scene supervisor is not available, the primary officer shall ensure that any person providing medical care, or receiving custody of a person following any use of force, is informed that the person was subjected to physical force. This notification shall include a description of the physical force used and any other circumstances that may be beneficial to the care for the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).
- D. If the subject refuses medical attention, such refusal shall be properly documented and, whenever practicable, should be made to the Shift Supervisor and witnessed by another member and/or medical personnel.
- E. Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple members to be brought under control, may be at an increased risk of sudden death. Incidents involving these persons should be considered medical emergencies. Members who reasonably suspect such a medical emergency should request medical assistance as soon as practicable and direct medical personnel stage at a safe location until directed otherwise.
- F. Members should take steps to obtain medical attention for persons who are displaying signs of mental illness and acting in a manner likely to result in serious physical injury or death to themselves or others.
- G. Requests for medical or mental health treatment, as well as efforts to arrange for such treatment, shall be documented.

VIII. PROHIBITED USES OF FORCE

- A. Force shall not be used by a member for the following reasons:
 - 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
 - 2. To coerce a confession from a subject in custody;

3. To obtain blood, saliva, urine, or other bodily fluid or cell, from an individual for the purposes of scientific testing in lieu of a court order where required;
 4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.
- B. Only issued or approved equipment will be carried on duty when applying physical force, except in emergency situations when a member must use any resources at his or her disposal.

IX. REPORTING & REVIEWING THE USE OF FORCE

- A. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
1. If a person refuses medical treatment such refusal will be documented.
- B. Members involved in use of force incident as described below shall notify their supervisor as soon as practicable and shall complete a departmental [Use of Force, Firearms Report, or any other necessary forms \(example: OC usage form, Taser usage form, etc.\)](#).
1. Use of force that results in a physical injury.
 2. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing or from compliance techniques.
 3. Incidents where a conducted electrical weapon (CEW) was intentionally discharged or accidentally discharged after being displayed.
 4. Presents, uses or discharges a firearm at or in the direction of another person;
 5. Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;(Refer to Policy 184 for restrictions on chokeholds or similar restraints)
 6. Presents, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
 7. Presents, uses or deploys an impact weapon, including, but not limited to, a baton or billy club;
 8. Presents, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bang, or long range acoustic device.
 9. Engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ or mental faculty.
- C. Supervisors will ensure that members receive any necessary assistance, including medical treatment. They will also ensure that any injuries to members shall be properly documented and reported.
- D. In the event that a member is unable to complete reports due to injuries, the supervisor will prepare or cause to be prepared, and submit them.

X. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS

- A. The member's immediate supervisor will respond to the scene of the incident immediately after learning of the use of physical force. If the member's immediate supervisor is not available, the chain of command will be followed and the next highest ranking member in

the chain of command will be dispatched to the scene. The first supervisor to the scene will ensure that a thorough investigation is conducted. Whenever possible, this investigation will be conducted at the scene.

- B. A supervisor that is made aware of a force incident shall ensure the completion of a [Use of Force/ Firearms Report](#) by all members engaging in reportable use of force and, to the extent practical, make a record of all officers present.
- C. Supervisors will determine if an investigator will respond to the scene of an incident involving the use of force. With assistance of the investigator a supervisor will determine what level of the investigator's services will be utilized; including but not limited to photos, measurements and diagrams.
- D. The Lieutenant will receive the supervisor's report and review the circumstances of the investigation. After reviewing the report, the Lieutenant will forward the report to the Captain, who will determine if further investigation is required. In the absence of a Lieutenant, the Captain will assume both functions.
- E. The Captain will determine by reviewing all reports if the use of force used meets the criteria set forth in New York State Executive Section 837-T, or New York State Commission of Correction minimum standards. If such criteria has been met the Captain will cause such report to be made to the Division as stated in Executive Law Section 837-T, or Commission of Correction minimum standards.

Greene County Sheriff's Office

Subject: PATROL RIFLE	Policy 129
Effective: January 1, 2020	Standard Number(s):20.5, 32.3
Rescinded:	Amended: August 17 th , 2020
	Sheriff Peter Kusminsky
Reviewed:	

Purpose:

To establish policy and procedure for the use of patrol rifles by member of the Greene County Sheriff's Office.

I. Definitions:

For the purposes of this policy, the term "Patrol Rifle" refers to an AR-15 type semi-automatic carbine/rifle chambered in .223REM and/ or 5.56 nato caliber.

II. Policy:

A. No members of the Greene County Sheriff's Office shall be authorized to carry a patrol rifle on duty unless that member has successfully completed the established course for patrol rifle training conducted by the Greene County Sheriff's Office or an MPTC approved training. Nothing in this section shall be construed to prevent a member who has not completed the required training from taking custody of a patrol rifle for the purposes of securing it or utilizing the weapon in an emergency.

B. Patrol Rifles currently owned by GCSO, as well as patrol rifles that may be purchased at a later date by GCSO, may be assigned to an individual member to be used while conducting official GSCO duties. GSCO members who are assigned a GCSO owned patrol rifle will be required to carry said patrol rifle while conducting official GCSO duties. The assigned rifles

will remain in the custody of the GCSO member while on and off duty.

C. GCSO members may be permitted to carry and utilize their personal rifle on an individual case basis. The member must complete the GCSO patrol rifle qualification course with the rifle prior to use. The weapon shall be examined by a patrol rifle armorer at anytime. Once the weapon is authorized for use no changes to the weapon will be allowed without permission from the firearms instructor/patrol rifle armorer. All changes or repairs will be inspected by a GCSO patrol rifle armorer only.

Member owned rifles are to meet the following specifications:

- 1. AR-15 type semi-automatic carbine/rifle built to military specifications.**
- 2. Caliber: .223 REM and /or /5.56 nato**
- 3. Barrel Length: 16” -20”**
- 4. Stock: Fixed or Adjustable**
- 5. Magazines: 20 round or 30 round magazines**
- 6. Sights: fixed iron sights**

Authorized Accessories:

- 1. Sling**
- 2. Sights: Electronic holographic or red dot weapon sight that can be utilized day or night. No magnification capabilities.**
- 3. Flashlight: Weapon mounted illumination device.**

Ammunition:

- 1. Ammunition is to be distributed by GCSO.**

2. **GCSO members are not authorized to carry any patrol rifle ammunition which has not been issued by GCSO.**

Weapon Case:

1. **Weapon case shall be a soft or hard rifle case able to adequately secure the patrol rifle.**

II. Procedure:

A. Patrol rifles are special weapons which have the tactical advantages of increased firepower and increased range. They are to be deployed only when the deployment of a firearm would be justified.

B. Upon the start of each shift, the patrol rifle shall be in the “patrol ready” condition. “Patrol ready” condition is as follows:

1. **The magazine will be loaded with GCSO issued ammunition two rounds less the magazines capacity. (ie:20 rd magazines loaded with 18 rds)**
2. **The bolt shall be closed on a “known empty chamber.”**
3. **The loaded magazine will be inserted into the patrol rifle.**
4. **The safety will be in the “safe” position.**
5. **Ejection port cover will be in the closed position.**
6. **Patrol rifle will then be secured in the weapon carrier located within the passenger compartment of the patrol vehicle. In patrol vehicles where weapon carriers are not utilized, the patrol rifle will be secured in the weapon case in the trunk of the patrol vehicle.**

C. The patrol rifle shall be removed from the locked carrier or trunk when deemed necessary as per the provisions of this order.

- D. While deploying a patrol rifle, the GCSO member will make every attempt to maintain a safe and sufficient distance from the suspect(s) in order to keep said suspect(s) from gaining control of the patrol rifle.**
- E. The patrol rifle will not be used to dispatch an injured animal (ie: deer, raccoon, dog, etc.) that is not an imminent threat to the lives of persons in the area. Patrol Rifle may be used to dispatch animals that are considered to be “dangerous”, or a “dangerous species”.**
- F. Once the need for the patrol rifle has ceased, return the patrol rifle to the vehicle locked carrier, or weapon case within the trunk, in the “patrol ready” condition as defined in section B of this policy.**
- G. In the event a patrol rifle, GCSO owned or GCSO member owned, is deployed and utilized in a use of force incident involving a person(s), the rifle will be seized by the first supervisor or evidence technician on scene. The patrol rifle will remain in the custody of the GCSO and will be released at the discretion of the GCSO administrations.**

III. Departmental Responsibilities:

- A. To ensure efficient and reliable operation when needed GCSO owned patrol rifles, as well as GCSO members personal patrol rifles, will be inspected by GCSO patrol rifle armorers to ensure that the rifle is in good working order at all times.**
- B. All patrol rifles are subject to inspection by the GCSO patrol rifle armorer at any time.**
- C. Any patrol rifle found to be dirty and/or not properly maintained will be immediately removed from service until such time the patrol rifle is brought into serviceable order.**

IV. GCSO Member Responsibilities:

- A. GCSO members will remove their patrol rifle from the patrol vehicle at the end of their shift.**
- B. Anytime GCSO members are required to transfer or “double up” in a different patrol vehicle, the member will also transfer their patrol rifle to the other patrol vehicle.**
- C. In the event damages occur or any repairs are to be made to a GCSO members personal patrol rifle, the member is responsible for the cost of damages and repairs.**
- D. In the event damages occur to a GCSO owned patrol rifle in the course of GCSO duties, cost of damages and repairs will be the responsibility of GCSO.**
- E. In the event any repairs need to be performed on a patrol rifle it is the responsibility of the assigned member to request the GCSO patrol rifle armorer to perform the needed repairs.**

Greene County Sheriff's Office

Subject: Shotgun / Rifle Storage and Transport Policy	Policy 130								
Effective: January 1, 2020	Standard Number(s): 20.5								
Rescinded:	Amended: August 17th, 2020 Sheriff Peter Kusminsky								
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>								

POLICY: The purpose of this order is to establish guidelines for the use of Shotguns and Rifles for the Greene County Sheriff's Office. It will be the responsibility of each member to strictly adhere to this policy.

1. Agency Shotguns and Patrol rifles may be carried by members on duty in their assigned vehicle, if they so choose (with the permission of the shift supervisor) or are so assigned.
2. If the patrol vehicle is equipped with a mount, the Deputy may choose to carry the shotgun or the patrol rifle in that mount. The weapon in the mount shall be locked at all times. If the Deputy do not wish to utilize the gun mount, or if the vehicle is not equipped with a mount, weapon(s) will be secured in the gun case in the trunk of the patrol vehicle.
3. Members are to ensure that both weapons are in working condition prior to their patrol assignment. The Patrol Rifle will be issued two (2) 20 round magazines loaded with 18 rounds in each magazine. The Shotguns will be issued a five (5) round box of slugs and a five (5) round box of 00 Buck. A five (5) round box of rubber buck shot will be issued and assigned to each patrol vehicle. If any ammunition is missing or the weapons are not in working order, the member is to notify the Shift Supervisor immediately and advice him/her of the problem. The Shift Supervisor will investigate and rectify the problem, notifying a Lieutenant, if necessary.
4. Both weapons will be loaded with empty chambers.
5. Shotguns are to be loaded with the same type of shells, mixing of various shells is prohibited.
6. Deputies are to transport both the Shotgun and/or the Patrol Rifle in the issued gun case.
7. Neither weapon is to be left inside a patrol vehicle if that vehicle is not currently being utilized for patrol.
8. When members leave their patrol vehicles, they will ensure that vehicles are locked.

9. When a Shotgun or Patrol Rifle is not being utilized by a patrol, it is to be stored in the weapon storage locker at the station or satellite. The weapon(s) will be **UNLOADED** with the action in a safe position.

Greene County Sheriff's Office

Subject: TASER DEPLOYMENT POLICY						Policy 131	
Effective: January 1, 2020			Standard Number(s): 20.6,32.4				
Rescinded:		Amended: August 17 th , 2020			Sheriff Peter Kusminsky		
Reviewed:							

ELECTRONIC INCAPACITATION DEVICE X-26 TASER:

POLICY:

This policy addresses the training and use of electronic incapacitation (X-26 TASER) less lethal weapons. The Greene County Sheriff's Office recognizes that combative, non-compliant, armed and / or violent subjects cause handling and control problems that require special training and equipment. Thus, the Greene County Sheriff's Office has adopted the less- lethal philosophy to assist with the De-escalation of those potentially violent confrontations.

DEFINITIONS:

Less-Lethal Philosophy A concept of planning and force application, which meets operational objectives, with less potential for causing death or serious physical injury, when compared to conventional projectiles.

Electronic Incapacitation Device The X-26 TASER is a Conducted Energy Weapon; an electronic incapacitation device. It is a defensive weapon, which is listed in the force continuum at the same level as O.C. spray. The X-26 TASER functions in two ways:

1. It uses compressed nitrogen to project two probes a maximum of 21 feet. An electrical signal is then sent to the probes, via small wires, which disrupts the body's ability to communicate messages from the brain to the muscles and causes motor skill dysfunction.
2. Acts as a touch stun system when brought into immediate contact with a person's body.

Safety Priorities the Greene County Sheriff's Office safety priorities are as Follows:

- Hostages
- Involved non- subject civilians
- Police Officers
- Subjects the person who is the focus of the police operation.

PROCEDURE:

The decision to use the X-26 TASER is based on the same criteria a deputy uses when selecting to deploy any less-lethal device. The decision must be made dependant on the actions of the subject(s), or threat facing the deputy(s), and the totality of the circumstances surrounding the incident. In any event; the use of the X-26 TASER must be reasonable and necessary.

The X-26 TASER is not meant to be used in a deadly force situation. The X-26 TASER should not be used without a firearm back up in those situations where there is a substantial threat towards a deputy or others persons.

The X-26 TASER provides a force option in which the deputy does not have to get dangerously close to a threat before deploying the tool. Using the X-26 TASER may greatly reduce the need for other types of physical force by the deputy resulting in serious or potential deadly injury to the offender, deputy, or others present.

ISSUING of the X-26 TASER:

Department personnel shall only carry and use X-26 TASERS that are issued and approved by the Greene County Sheriff's Office. Members may only use department issued X-26 TASER cartridges.

A record will be kept of all X-26 TASERS, their serial numbers, date, time, incident number and the deputies name for every deployment.

Use histories will be run on each X-26 TASER once every six months. The use history data will be kept for three years.

TRAINING and CERTIFICATION:

All members who carry and/or use an X-26 TASER must first successfully complete an X-26 TASER familiarization program, to include practical tests.

Deployment:

Preferred target areas would be any large muscle group, or low center of mass (below the chest cavity frontal shots). Sometimes it may be justified to aim for areas outside the preferred target area. Back shots remain the preferred area when practical.

Duties after Deployment:

Immediate action should be taken to care for the injured, to apprehend any suspects, and to protect the scene.

Once the subject is restrained or has complied; the X-26 TASER should be turned off. When safe to do so, and at the direction of the on scene supervisor, the probes should be removed by the Deputies unless in a sensitive area such as the face, ears, eyes, neck, groin, or breast.

Officers should inspect the probes after removal to ensure that the entire probe barb has been removed. In the event that a probe barb has broken off and is still embedded in the subject's skin; the subject should be provided appropriate medical treatment.

Refer to the "Use of Force / Reporting" section of this policy and procedure book for procedures on rendering medical attention.

Deputies will attempt to locate the yellow, pink and clear Micro-dots dispersed at the time of the cartridge firing. These will be collected and placed into evidence with any expended cartridges.

Anytime a Taser is deployed against a person or animal the incident is to be documented properly. Refer to the "Use of Force / Reporting" section of this policy and procedure book for procedures on documentation.

Greene County Sheriff's Office

Subject: USE OF LESS-LETHAL WEAPONS						Policy 132	
Effective: January 1, 2020			Standard Number(s): 20.6				
Rescinded:		Amended:		Sheriff Peter Kusminsky			
Reviewed:							

Purpose: Define and familiarize personnel regarding Agency policy relative to carrying and using less-lethal weapons.

Policy: Only those personnel certified by agency training offices or by MPTC approved schools shall carry agency issued less-lethal weapons. Less-lethal weapons shall be used only when necessary to overcome resistance, to defend personnel or another from physical attack, to affect an arrest and or for the purpose of controlling a dangerous animal.

Definition: Less-lethal weapon shall mean agency issued chemical agent, straight/expandable baton and Less-lethal Extended Range Impact Devices.

I. General Procedures:

A. Authorization:

1. For the purpose of this Rules and Regulation, personnel will be authorized to carry Agency issued:
 - Conducted Energy Weapon (Taser)
 - Aerosol Subject Restraint (OC Spray)
 - Straight Baton/Expandable Baton
 - Less-Lethal Extended Range Impact Devices (12 Gauge CTS Super Sock bean bag round and 12 Gauge Rubber Buck Shot)

B. Documentation:

1. Whenever it becomes necessary for personnel to utilize a less-lethal weapon, they shall complete a "Use of force report" and submit it to their immediate supervisor. (Refer to the proper section for the weapon which was utilized as well as the "Use of Force Reporting" policy 128.

Justification:

1. All personnel are governed by Article 35 of the NY Penal Law with respect to use of a non-lethal weapon.

II. Authorized Less-Lethal Weapons:

The straight baton/expandable baton, Aerosol Subject Restraint (OC Spray) and Less-Lethal Extended Range Impact Devices are authorized to be carried by deputies of the GCSO. (Flashlights are not authorized as an offensive weapon to quell resistance except in extreme cases when no other adequate instrument is available.)

Straight Baton/Expandable Baton:

1. The straight baton/expandable baton may be used as an alternative force in those situations where potential for serious injury to a deputy or citizen exists, but where the use of a firearm may be considered extreme.
2. The use of this weapon will be limited to that degree of force which is reasonably necessary to provide protection for the deputy, a third party and/or to effect an arrest.
3. In the event injury is sustained, first aid will be rendered and, if necessary, medical assistance will be obtained. The shift supervisor will be notified immediately.

OC Spray:

1. The use of OC Spray is an alternative force in those situations where the potential for serious injury to a deputy, or a citizen exists, but where application for deadly physical force would be extreme.
2. The use of OC Spray will be limited to that degree of force that is reasonably necessary to provide protection for the deputy, a third party and/or to affect a legal arrest.
3. When OC spray is used, Agency arrest procedures shall be followed.
4. After the prisoner is in custody, the skin area affected should be flushed with water and exposed to fresh air as soon as possible.
5. As a precaution, a deputy will also have the prisoner examined by medical personnel. If medical personnel determine it necessary the prisoner shall be transported to the hospital.
6. If OC spray is used, the shift supervisor must be notified immediately.

Extended Range Impact Devices:

1. Extended Range Impact Devices issued by the GCSO:
 - 12 Gauge Bean Bag Round (CTS Super Sock)
 - 12 Gauge Rubber Buck Shot
2. Members trained in the use of 12 Gauge Bean Bag Round (CTS Super Sock) are authorized to deploy the round. Non-trained members are authorized to use the round in extreme conditions when the authorized member is incapacitated or otherwise unable to complete the deployment.
3. All members are authorized in the use of 12 Gauge Rubber Buck shot rounds for the purpose of controlling a dangerous animal. The use of 12 Gauge Rubber Buck shot rounds on humans is not authorized except by the direction of the shift supervisor.
4. The Extended Range Impact Device may be used as an alternative force in those situations where potential for serious injury to a deputy or citizen exists, but where the use of a firearm MAY be considered extreme.

5. The use of this weapon will be limited to that degree of force which is reasonably necessary to provide protection for the deputy, a third party and/or to effect an arrest.

6. In the event injury is sustained, first aid will be rendered and, if necessary, medical assistance will be obtained. The shift supervisor will be notified immediately.

III. Maintenance Of Equipment:

A. Personnel issued less-lethal weapons will be responsible for retaining the weapons in their possession and will exercise the same precautions for security as with a firearm.

B. Loss or theft of a less-lethal weapon shall be reported in writing as soon as possible to a shift supervisor who will then submit an investigative report to the Lieutenant.

1. Lieutenant can make authorization for replacement of a less-lethal weapon.

Greene County Sheriff's Office

Subject: FIREARMS/DEADLY PHYSICAL FORCE						Policy 133	
Effective: January 1, 2020			Standard Number(s): 20.5,32.3				
Rescinded:		Amended: August 17 th , 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: To acquaint all personnel with the policies and procedures concerning the use of firearms and deadly physical force.

Only sworn personnel who have satisfactorily completed a Municipal Police Training Council approved firearms program will be allowed to carry an Agency issued weapon. Deadly physical force shall only be used when necessary to defend yourself or a third person from the use or imminent use of deadly physical force.

I. Deadly Physical Force:

- A. Personnel from the GCSO may use deadly physical force when that force is necessary to defend the deputy or another from what the deputy reasonably believes to be the use or imminent use of deadly physical force.
- B. All personnel will be held responsible for maintaining a working knowledge of NYS Penal Law Article 35, Defense of Justification.

(Any other use of a firearm against a human being is strictly prohibited)

II. Displaying a Weapon:

- A. NYS Penal Law Article 35 falls short in enumerating when a person is justified in displaying a weapon, as a precautionary measure.
 - 1. The discretion remains with and must be a judgment made by each individual member based on his or her perception of imminent danger to their person or the person of another. Imminent possible danger is defined as potential exposure to physical injury which may create a substantial risk of death or serious and protracted disfigurement, impairment of health and/or loss or impairment of the function of any bodily organ.
 - 2. Each member then is held responsible for justifying his/her actions when a particular situation warrants displaying a firearm, e.g.: checking a building for a possible burglar, stopping a known stolen vehicle or apprehending a known felon.

III. Restrictions:

A. Warning Shots:

1. At no time will any member of this Agency fire warning shots.
2. NYS Penal Law Article 35, only allows for the firing of a weapon when deadly physical force may be the outcome and no other implication shall, for the purpose of this Rules and Regulation, be so construed.
3. A member may be held criminally and civilly liable for the death or injury of a person caused either intentionally or accidentally.

- B. Any unauthorized or careless handling of a firearm, on or off duty, by any member of this Agency is prohibited and may be cause for disciplinary action.

IV. On And Off Duty Procedure Upon Discharge Of Duty Weapon:

- A. When a member of this Agency discharges an Agency firearm accidentally or discharges any weapon in the performance of his or her official duties, he or she shall adhere to the following:

1. Notify the immediate supervisor of the circumstances surrounding the weapon discharge.
2. Complete and submit a "Firearms Incident Report" (Refer to GCSO Rules and - Regulations A25, Firearm Discharge Report) to include all pertinent details relating to the accidental or intentional discharge of the weapon. The report is to be completed on all firearms discharges, excluding the destruction of animals and firearms training.

B. Supervisor's Responsibility:

1. In every instance when a member of this Agency has accidentally or intentionally discharged a firearm (except when dispatching an animal or firearms training), it will be the responsibility of the supervisor to notify the on-duty Lieutenant.
2. The supervisor will respond to the scene of the weapon discharge and protect the scene pending an investigation.

C. Command Officer Responsibility:

1. All appropriate notifies must be made as per chain of command.
2. Initiate an investigation.
3. In the event of an accidental discharge, the Agency's Firearm Supervisor will be notified and will take receipt of the weapon. After inspecting the weapon the Firearm Supervisor will submit a written report to the Criminal Investigation Unit Senior Investigator regarding the operating condition of the weapon.

V. A. Procedure Upon Discharge Where Injuries or Death Are Involved:

1. Whenever deadly physical force is used, the deputy shall immediately:
 - (a) Determine the physical condition of any injured person and render first aid when appropriate.

- (b) Request emergency medical aid if needed.
 - (c) Notify communications and immediate supervisor of the incident and location.
2. The member shall remain at the scene unless injured or pursuit of additional subjects is necessary. The member will relate a brief account of the incident to a supervisor upon his or her arrival.

B. Supervisor's Responsibilities:

- 1. Notify the on-duty Lieutenant immediately.
- 2. Protect the scene.
 - (a) Seal off the immediate area and remove nonessential personnel from the area.
 - (b) Admit only authorized personnel to the scene.
- 3. Maintain security of evidence.
 - (a) The supervisor will immediately request the services of the Criminal Investigation Unit.
 - (b) As soon as practical, the supervisor will take custody of the member's weapon. The supervisor will maintain security of this evidence and turn it over to the Evidence Technician. Supervisor **may** issue member a replacement weapon.
- 4. Identify all witnesses, including police and civilian personnel. Make sure the witnesses remain separated.
- 5. Brief Lieutenant requiring administrative information upon their arrival. This is necessary to reduce the number of times the involved deputy must repeat the details of the incident.
- 6. As soon as feasible, afford the involved deputy the opportunity to communicate with family members.

C. Commanding Officer's Responsibilities:

- 1. The responding supervisor shall assume control of the scene until relieved by higher authority.
- 2. The responding command officer shall:
 - (a) Make appropriate notifies as per chain of command.
 - (b) Designate a central area for news media.
 - (c) Only the Sheriff or his designee will release details of the incident to the news media.

D. Investigators Responsibilities:

- 1. The Senior Investigator has overall responsibility for the scene and subsequent investigation and will brief the Sheriff upon his arrival.
- 2. Identify and interview all witnesses and take statements.

3. Prioritize witnesses so that key witnesses can be interviewed before their release.
4. Advise involved deputy of Miranda Rights, conduct interviews and prepare statements as appropriate.
5. Coordinate the identification and collection of evidence with the ID technicians.
6. Prepare a grand jury package for presentation by the District Attorney's Office to the Grand Jury.

E. Administrative Assignment:

1. When a member fires a weapon resulting in injury or death of another person, he or she shall be relieved from duty assignment with pay until such time it is deemed appropriate to return to normal assignment. This does not imply the individual acted improperly.
2. While relieved of current assignment, duties will be determined by the Sheriff or his designee.
3. The member shall be available at all times for official interviews and statements, statements regarding the case and shall be subject to recall to duty at any time.
4. The member shall not discuss the case with anyone except the District Attorney's Office, personal attorney, collective bargaining unit representative or authorized Agency personnel as designated by the Sheriff.
5. Upon completion of the investigation, the Sheriff will determine what action will be taken.

VI. Procedures For Shotgun/Patrol Rifle Use:

A. Storage and Accountability:

1. All agency shotguns will be stored in the weapons locker in the Patrol Sergeants Office or in their respective satellite office. Shotguns and Patrol Rifles taken on patrol will be stored in the trunks of marked and unmarked vehicles unless the vehicle is equipped with a locked long gun rack.
2. Shotguns will be loaded with four (4) rounds in the tubular magazine. Deputies are permitted to possess rifled slugs, 00 buck shot, rubber buck shot and bean bag rounds for use in Agency shotguns.
3. It will be the responsibility of the Firearms Supervisor to ensure that agency firearms are properly maintained.

B. Use of Shotgun:

1. Shotguns will be handled in a safe and careful manner as with any other weapon.
2. If the shotgun is discharged, standard firearms discharge procedures will be adhered to.
3. Upon discharge, the shotgun will be cleaned before being returned to the vehicle trunk and or weapons locker.

Procedures for Patrol Rifle Use:

A. Storage and Account

1. Agency patrol rifles will be stored in the weapons locker in the Road Patrol Sergeants Office or in their respective satellite office. Patrol rifles taken on patrol will be stored in the trunks of marked and unmarked vehicles unless the vehicle is equipped with a locked patrol rifle rack.
2. Patrol rifles will be loaded with a box type magazine. The magazine will be loaded to capacity less two rounds. (i.e. 20rd magazines loaded with 18rds)
3. It will be the responsibility of the Firearms Supervisor to ensure that patrol rifles are properly maintained.

B. Use of Patrol Rifle:

1. Patrol rifles will be handled in a safe and careful manner as with any other weapon.
2. If the patrol rifle is discharged, standard firearms discharge procedures will be adhered to.
3. Upon discharge, the patrol rifle will be cleaned before being returned to the vehicle trunk and or weapons locker.

VII. Assignment of Agency Firearms:

A. Qualified personnel will be issued a firearm, holster and ammunition. Issued firearms will be assigned by serial number. Qualified personnel while on duty shall carry their firearm fully loaded (chamber and magazine) on their strong arm side. They shall carry two additional magazines for their firearm. This is to be adhered to unless otherwise authorized by the sheriff or his designee.

B. All personnel authorized to carry Agency firearms in conjunction with their assigned duties (patrol function, canine patrols, marine patrols, ect.) will carry their assigned weapon with them while on duty. Officers shall not adjust, repair or alter any such firearms at any time.

C. Only personnel who have satisfactorily completed an Agency approved firearms program will be allowed to carry an Agency weapon. To maintain firearms status, firearms certified personnel must satisfactorily complete annual firearms qualification.

D. Personnel who do not satisfactorily complete annual qualification will not carry an agency firearm. Unless annual weapons qualifications are waived by the sheriff or his designee.

E. Unless stated otherwise by Agency instructions, regulations or orders, all personnel will be armed at all times while on duty and weapons will be fully loaded, cleaned, oiled and in good working condition.

F. Personnel will be responsible for retention of the firearm(s) in his or her possession and will exercise appropriate precaution for the weapon's security to prevent theft, loss, misuse or damage.

G. While on duty personnel will carry only the firearm and ammunition issued them by the Agency. Authority to carry on-duty a firearm not owned by the Agency will be granted only with the specific approval of the Sheriff. The member must qualify in the proficient use of the weapon and register the weapon with a Firearms Instructor.

H. Approved personally owned weapons, when carried on duty, will be loaded with ammunition issued by the Agency. An agency firearms instructor/armorer will inspect the weapons annually.

I. When off-duty, personnel are not required to carry a firearm. Personnel electing to carry a firearm may:

1. Not have a firearm on their person when consuming alcohol.

2. Carry an Agency issued firearm off-duty wherever legal to do so in New York State.

J. Agency issued firearms will not be used in outside employment unless written permission is granted by the Sheriff.

K. Any exception to this Rules and Regulation will require written permission from the Sheriff.

L. All personnel will attend an annual mandatory review of the use of force and the use of deadly physical force. Legal updates, deemed pertinent by the Sheriff or Undersheriff, will be presented as appropriate.

Greene County Sheriff's Office

Subject: FIREARM DISCHARGE REPORT						Policy 134	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

Purpose: It shall be the policy of this Agency that when a member discharges a firearm, either accidentally or in the performance of his or her official capacity, the following procedure will be followed:

I. Procedure:

- A. Any incident involving the discharging of a firearm, notify dispatch regarding the circumstances surrounding the weapon discharge including the number of rounds fired and the location in which the incident occurred.
- B. Any incident involving the discharge of a firearm against a person(s), the member is to notify dispatch and request that they immediately notify the shift supervisor.
- C. Complete and forward to the immediate supervisor a "Discharge of Firearms Report" to include details of the incident relating to the accidental discharge or the justification for the deliberate discharge of a firearm. This must be followed for all firearms discharges except for firearms training.

II. Supervisor's Responsibility:

- A. In every instance when a member of this Agency has occasion to discharge a firearm, except when dispatching an animal or firearms training, it will be the responsibility of the supervisor on duty to notify the Lieutenant on call, when applicable, in accordance with agency directives.
- B. Any incident involving the discharge of a firearm against a person(s) the supervisor will respond to the scene and protect the scene pending an investigation.

III. Administrative Responsibility:

- A. Ensure all appropriate notifications are made.
- B. Initiate an investigation as directed.

Note: Where an injury is sustained by any person through the use of a firearm, it will be the responsibility of the supervisor at the scene and command officer to ensure proper notifications are made.

Greene County Sheriff's Office

Subject: Vacant						Policy 135	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

POLICY:

Greene County Sheriff's Office

Subject: RANGE QUALIFICATION						Policy 136	
Effective: January 1, 2020			Standard Number(s): 32.3, 33.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: It is the intent of this Rules and Regulation to require all Law Enforcement personnel employed by GCSO and who are required to carry a firearm on duty:

1. Successfully complete a firearms training and qualification course that meets or exceeds that required by the Municipal Police Training Council (MPTC).
2. Qualify annually with the Agency issued handgun, 12-gauge shotgun and AR-15 rifle. Deputy Sheriff's required to use other department firearms will also qualify annually on those specialty weapons they are responsible for.
3. Any members who have been permitted to use any personally owned handguns, shotguns and/or AR-15 patrol rifle in the performance of their duties must qualify with said weapon(s) in accordance with agency qualification standards listed in article 2 of this section.

Qualification firing will be done on duty. Personnel failing to qualify will be tutored by personnel from the Firearms Training Unit and required to continue firing until qualification is achieved.

Greene County Sheriff's Office

Subject: RANGE OPERATION PROCEDURES						Policy 137	
Effective: January 1, 2020			Standard Number(s): 32.3, 33.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The purpose of this Rules and Regulations is to establish range operational procedures that are to be followed at all times.

I. Procedure

- A. A Range Officer, who must be a MPTC certified Firearms Instructor, must be present at all times. The Range Officer, regardless of rank, is the senior ranking officer on the range at all times.
- B. All qualification shoots will be for score utilizing Agency supplied ammunition.
- C. All scores will be recorded and placed in the training records. Annual qualification will be entered on each individual in-service training record.
- D. Special and/or remedial firearms training will be available to anyone requesting assistance and needing same.
- E. All personnel using the range are charged with the following common sense rules of safety involving the use of firearms, ammunition and equipment:
 - 1. The Range Officer's orders will be obeyed without question.
 - 2. All firearms used on the range will be cleared before entering the range.
 - 3. Firearms will be pointed down range at all times.
 - 4. Firearms will be loaded only upon command of the Range Officer.
 - 5. Any and all accidents, damage within the range, malfunctioning firearms or equipment will be reported to the Range Officer immediately.
 - 6. Personal injury on the range, ready area or any other area under control of the Range Officer will immediately be reported to the Lieutenant on call.
- F. While range firing is for GCSO personnel only, other agencies may fire with GCSO personnel with approval of the Sheriff.
- G. When a Range Officer fires, there must be another Range Officer present for safety reasons. There will always be at least one Range Officer present when the range is in use.

Greene County Sheriff's Office

Subject: LAW ENFORCEMENT OFFICERS SAFETY ACT						Policy 138	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff Gregory R. Seeley			
Reviewed:							

Policy: On July 22, 2004, the "Law Enforcement Officers' Safety Act, Public Law 108-277, was signed into law, taking effect on that date. The law exempts qualified active and retired law enforcement officers from local and State prohibitions on the carrying of concealed firearms.

Definitions:

I. A qualified active Law Enforcement Officer is defined as an employee of a government agency who:

- is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of the law;
- has statutory powers of arrest;
- is authorized by the agency to carry a firearm;
- is not the subject of any disciplinary action by the agency;
- meets the standards established by the agency which require the employee regularly qualify in the use of a firearm;
- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- is not prohibited by Federal law from possessing a firearm.

II. A qualified retired Law Enforcement Officer is defined as an individual who:

- has retired in good standing from service with a government agency as a law enforcement officer for an aggregate of **fifteen (15) years** or more for reasons other than mental instability, or retired from such agency due to a service-connected disability after completing any applicable probationary period of such service;
- was authorized by law to engage or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for violation of law;

- had statutory powers of arrest;
- has a nonforfeitable right to benefits under the retirement plan of the agency for which he was employed;
- meets, at his own expense, the same standards for qualification with a firearm as an active officer within the State in which he resides;
- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- is not prohibited by Federal law from possessing a firearm.

III. Firearm. The definition of "firearm" specifically excludes machine guns, silencers, explosives and other destructive devices as these terms are defined in Federal law.

I. Procedure:

- A. Qualified active Law Enforcement Officers **must** carry the photographic identification issued by the Greene County Sheriff's Office.
- B. Meet the requirements set forth above for "qualified active Law Enforcement Officers."
- C. Qualified retired Law Enforcement Officers **must** carry the photographic identification issued by the Greene County Sheriff's Office for retired sworn personnel **and** documentation active or retired Law Enforcement Officers from the laws which certifies that they have met, within the most recent twelve month period, the active law enforcement standards for qualification for a firearm of the same type as the one they intend to carry. Additionally, retired officers **must** meet the requirements set forth above for "qualified retired Law Enforcement Officers."
- D. Retired sworn personnel will be permitted to meet annual qualification requirements on certain dates that will be provided by the Greene County Sheriff's Office. These qualification dates will be spaced throughout the year. Once a certain course date is filled that date will be removed from the annual firearms qualification calendar. The retiree will provide their own weapon and ammunition at their expense. It is the responsibility of the retired sworn officer to inquire as to annual qualification dates and subsequent sign-up.
- E. The Firearms Training Unit will provide retired sworn personnel with a certificate attesting to satisfactory completion of annual firearms qualification.
- F. Retired members from other agencies will follow the above policy of the Greene County Sheriff's Office. Members from other agencies will be retired in good standing (written documentation from the agency from which they retired must state that they retired in good standing) from service with a government agency as a law enforcement officer for an aggregate of **fifteen (15) years** or more for reasons other than mental instability, or retired from such agency due to a service-connected disability after completing any applicable probationary period of such service..

II. Clarifications

- A. This law exempts all qualified active and retired Law Enforcement Officers from **State and local laws** with respect to the carrying of concealed firearms. *These officers are not exempt from Federal law or regulation, which governs the carriage of firearms onto aircraft, Federal buildings, Federal property and national parks.*
- B. State and local laws which prohibit the carriage of firearms onto State or local government property and State (not local) laws which allow private entities to prohibit firearms on their private property would still apply to qualified active and retired Law Enforcement Officers.
- C. In addition to exempting qualified of any State or political subdivision thereof, the law additionally applies to the District of Greene and United States possessions and territories.

**Greene County Sheriff's Office
Information Sheet**

For Officers Retired /Separated Police Officers

Fee: \$50 for one weapon Payable by check or money order. Cash will not be accepted.

The Greene County Sheriff's Office has established a range qualification program for retired / separated officers. On scheduled dates and times, range personnel will conduct the New York State qualification course of fire as published (50 rounds required). All times and scoring requirements will be adhered to as published. A passing score of 70% is required for passing. Upon successful completion of the course of fire a photo ID card similar to the one below will be issued.

S. 1132 Law Enforcement Officers Safety Act (HR 218)

ANNUAL FIREARMS QUALIFICATION CARD

Greene County Sheriff's Office

85 Industrial Tract

Hudson, New York 12534

On _____ Retired/separated Officer:

Successfully fired a law enforcement Handgun
Qualification Course; using the following firearms:
Semi-Automatic Revolver

Signed: _____
NY State DCJS Police Firearms Instructor

To participate in this program, you **must register on line** and receive an immediate confirmation. Once scheduled, your position will be held unless you cancel at least 24 hours prior to your appointment.

Police officers who retired / separated from their agencies will be charged \$50.00 for one firearm. **This fee is payable by cash, check, or money order made out to Greene County Sheriff's Office.** If you qualify on a semi-automatic, your qualification is good for any semi-automatic. If you qualify on a revolver, your qualification is good for any revolver.

These fees are due regardless of the outcome of the qualification. All fees will be collected prior to qualification firing. Should a retired /separated officer fail to qualify on the first attempt, that individual will be provided a second attempt with the same firearm, during that range visit, at no additional charge, unless prevented by extenuating circumstances.

Each retired / separated officer will be required to provide the following items:

A valid NEW YORK Pistol Permit or a current HR218 card.

A current retired / separated photo ID from your former department.

A notarized 2012 affidavit (Download from this site)

A safe, functional handgun.

A safe, functional holster. No cross draw, shoulder or ankle holsters.

A minimum of 50 rounds of FACTORY ammunition (no reloads) per firearm.

Reloading devices if desired for revolvers, required for semi-automatics.

Safety equipment: Wraparound eye protection, hearing protection and a baseball type hat.

* *A limited number of eye and hearing protectors are available for loan. 2012 Outside

GREENE COUNTY SHERIFF'S OFFICE

Subject:	AGENCY AND OFFICER FIREARMS REPORTING REQUIREMENTS	Policy	139
Effective:	January 1, 2020	Standard Number(s): 6.2	
Rescinded:	Amended: August 17th, 2020	Sheriff Peter Kusminsky	
Reviewed:			

POLICY: It is the responsibility of the Firearms Training Officer of the GCSO to comply with the reporting requirements under Section 400.00, 12-C, of the New York State Penal Law.

The Firearms Training Officer so designated responsible, will submit to the Sheriff no later than January 15, of each year a current list of all firearms including machine guns and specialty weapons owned by the Agency. The filing will be made to the Sheriff with an inventory of all firearms described by make, model, caliber and serial number.

I. Subsequent acquisition/disposition of firearms-law enforcement agencies:

- A. Any subsequent acquisition or disposition of firearms or machine guns, as defined by NYS Penal Law must be reported to the Sheriff within ten (10) days. Such report will include the make, model, caliber and serial number of each firearm or machine gun and the name and address of the person the weapon(s) were acquired from or disposed to.

II. Initial Officer Registration (Law Enforcement Officers):

- A. All deputies will have a valid Greene County Pistol Permit. Deputies hired and who do not have a Greene County Pistol Permit will obtain one immediately.

Greene County Sheriff's Office

Subject: OFF DUTY FIREARMS						Policy 140	
Effective: January 1, 2020			Standard Number(s): 20.5				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY:

1. If a member (Deputy OR Corrections Officer) owns or possesses a handgun other than the issue firearm, he or she **MUST** possess a valid New York State pistol license and the license must reflect all pistols possessed by the employee. **UNDER NO CIRCUMSTANCE** will a firearm (Penal Law definition) be purchased on the authority of the GCSO badge. Procedures as established by the Surrogate's Office would be followed for all firearms acquisitions and disposal. If when appointed, a Deputy does not possess a valid New York State pistol license, he or she **MUST** apply for a pistol license. Corrections Officers are not required to have a pistol license **UNLESS** they own or possess a pistol **AND** they are trained and authorized to carry a department pistol.
2. Members of the GCSO, duly certified and qualified to carry firearms, shall be issued a duty pistol and only the issued weapon may be carried on duty except when another weapon has been approved by the Sheriff.
3. There is no requirement that a Deputy carries a handgun while off-duty, but it is recommended. However, any deputy operating a GCSO vehicle, marked or unmarked, on or off-duty, must be armed while operating such vehicle. It is strongly recommended that deputies carrying a sidearm off-duty carry a weapon with which they have qualified to the satisfaction of a GCSO Firearms Instructor **and which are listed as such in GCSO records**. Deputies carrying an unlisted weapon off-duty are cautioned that they may face additional legal issues beyond the scope of this policy in the event that they are involved in off-duty police action with the unlisted weapon.
4. Members shall immediately report the loss, theft, sale or disposal of any handgun on their pistol license.
5. When a department handgun is in the home, measures must be taken to ensure that the handgun is properly stored out of the reach of children and secured to minimize theft.

Greene County Sheriff's Office

Subject: CRIMINAL INVESTIGATION FUNCTIONS	Policy 141								
Effective: January 1, 2020	Standard Number(s): 50.1								
Rescinded:	Amended: August 17th, 2020								
Sheriff Peter Kusminsky									
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>								

POLICY: It is a fundamental premise in law enforcement that the patrol force in any police agency is responsible for initial response for all police functions. Specialized units are required to augment the patrol force. The coordination of the work of these two units is critical to the mission of the GCSO. The purpose of this policy is to establish guidelines that will facilitate that coordination of effort.

The Criminal Investigation Unit is that division of the GCSO that fulfills the special investigative needs of criminal investigation and identification.

It is the policy of the GCSO that every case which can be disposed of by the Uniform Patrol should so be handled. Exceptions to this policy shall be limited to those cases where Agency efficiency demands specialized assistance, such as cases that require extensive investigation both in time and place for their solution, or, by their inherent nature necessitate investigation by a separate unit in the GCSO manned by persons assigned exclusively to criminal investigation.

All citizens enjoy many guarantees under the Constitution and these guarantees extend during criminal investigations. The guarantees include, but are not limited to, the right to counsel, search and seizure and Miranda warnings. All GCSO personnel are compelled to assure compliance with all Constitutional guarantees during criminal investigation.

I. Procedure

- A. All criminal investigations will commence with a thorough investigation and will be documented on an Incident Report. In the preliminary investigation phase, patrol personnel will ensure that all available appropriate information regarding the presence or absence of solvability factors is documented for subsequent use. In order to accomplish this, patrol personnel will:
 1. Proceed to the incident scene immediately but cautiously, being alert for possible suspects and/or vehicles.
 2. Upon arrival, aid and comfort the victim and secure the scene to protect physical evidence.
 3. Locate and identify witnesses.
 4. Transmit to other police unit's information of immediate relevance directed at intercepting the suspect or suspect vehicle.
 5. Focus investigative efforts on the search for solvability factors.

6. Obtain and record a complete description of the crime and property taken (serial numbers, make, model, color, etc.) or damaged. This is done best by taking supporting depositions from victims and witnesses.
7. Expend the amount of time necessary to conduct a thorough preliminary investigation, bounded by the character of inquiry appropriate in each case and supervisory approval.
8. Continue the preliminary investigation until:
 - a. All useful information has been obtained from victims, witnesses, and neighbors or other people present in the area.
 - b. All useful evidence has been identified and preserved at the crime scene and in the immediate area.
9. At the conclusion of the preliminary investigation:
 - a. Submit the Incident Report for review by a supervisor.
 - b. Advise the victim of the most probable actions that the GCSO will be taking regarding the complaint.
 - c. Offer the services of the New York State Crime Victim's Board and/or available and appropriate community services.

B. Supervisor's Responsibilities

1. Ensure that deputies conduct a thorough preliminary investigation.
2. Ensure that deputies devote a suitable amount of time to assure quality of preliminary investigations consistent with the need to maintain other police services.
3. Review preliminary investigation reports as soon as possible to:
 - a. Determine investigatory completeness in search for solvability factors and justification of same. Incomplete reports will be returned for completion.
 - b. Assure correct crime classification, legibility and sufficiency of information.
 - c. Depending on urgency and/or type of crime, immediately notify the Criminal Investigation Unit. If the case is not of an urgent nature, but should be followed up by CIU, forward through normal channels. Notify the Investigator for reviews.
 - d. Meet with shift supervisor of the on-coming shift to exchange information and, if for a valid reason a preliminary investigation cannot be completed, forward for completion.
4. Field Supervisory Decision
 - a. At the conclusion of the preliminary investigation, a supervisor will make the recommendation to suspend or continue the investigation based on the relative weight of the solvability factors and the preliminary recommendations of the investigating deputy. When further investigation by the Uniform Patrol is indicated, it shall be the responsibility of the shift supervisor making that determination to ensure that follow-up investigation is documented in a complete and timely manner.
4. Criminal Investigation Unit Follow-up
 - a. Whenever an investigation is turned over to or generated by the CIU, it shall be

reviewed and assigned for follow-up investigation in accordance with the following case management system:

- i. Criteria for case assignment:
 - (a) Field follow-up investigation of preliminary investigations in which one or more solvability factors is present.
 - (b) Field follow-up of selected preliminary investigations without solvability factors. The CIU Investigator will determine criteria for selection.
 - (c) Field follow-up investigation selection decisions may vary according to crime classification and CIU case load.
- ii. The Lieutenant will administer an investigative case management system in accordance with the following guidelines:
 - (a) Follow-up investigations will be assigned based on priority and CIU resources.
 - (b) Field follow-up investigations will be returned to the Lieutenant by assigned personnel through the chain of command immediately upon completion.
 - (c) After review of the investigation, the Lieutenant may approve case closure, suspension or continuance based upon what has been completed, new information developed and what remains to be done. Cases not approved will be returned through the chain of command for completion as indicated.

Greene County Sheriff's Office

Subject: Polygraph Examinations							Policy 142	
Effective: January 1, 2020				Standard Number(s): 50.6				
Rescinded:		Amended:		Sheriff Peter Kusminsky				
Reviewed:								

- I. **Purpose.** It is the purpose of this policy to provide investigative officers and others with general knowledge of, guidance and procedures for the use of polygraph examinations.

- II. **Policy.** The polygraph examination is a valuable investigative aid as used in conjunction with, but not as a substitute for, a thorough investigation. The polygraph may be employed, consistent with this policy, to verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this or other criminal justice agencies; and assist in the conduct of internal police investigations, among other authorized purposes.

- III. **Definitions.** Polygraph: The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to obtain truth or deception. A polygraph simultaneously records a minimum of respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.

IV. Procedures.

A. Requesting Polygraph Examinations.

1. Following approval by their immediate supervisor, employees of this agency may request a polygraph examination by contacting an Investigator of the Criminal Investigations Unit.
 2. The Investigator, after receiving the request for a polygraph examination, will contact the appropriate neighboring agencies that employ certified polygraph operators to conduct an examination for the G.C.S.O.
2. Polygraph examinations may be authorized when consistent with state law and agency policy. Situations in which authorization may be requested and approved include, but: may not be limited to:
- a. requests from the office of the prosecutor as part of an agreement with the defense attorney or for other investigative purposes;
 - b. an element of a background investigation of a candidate for a sworn or civilian position in this agency;

- c. requests from other authorized criminal justice agencies;
 - d. attempts to verify or reconcile statements of parents or guardians (e.g., in suspicious cases of missing or abused children) as well as witnesses or other individuals when alternative investigative means have been exhausted;
 - e. efforts to confirm or refute an allegation(s) that cannot be verified or disproved by other evidence;
 - f. efforts to establish probable cause to seek a search warrant; or g. as part of an administrative or criminal internal investigation of an officer of this agency or another criminal justice agency consistent with this policy (see item A.4.).
3. The polygraph should not be used to verify a victim's allegation without sufficient grounds for suspecting that the victim has given false or misleading statements.
4. Submission to a polygraph examination must be a voluntary action with the exception of employees of this agency formally directed to take an examination as part of an internal investigation. In all other cases, polygraph examinations shall not be administered without the subject's written approval, waiver or other instrument as required by law.

B. Preparing for Polygraph Administration

1. The requesting officer is responsible for providing the examiner with all pertinent information concerning the case and for reviewing, clarifying or elaborating on that information as the examiner may deem necessary. This includes, but may not be limited to:
 - a. information obtained in the investigation that supports and justifies the use of the polygraph;
 - b. copies of crime/offense reports and investigative reports;
 - c. evidence available and withheld from the subject;
 - d. background information on the subject to be examined, to include criminal record and possible motivation;
 - e. any statements made by the subject, complainants and witnesses to include alibis; and
 - f. newspaper articles or other general information concerning the case.
2. If the subject is hearing impaired or does not speak English, the officer will help make arrangements for a sign language interpreter or translator as determined by the polygraph examiner. In some jurisdictions, such as California, verification of victim statements is not permissible under state law.
3. Officers shall not interrogate a subject just before he/she is to take a polygraph.
4. In any Interrogation of a suspect who has agreed or who may reasonably be asked to agree to a polygraph, officers shall not pursue questions that may reveal information only the perpetrator could know. This includes, but is not limited to:
 - a. method of entry;
 - b. property taken;
 - c. weapons or type of force used to commit the crime;
 - d. evidence left at the scene;
 - e. clothing worn by the subject during the crime;
 - f. unusual acts of the suspect during the crime; or
 - g. location from which property was taken.
5. Officers shall not attempt to explain procedures that will be used in the examination but shall advise subjects that these will be explained fully by the examiner. Subjects may be advised of the following:
 - a. The examination is voluntary, unless otherwise provided by this policy in cases of internal affairs;
 - b. Results of the examination are not acceptable in a court of law unless all parties agree in

advance, and

c. Results of the polygraph examination, taken alone, do not provide substantiation for a criminal charge.

6. Should the subject be late for or cancel the appointment, the requesting officer shall immediately notify the Senior Investigator.

7. If possible, the requesting officer shall report with the subject and any other authorized persons--such as attorneys, parents or legal guardians--to the examination location of the test. The polygraph examiner shall be solely responsible for authorizing any persons inside the examination or observation rooms.

C. Conducting Polygraph Examinations

1. Only fully trained polygraphists or intern polygraphists under their direction are authorized to administer polygraph examinations.

2. This is the case in nearly all states. New Mexico is one exception. Agencies should consult legal counsel for clarification on this point.

3. The polygraph examiner shall make such inquiries of the subject's health, medical history and/or use of medications as necessary to determine his/her ability to take the examination. Polygraph examinations shall not be conducted on any person whom the examiner reasonably believes to be physically or emotionally unsuitable for testing. This may include but is not limited to persons with heart conditions, women who are pregnant and individuals taking certain types of medication that may interfere with test results.

When in doubt, the examiner may seek guidance from medical or psychological professionals as authorized by this agency and/or request the examinee to obtain a medical certificate from an appropriate health care provider.

4. An examiner shall not conduct a polygraph examination upon a subject if it is felt for any reason that an unbiased examination cannot be given.

5. Where appropriate, the examiner shall read Miranda rights to the subject and explain the voluntary nature of the test. Where required, the examiner shall obtain a signed consent prior to administering the examination as well as a signed waiver of Miranda rights.

6. An examination shall cease immediately if requested by the subject.

7. Prior to the test, the examiner shall explain the polygraph procedure to the subject and prepare him/her for the examination.

8. The examiner shall be responsible for preparing all questions used in the examination. Prior to the examination, each test question shall be reviewed with the person being tested.

9. The examiner shall independently interpret the chart tracings and render an opinion on findings that includes, but is not limited to, one of the following conclusions:

a. No Deception Indicated

b. Deception Indicated

c. Inconclusive

10. The polygraph examiner shall determine if a second polygraph examination is necessary and appropriate.

D. Pre-Employment Examinations

1. The polygraph examiner shall review all relevant applicant-screening reports, applicant personal history summaries and any prior polygraph examination reports prepared by this agency before conducting the examination.

2. Pre-employment polygraph examinations shall be scheduled by authorized members of this agency's personnel authority according to established agency policy.

3. Polygraph examinations shall not be used as the sole determinant of suitability for

employment.

4. Candidates shall be provided with a list of questions that may be used in the examination.

E. Equipment and Record Keeping

1. The polygraph examiner is responsible for the maintenance, safe-keeping and integrity of the polygraph equipment.

2. The polygraph examiner shall provide such summary activity or statistical reports as may be directed by the agency chief executive.

3. Unless otherwise provided in this policy or by state law, the polygraph examiner shall maintain copies of each polygraph report, together with polygraph charts and all allied papers, for a period of five years and indefinitely in capital offenses.

4. The results of all pre-employment examinations--including chart tracings, polygraph reports and related examination results--shall be maintained in a secure storage location, separately from criminal polygraph files. Duration of storage and stipulations for release of this information shall be governed by state law or the policy of this agency.

F. Examination Rooms

1. Tests and interviews shall be conducted in a clean, neat environment free of audible and visual distractions.

2. Certificates, diplomas and the like shall be displayed so as not to be in the sight of subjects during testing.

3. Examiners will be neat and well groomed, and will dress in a manner consistent with standards of the professional business community.

a. Duty uniforms, badges and other emblems of authority shall not be worn. This does not include departmental identification cards, where required

b. Service weapons may be worn if required but should not be openly displayed.

G. Equipment

1. Polygraph instruments used shall be of commercial manufactures and shall have no fewer than three functioning recording channels.

2. Calibration:

a. Calibration charts and/or maintenance logs shall be maintained at the instruments location or with case files.

b. Calibration checks of instruments should be conducted at least twice per month and whenever the instrument is moved to a different location.

H. Professional Development

1. Polygraphists are encouraged to participate in career development opportunities and are required to participate in professionally recognized annual in-service training.

Greene County Sheriff's Office

Subject: VICE / ORGANIZED CRIME INVESTIGATIONS		Policy 143
Effective: January 1, 2020	Standard Number(s): 50.7	
Rescinded:	Amended: August 17th, 2020	Sheriff Peter Kusminsky
Reviewed:		

POLICY: Investigations relating to vice, organized crimes and any other criminal intelligence will be maintained as confidential files in the Criminal Investigation Unit with access only to the Sheriff, Undersheriff, Captain, Lieutenant, and Investigators. The Lieutenant in charge of the CIU will be responsible for the retention, removal and redaction of this information.

The Investigator assigned to vice investigation cases will keep the Sheriff apprised of all investigation activities.

Information relating to vice activities or investigations will not be discussed with other Agency personnel nor released outside the CIU without the authorization of the Sheriff.

Agency personnel having knowledge of any vice activity will submit a confidential report to the Sheriff at which time the information will be forwarded to the Investigator for investigation.

Greene County Sheriff's Office

Subject: INFORMANTS							Policy 144	
Effective: January 1, 2020				Standard Number(s): 50.5				
Rescinded:			Amended: August 17th, 2020				Sheriff Peter Kusminsky	
Reviewed:								

POLICY: It is the policy of this Agency to encourage the development and use of informants. The proper legal use of an informant can greatly assist the efforts of the investigators in obtaining vital information that may be used in any investigation.

INFORMANTS

General:

Informants are an important part of narcotic law enforcement. Informants can provide significant intelligence information regarding narcotic trafficking in their immediate environment. They however, can cause major problems for the individual Officer and the Law Enforcement Agency if not properly supervised and controlled. Informants may work with Officers for money, revenge or for consideration in pending cases. Whatever the motivation they must be tightly controlled by the supervising officer.

Developing:

Informants may be recruited from persons arrested for crimes and or other violations, these persons may cooperate for consideration in their pending cases. The information and cooperation they offer should be weighed against the seriousness of the charges pending against them. Some citizens may offer cooperation because they are public spirited and have a concern for their community. Still others may wish to cooperate for monetary rewards.

Identification:

All informants should be properly identified and their identities should remain confidential. When an informant is developed they should be listed as a Confidential Informant (CI) a CI file should be opened and a CI number assigned to them. The CI number should be used to identify the CI in any investigative reports. A CI sign up check list will be completed and will include the following; Criminal History, CI Personal History Form, CI Pedigree, Activity Log Form, CI Consolidated Consent Waiver Form, CI Rules of Conduct Form, DMV Info and a facial Photo as well as Tattoo Photos.

Use:

Informants can be used for gathering intelligence on suspected drug traffickers, places where drugs are being used, sold, processed or stored. They can also identify sources of supply both from within and outside the county, vehicles used for transport and other methods of moving the drugs into the area.

A CI can be extremely valuable in introducing undercover officers to traffickers for the purpose of making purchases from the dealers.

A CI can also be used to make purchases from dealers. In these cases strict controls must be adhered to. When an undercover purchase by a CI is planned, prior to any street activity the CI, and the CI's vehicle, must be thoroughly searched by an officer, another officer must witness the search and the fact that the search revealed that no money or contraband was found on the CI must be documented. The CI will then be provided with confidential funds with which to make the purchase. These funds will be properly identified (serial numbers of the bills should be recorded). A body transmitter if possible should be concealed on the CI. From the time the CI is released until he/she meets again with the officers the transmitter should remain on and the transmissions recorded and monitored. In addition during this time the CI should be under constant surveillance. After the operation is concluded and the CI meets with the covering officers all evidence and recordings should be marked for identification and processed accordingly. The CI should be searched again and the fact that no contraband or money was found on his/her person should be noted.

Payment:

Informants can be paid for their services. When funds are paid to a CI a receipt must be obtained. In addition the CI will place a signature on the back of the receipt. A copy of the receipt will be placed in the CI file and the original receipt will be given to the custodian of the confidential fund.

OPERATIONAL PLANNING

Undercover Purchases:

Listed below are a number of considerations to be addressed before, during and after an undercover operation. It goes without saying that all items may not be fully addressed in all circumstances; however, the items should be covered to the best of the officer(s) ability and knowledge. The time spent in preparing for an operation can be of enormous help should an emergency situation develop which threatens the well being of an undercover officer or CI.

Fully identify the target when possible. If possible list criminal identification number, obtain a copy of any criminal record and photograph. If a target is not identified obtain a full description from the CI.

If possible determine the location of the proposed undercover activity. Make a reconnaissance of the location and select favorable locations for the placement of surveillance teams and vehicles. Observe and note any possible lookouts and accomplices.

Determine what equipment is required, draw and test technical equipment (receivers, recorders, and cameras). Arrange secure frequencies for body transmitters

and vehicle-to-vehicle communications. Have marked Raid Jackets and body armor. Have appropriate weapons for emergency situations. Prearrange an emergency word or phrase with the undercover officer or CI to be used if a threatening situation develops.

When possible arrange for a marked car with uniformed deputy(s) to be close by in case backup or crowd control is needed.

Determine pre-arranged locations from which the undercover operative can be released and recovered.

If appropriate notify local police of activity.

If an emergency develops call for backup and have dispatcher notify responding backup officers that plainclothes officers are in the area.

CONFIDENTIAL FUNDS

General:

A confidential Fund will be established and maintained by the Senior Investigator. The purpose of the fund is to provide cash for undercover purchases of narcotic evidence, to pay Confidential Informants (CI) for information and assistance in developing cases and to purchase necessary equipment.

CI Payments:

For CI payments the request will identify the CI by number, the case number and the amount of payment. When the funds are paid to the CI a receipt will be obtained which will contain the case number and CI's signature.

Equipment Purchases:

When funds are requested for the purchase of equipment the request should contain the justification for the purchase, a description of the equipment, the name of the vendor and the amount to be expended. Any other vendors offering comparable equipment and their prices should accompany the request.

Accountability:

A checking account will be established and maintained by the Sheriff. Sufficient funds will be drawn from the account to serve immediate needs and will be replenished as required. The cash and disbursement journal will be kept by the Senior Investigator and stored in his safe.

Each disbursement will be logged in the journal and requests for funds will accompany the entry.

Greene County Sheriff's Office

Subject:	INVESTIGATION: CRIME SCENES, ACCIDENTS, MAJOR DISASTERS	Policy	145
Effective:	January 1, 2020	Standard Number(s): 51.1, 51.3	
Rescinded:	Amended: August 17 th , 2020	Sheriff Peter Kusminsky	
Reviewed:			

POLICY: In all incidents where a major crime has been committed, it is of critical importance that the crime scene be secured by the first responding deputy. All personnel, police and civilian, that have an no investigative interest in the incident, are not to be allowed to enter the area.

I. Procedure

A. The First Responding Officer is responsible for the following:

1. Render first aid.
2. Conduct a preliminary search of the scene for perpetrators and additional victims.
3. Secure the perimeter of the crime scene.
4. Make note of any readily apparent items of evidence to be brought to the attention of responding investigators.
5. Protect the scene, including the exclusion of all persons who do not have an authorized role in investigating the incident.
6. Identify all participants, including victim, witnesses and suspect(s).
7. Inform supervisory personnel of circumstances and request necessary assistance.
8. Maintain control over the scene, including the documentation of names, ranks, titles and missions of each person who enters the crime scene with the time entering and leaving.
9. Every effort must be made to preserve the crime scene in its original state.

B. If it is determined that an Investigators is needed, upon arrival of the Senior Investigator or investigators, control of the investigation and responsibility for the following will rest with them as follows:

1. Debriefing of previous responding deputies.
2. Notification of other agencies (e.g. Medical Examiner's Office and District Attorney's Office), as required.
3. The deployment of additional investigative resources if needed.

4. Securing appropriate authority to search the scene, including owner's consent or search warrant, if required.
5. Arrangement of interviews of witnesses and the interrogation of suspects.
6. Preliminary survey of the crime or accident scene.
7. All subsequent follow-up tasks and reports.

C. Death Cases

1. All unattended deaths should be treated as homicides until proof of the contrary is established.
2. The first Deputy at any unattended death scene should immediately secure the scene, record date, time, personnel and witnesses at location.
3. Said Deputy will immediately call his or her supervisor.
4. The first responding Deputy will start and maintain a crime scene log.
5. Supervisor will request an Investigator to the scene.
6. The on call Investigator will notify the Lieutenant/ Captain on call.
7. In an event where the Lieutenant or Captain are unavailable, the Undersheriff will be notified.
9. The Greene County District Attorney's Office will be notified by the Investigator on the scene, if the death is suspicious in nature. If the death is of natural causes or not suspicious in nature, the assigned Investigator will notify the Greene County District Attorney's Office at his/her earliest convenience.

D. Evidence

1. The Evidence Technicians are equipped with the following evidence gathering equipment:
 - a. Photographic equipment
 - b. Latent Inked fingerprint kits
 - c. Evidence gathering kits
2. Evidence Technicians have been trained in the use of the above referenced equipment and will be available to secure evidence as needed.
3. The first deputy or investigator on the scene will make note of all evidence, its location and condition. Unless it is absolutely necessary, evidence is not to be moved or disturbed from its original position. When circumstances require technical examination of an article of evidence or when the collection, removal or preservation of evidence requires special skills, CIU personnel or Evidence Technicians will remove the evidence.
4. The collection of evidence shall, when possible, be assigned to one deputy or investigator. Other personnel at the scene will call to the attention of that deputy or investigator any evidence discovered without disturbing it. The person responsible for collecting evidence will ensure all items are photographed, identified, itemized and secured in such manner as to preserve its value. Each item must be tagged and/or

labeled with the date, time, location, person discovering it and the investigator's name. Any identifying marks must also be included in the labeling.

5. The deputy, investigator or evidence technician collecting and labeling evidence must keep complete and concise records as to the transfer of evidence to maintain the chain of evidence.

E. Sketches and Photographs

1. A preliminary sketch can be completed and be made as soon as possible after arrival. The final sketch must be made to scale. The preliminary sketch and notes must be included in the deputy's report. When sketching a scene, the following should be considered:

- a. Accurate measurements of items, size and distances at the investigation scene.
 - b. Depiction of all significant items and conditions in and about the scene.
 - c. Depiction of the size, location and proximity of materials concerned with the investigation.
 - d. Review of Incident Report and field notes prior to trial.
 - e. Aid in questioning suspects and witnesses.
 - f. Provide a permanent record of conditions not easily recorded any other way.
2. The need for photographs will be determined by a supervisor or the assigned investigator.
3. To ensure admissibility of photos in court, the following should be considered:
- a. The photographer must be able to testify that the photo represents a true and accurate representation of the scene at the time it was taken.
 - b. The photo must be free of distortion and must not misrepresent the scene or object depicted.
 - c. The continuity of the film from the time of its exposure to the time of its presentation in court must be established.
 - d. The steps that were used in the transportation, processing and storing of the film must be documented.
 - e. When photographs are taken at any scene, appropriate information must be recorded in a photo log sheet. The photographer must be able to testify to the following:
 - i. Date and time photo was taken.
 - ii. Camera location and direction it was facing.
 - iii. Kind of film used.
 - iv. Lens opening and shutter speed used.
 - v. Kind of lighting used.
 - vi. Make of camera.
 - f. Video cameras may also be used to document crime scenes.

F. Note Taking

1. At scenes of major crimes or disasters, one deputy should be assigned to keep proper and accurate records of all activities. Records should include at a minimum who was present, time of arrival of each person, action taken by all personnel, evidence secured and by whom. These notes will be in addition to the investigator's report and will be made a part of the case.

F. Media Access

1. The ranking officer at the scene of a crime or disaster will determine press access to the scene based on whether or not media presence will interfere with the police investigation, endanger physical evidence or safety of news personnel.

Greene County Sheriff's Office

Subject: CASE TRACKING SYSTEM						Policy 146	
Effective: January 1, 2020			Standard Number(s): 8.7				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The GCSO will maintain a case tracking system that will indicate if a case is open, closed or the investigation is suspended due to lack of evidence at the time.

I. Procedure

- A. All cases can be closed after the preliminary investigation and a 30 day waiting period if there are no solvability factors as follows:
 - 1. Availability of witnesses.
 - 2. Naming of a suspect.
 - 3. Information on suspect's location.
 - 4. Information on the suspect's description.
 - 5. Information about a suspect's identification.
 - 6. Information about a suspect's vehicular movement.
 - 7. Information about traceable property.
 - 8. Information about a significant M.O.
 - 9. Information about significant physical evidence.
 - 10. Indication from investigators that good physical evidence is present.
 - 11. Judgment by the patrol deputy that there is enough information available that, with a reasonable investigative effort, the probability of case solution is high.
 - 12. Judgment by officers that there is sufficient information available to conclude that no one other than the suspect could have committed the crime.

B. A log of open cases will be maintained in the Sergeants Office and a log of open criminal cases will be maintained by the Senior investigator of the Criminal Investigations Unit.

1. The Sergeant in charge of case files may authorize a case to remain open despite any solvability factors when:
 - a. Public safety is an issue.
 - b. There are related incidents.
 - c. There is the same victim.
 - d. There is impact on the community.
 - e. The crime is serious.

C. Case Cover Sheet/Case Transfer Form

All case files being opened will now use the updated Case File Cover Sheet, which has a Case Transfer Form on the back of the page. This Transfer Form will be used to have written documentation of the transfer of a case from one member to another.

When a case has been opened, and a member is turning the case over to another member, (example: an Investigator) the member will contact that member however possible and relay all information necessary. The member receiving the case file should be briefed on the particulars of the case, and what his/ her responsibility now is with the case. The member should also be notified of where the case file will be left for him/her.

When this information has been relayed, the original member will fill out the "FROM" section of the Transfer Form.

Here is a brief description of the sections to be filled out by the current member handling the case;

FROM: Members name who is currently handling the case file.

SIGNATURE/SHIELD: Signature and shield.

DATE: Date and Time of conversation with next member receiving case file.

REASON/METHOD OF TRANSFER: Brief description of why case is being turned over. Description of how the information was relayed, and where the case file will be placed for the next member.

When the next member receives the case file, he/she will fill out the "RECEIVED BY" section as follows;

RECEIVED BY: Member who is taking the case file.

SIGNATURE/SHIELD: Signature and shield.

DATE: Date that you take possession of the case file.

This form is being used to assist in making sure that no case file is left for an extended amount of time without being worked on because of lack of communication. The following are some examples of when this form NEEDS to be filled out;

- (1) Turning the case over to Investigators, or
- (2) Going on pass days, and is turning the case over to another member to continue working on, or
- (3) A case file is completed, and there is a deadline for the case to be reviewed and information sent out to courts, D.A., etc. The Sergeant or reviewing member would be notified of the deadline and informed of where the case file will be left.

The following are some examples of when this form **DOES NOT** need to be filled out;

(1) A member is working on a case and asks another member in a different post to assist in looking for someone. Because the original member is still working on the case and has the file, no transfer of the case is taking place, so the Transfer Form does not need to be filled out.

(2) A member is working on a case that the investigators are also working on. Multiple members are working in different areas on the same case. The original member who has possession of the case file, and is gathering information from the other members, is responsible for that case. The Transfer Form does not need to be filled out until the entire case file is being turned over to another member to take over.

Each time a case is transferred to another member, the Transfer Form will be filled out. Make sure that the receiving member is fully aware of what his/her responsibilities are with that case file.

Greene County Sheriff's Office

Subject: CRIMINAL BACKGROUND CHECKS						Policy 147	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

Purpose:

The Greene County Sheriff's Office is frequently requested to make criminal background inquiries on individuals applying for permits and licenses, employment or appointments and entrance into the Armed Forces. The following procedures will be followed in conducting criminal background inquiries as indicated:

1. Volunteer Firefighters

Effective 04/01/2000, NYS Executive Law 837 requires prospective volunteer firefighters and current volunteers seeking membership in another fire company to undergo non-fingerprint criminal history background checks for arson convictions only, against NYS criminal history files maintained by DCJS. The law requires the check be conducted by Sheriff's Offices unless prohibited by law. Charging a fee for this is prohibited.

Completed checks for arson inquiries will be documented on Form DCJS-9, which has been provided to fire companies and must be submitted to Sheriff's Offices with applicable fields completed. Upon receipt of a completed Form DCJS-9 the Sheriff's Office will perform a name search (HINQ) on each applicant/transferee using the NYSPIN Enforcer Terminal (Reason Code VFF, Purpose Code C). If the name search candidate is returned as a positive match the Sheriff's Office will request a rap sheet from DCJS using NYSPIN's HIQR function. If examination of the rap sheet reveals no arson conviction, the Sheriff's Office will record **NO RECORD OF AN ARSON CONVICTION** on the bottom portion for Form DCJS-9 and return to the submitting fire company. If an arson conviction appears on the rap sheet, the notation **CONVICTED OF ARSON** will be recorded on the bottom of Form DCJS-9 and returned to the submitting fire company.

In instances where rap sheets indicate arson arrests, but no final disposition, the Sheriff's Office will contact DCJS Office of Operations' Criminal History Bureau for assistance in obtaining a final disposition. The requesting fire company will be informed that a decision regarding final disposition is pending. **UNDER NO CIRCUMSTANCES ARE RAP SHEETS PROVIDED TO FIRE COMPANIES.**

Disputed results will be submitted to DCJS for review by the submitting company.

An incident number will be created in Communications and all documentation of the criminal history background check, Brady Law/NCIS and Pistol Permit Applications will reference the incident number to be filed in the Records Division. The incident type code will be 123 (VFF CHRI) for Volunteer firefighter arson check.

2. Brady Law/NICS Checks:

Effective 11/30/98 the Brady Law requires background checks, referred to as NICS (National Instant Criminal Background Check), on purchasers of any firearm from a licensed firearms dealer. NICS checks will be provided by the FBI and are directly accessible by firearms dealers via 800 numbers.

Effective 11/30/98 any NYS Pistol Permit holder wishing to add additional handguns to a permit must undergo a NICS check. All NYS Pistol Permits, regardless of purchase of additional handguns, must be re-certified every 5 (five) years with a NICS check.

Requests for NICS checks made of the Sheriff's Office, requires completion and submission of a Request Letter available from the County Clerk and/or the Records Office. The NICS check will be conducted using NYSPIN's Enforcer Terminal name search (HINQ function, Reason Code GUN, Purpose Code F). The results will be notated on the Request Letter and returned to the Records Division.

Records Office will place NICS check results in the requestor's pistol permit folder, verify same in the requestor's pistol permit folder, verify same on the Request Letter to the Greene County Clerk who, providing there are no disqualifying factors, will issue a Form PPB-7 that is retained with the Pistol Permit.

3. Pistol Permit Applications:

NYS Pistol Permit Applications are available and are processed by the Greene County Sheriff's Office.

The Application completed in duplicate and including FBI and DCJS Fingerprint Cards, four photographs and a money order in the amount of \$105.00 payable to Morpho Trust LLC are returnable to the Greene County Sheriff's Office Pistol Permits for processing.

Upon return of the FBI and DCJS criminal record search, four character reference questionnaires, and local records check, the Officer in charge of Pistol Permits forwards the completed Pistol Permit Application to a Greene County Judge for final determination as to whether a Pistol Permit is issued.

Approved/declined Applications are returned to the Greene County Sheriff's Office.
Pistol Permit files are maintained by the County Clerks Office.

Persons employed by the Sheriff's Office are prohibited from signing as personal references for Individuals applying for a New York State Pistol Permit.

4. Local Background Checks:

Local background checks are conducted by Records Office upon request from governmental agencies, employers and individuals. A GCSO Release of Information Form or release of information form provided by the requestor that is approved by the Records Office must accompany each request. Individuals requesting a background check on themselves must produce personal identification acceptable to the Records Division. With the exception of not-for-profit organizations, a \$5.00 fee is charged for each background check.

Records checks are done in a timely manor. Information provided the requestor will be searched and will include convictions for all violations, misdemeanors and felonies and all arrests pending disposition unless the release form provided specifies convictions only. Unless specifically requested, background checks will not include traffic convictions.

Records Office will maintain a file of all completed requests. Applicable statutes and Agency Rules and Regulations will be observed regarding juvenile and sealed records.

Upon completion of the background check, Records Office will generate a written response to the requestor that will state "**No Record On File at the Greene County Sheriff's Office**" or will list Arrests on record. A copy of the request and the arrest information will be forwarded to the person requesting the records check.

- a. Date
- b. Description of the crime
- c. Court (where disposition may be obtained)

5. Employee Background Checks:

Criminal background checks on individuals under consideration for employment with the Greene County Sheriff's Office will consist of a local criminal background check and submission of a DCJS-4, non-criminal fingerprint card.

In accordance with Greene County Sheriff's Office Rules and Regulations A14, "Hiring Procedures", Section 2 (g), employment application criminal background inquiries will be conducted by the Criminal Investigation Branch.

Greene County Sheriff's Office

Subject: SEX OFFENDER REGISTRATION						Policy 148	
Effective: January 1, 2020			Standard Number(s): 29.3,29.6				
Rescinded:		Amended:		Sheriff Peter Kusminsky			
Reviewed:							

POLICY: The purpose of this Rules and Regulation is to provide uniform guidelines for the registration of sex offenders.

I. Procedure

A. In response to NYS Corrections Law, Article 6(C), "Sex Offender Registration Act", GCSO responsibilities will be as follows:

1. It will be the responsibility of a CIU Investigator to maintain compliance with the requirements of the Sex Offender Registration Act.
2. The Sex Offender Registration Forms forward to the GCSO by DCJS. They will be individually logged by name and level placement then placed into a file. The files will be maintained and secured by an investigator designated by the CIB Senior Investigator.
3. Written documentation of the 90 day address for Level Three offenders will be maintained in the respective file. The designated investigator will be responsible for this verification.
4. The completion of DCJS Address Change Form 3231 will be done as required. The white copy will be forwarded to the Records Division for transmittal to DCJS. The yellow copy will be attached to the Sex Offender Registration Form. The pink copy will be given to the offender. This will be the responsibility of the designated investigator. Any violations in reference to the address change by an offender will be considered a crime and a criminal investigation will be initiated.
5. Public notification of the existence of Level Two and Level Three offenders in accordance with DCJS guidelines will take place under the discretion and direction of the Sheriff.
6. The GCSO will provide public access to the DCJS Sub-Directory of Level Three Offenders upon written request and will maintain the written request. Written requests will be reviewed and approved by the Sheriff, Undersheriff or CIU Senior Investigator. The Sub-Directory will be maintained and secured by the designated investigator.
7. Definitions:
 - a. Level One Offender: Low risk. No information can be released.
 - b. Level Two Offender: Moderate risk. Photograph, background information to include

the crime, M.O., type of victim, special conditions imposed by the court and zip code of the offender may be released.

- c. Level Three Offender: High risk. The same information stipulated for release for Level Two Offenders plus exact address may be released.

- i. This information may be released to those entities with vulnerable populations related to the nature of the offense committed by said offender.

- 8. The GCSO will receive all DCJS Sex Offender Registration Forms of offenders who reside in Greene County. The Form will be distributed to a specific Police Department if the offender resides in that jurisdiction, making that Police Department responsible for compliance with the Sex Offender Registration Act.

Greene County Sheriff's Office

Subject: FINGERPRINTING AND PHOTOGRAPHS						Policy 149	
Effective: January 1, 2020			Standard Number(s): 50.8				
Rescinded:		Amended: August 17 th , 2020				Sheriff Peter Kusminsky	
Reviewed:							

POLICY: It shall be the policy of the GCSO that fingerprinting will be required in accordance with the NYS Criminal Procedure Law, Article 160.10.

I. Required Fingerprints and Photograph

- A. The arresting deputy must cause to be taken the fingerprints and photographs of arrested persons or defendants when any offense is the subject of the arrest or is charged in the accusatory instrument filed against such persons or defendants is:
 - 1. A felony;
 - 2. A misdemeanor defined outside the Penal Law which would constitute a felony if such person had a previous judgment of conviction for a crime (e.g. DWI);
 - 3. A misdemeanor defined in Article 10, paragraph 4 of the NYS Penal Law;
 - 4. Loitering as defined in subdivision 3, Section 240.35, NYS PL (deviate sexual activity).
 - 5. Persons seeking employment in this Agency and applicants for New York State Pistol Permits are required to be photographed and fingerprinted.
 - 6. All employees of the GCSO.

- B. The arresting deputy will cause to be taken a frontal image of the defendant's face utilizing either the digital camera in the booking room at the GCSO or a digital camera assigned to a substation for the purpose of capturing facial images.
 - 1. When using the digital camera the arresting deputy will log the photo ID number on the photo sheet and then will attach the number to the defendant's jacket, assuring the information entered into the jacket is correct.

Process for securing fingerprints;

- 1. At the GCSO headquarters will be through Live Scan located in the patrol office. If the live scan is out of service or unavailable, ink prints can be secured and will be entered into live scan by using the card scan function.

- 2. When fingerprinting at a satellite office, ink prints will be taken, the ink prints will be entered into live scan using the card scan function.

II. Additional Cases Where Fingerprints May Be Taken

- A. A deputy who makes an arrest for any offense, with or without a warrant, may take or cause to be taken the fingerprints of the person arrested when the deputy:
1. Is unable to ascertain such person's identity;
 2. Reasonably suspects that the identification given by the arrested is not accurate; or
 3. Reasonably suspects the person arrested is being sought by law enforcement officials for the commission of some other offense.

III. Juveniles

- A. Juveniles will be fingerprinted in accordance with Section 306.1 of the Family Court Act.
1. Following the arrest of a child alleged to be a juvenile delinquent or the filing of a delinquency petition involving a child who has not been arrested, the arresting deputy or other appropriate police officer or agency shall take or cause to be taken fingerprints of such child if:
 - a. The child is eleven years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a Class A or B felony; or
 - b. The child is thirteen years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a Class C, D, or E felony.
 2. Whenever fingerprints are required to be taken pursuant to subdivision one, the photograph of the arrested child may also be taken.
 3. The taking of fingerprints, photographs and related information concerning the child and the facts and circumstances of the acts charged in the juvenile delinquency proceeding shall be in accordance with standards established by the Commissioner of the Division of Criminal Justice Services and by applicable provisions of this article.
 4. Upon the taking of fingerprints pursuant to subdivision one, the appropriate deputy or agency will, without unnecessary delay, forward such fingerprints to the Division of Criminal Justice Services, through Records Division and in accordance with GCSO Rules and Regulation A11, "Records Management, Section I, H(5), and shall not retain such fingerprints or any copy thereof. Copies of photographs and palm prints taken pursuant to this section shall be kept confidential and only in the exclusive possession of such law enforcement agency, separate and apart from files of adults.
 5. In cases where it is not feasible at the time to fingerprint a suspect (e.g. DWI, injury), the suspect will be directed to appear at a specific time or as soon as release from treatment at the GCSO for fingerprinting. It is the responsibility of the arresting deputy to verify conformity with this section.

Greene County Sheriff's Office

Subject: CRIMINAL PROCESS						Policy 150	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

Purpose: To establish guidelines designed to ensure the sufficiency of information, accuracy, timeliness, accessibility and accountability in the delivery of criminal process.

Policy: It shall be the policy of the GCSO to follow the mandates of the Constitution of the State of New York and all applicable statutes and regulations concerning the services and/or execution of the criminal process in support of the judicial function. The GCSO shall be accountable for recording, in a timely and accurate manner, all pertinent information Relating to such service and/or execution.

Details: The legal process referred to herein is that which originates with one of the courts within Greene County or which has been transmitted to the GCSO from a court having jurisdiction outside the county or the state. Information pertaining to the receipt, management and service of criminal warrants is maintained in the Records Management System.

- A. Service of Legal Process: All personnel assigned to the service of legal process shall serve such process in accordance with all applicable statutes, Rules and Regulations and as expeditiously as possible in compliance with the directives contained herein.
- B. Service Upon GCSO Personnel: All GCSO personnel served with civil process shall notify their supervisor as soon as is practical. The supervisor, in turn, shall notify the chain of command.
- C. Criminal Process: The criminal process includes the arrest (with or without a warrant), the criminal summons, the appearance ticket, the subpoena for a criminal action, the order of protection and the special court order. All of these, which are treated individually hereafter, are effected only by sworn GCSO personnel and are in accordance with applicable statutes.
 - 1. Arrest Warrants: The execution of an arrest warrant is covered under Article 120 of the New York State Criminal Procedure Law. Types of warrants which will be executed include arrest warrants or bench warrants issued by local criminal courts (city, town or village); arrest warrants issued by superior courts (county or Supreme); Family Court Warrants; Division for Youth Warrants; Armed Forces Warrants; and Parole Warrants issued by a Parole Officer.
 - a. A local criminal court arrest warrant is based upon the filing of an accusatory instrument which is sufficient on its face and which charges an offense within the territorial jurisdiction of the issuing court, or, in the case of a felony, within the same county.

The options available to personnel seeking an arrest warrant when the court having territorial jurisdiction is not available are covered in section 120.30 (2) of the NYS CPL. The warrant is addressed to any police officer within the county and may be exercised in the county, in an adjoining county, or in any other county within the State, provided it has been endorsed by a local criminal court sitting in the county where the arrest is to be made.

- b. Having obtained an arrest warrant from an appropriate local criminal court, and prior to its subsequent filing in GCSO records and its execution, it is essential that a copy of the underlying accusatory instrument be attached to the warrant. The reason for this is that when the person named in the warrant is apprehended and taken before a court for arraignment, and, as is often the case, the arraigning court is not the court which issued the warrant, it is the accusatory instrument which conveys jurisdiction to the arraigning court to set bail and remand to custody. Without a copy of the accusatory instrument, the arraigning magistrate has no alternative to releasing the arrestee on his own recognizance, with the hope he or she will present himself/herself before the court having jurisdiction on a subsequent date.
- c. An arrest warrant issued by a court is a command to a police agency to arrest the person named therein "forthwith", which means with little or no delay. The importance of prompt action to locate and apprehend the person named can be appreciated when one considers the guarantees for a speedy trial as provided in section 30.30 of the CPL.
- d. A warrant of arrest can be executed on any day of the week and at any hour of the day or night.
- e. Unless encountering physical resistance, flight or other factors rendering normal procedures impractical, personnel must inform the arrestee that a warrant for his arrest for the offense designated therein has been issued. Upon request of the arrestee, personnel must show him the warrant if in possession of a warrant; or, if not then in possession, as soon after the arrest as possible.
- f. In order to effect the arrest, personnel may use such physical force as justifiable pursuant to Section 35.30 of the New York State Penal Law. If, in the course of an arrest, physical force was used, an injury was sustained, or property was damaged, the required reporting procedure must be followed per Rules and Regulation Policy A24 "Use of Force".
- g. In order to effect the arrest, personnel may enter any premises in which one reasonably believes the defendant to be present. Before such entry, personnel must give, or make reasonable effort to give, notice of authority and purpose to an occupant thereof, unless there is reasonable cause to believe that the giving of such notice will:
 - i. Result in the defendant escaping or attempting to escape; or
 - ii. Endanger the life or safety of personnel or another person; or
 - iii. Result in the destruction, damaging or secretion of material evidence.
- h. If personnel are authorized to enter a premises without giving notice of authority and purpose, or if after giving such notice one is not admitted, one may enter such premises by a breaking if necessary.
- i. Arrest and post-arrest procedures pertaining to a warrantless arrest are similar to those for an arrest with a warrant.
 - i. Entry (with and without force), into the residence of a suspect for the purpose of arresting him without a warrant is not authorized, unless upon the consent of the

arrestee, or unless there are exigent circumstances, such as hot pursuit, a threat to the safety of others, etc. (See Payton v. New York, 1980)

- ii. Entry into the residence of a third party to effect the arrest of a suspect for whom an arrest warrant is outstanding is not authorized, unless there has been obtained a search warrant for the premises, or unless upon the consent of the third party, or unless there are exigent circumstances.
- j. Prior to executing any type of warrant personnel shall, when practical, accumulate all available information about the person to be arrested. No arrest plan shall fail to consider the potential for harm to the officer, the arrestee, or to others who might be present. Before an arrest warrant is executed, provisions must be made for the participation of adequate manpower, assuring that the arrest can be accomplished with a minimum risk to life and property.
- k. When it is contemplated that a defendant named in a warrant will be located outside the jurisdiction of the GCSO, personnel will notify said jurisdiction and secure the assistance of an officer assigned to the appropriate police agency.
- l. Having effected the arrest, the procedures to be followed are set out in NYS CPL Section 120.90, with which all personnel must be familiar. This section provides for:
 - i. Bringing the defendant before the court in which the warrant is returnable, if arrested in the county, the adjoining county or if for a felony in any other county.
 - ii. Delivering the defendant into the custody of the officer by whom one was delegated to make the arrest pursuant to NYS CPL Section 120.60.
 - iii. Informing the defendant of his right to appear before a local criminal court when arrested for other than a felony outside of the county in which the warrant was issued or an adjoining county. In this regard, if the defendant does not desire to avail himself of this right, personnel must, without unnecessary delay bring him before the court in which the warrant is returnable.
- m. A superior court warrant of arrest is based upon an indictment by a grand jury and filed with the superior court. It commands the police officer to arrest the person named and bring him or her before the superior court for arraignment.
 - i. A superior court warrant of arrest may be executed anywhere in the state. Note, however, that the only court empowered to arraign the defendant arrested on a superior court warrant is the court which issued the warrant.
 - ii. The arresting deputy must, without unnecessary delay, perform all recording, fingerprinting, photographing and other preliminary police duties required in the particular case before bringing him or her before the superior court.
 - iii. Section 210.10 of the NYS CPL provides that whenever a superior court is unavailable to arraign a defendant on a superior court arrest warrant, the arresting Deputy may bring the defendant to a local correctional facility in the county where the court that issued the warrant is located. The defendant then remains in that jail until the next scheduled court session of the superior court, even though there has been no Order of Commitment issued by a magistrate.
 - iv. Section 500-A of the NYS Correctional Law permits holding the defendant in the county jail pending arraignment.
2. Bench Warrants: A bench warrant is a process of a criminal court in which a criminal action is pending. It directs a police officer to take into custody a defendant who has previously been arraigned, but whose presence is desired for some other purpose such as for a hearing, trial, sentencing, etc.

- a. If issued by a superior court, a bench warrant may be executed anywhere in the state. Section 530.70 of the NYS CPL applies to procedures referred to in paragraph m (i), (ii), (iii) above, to be used with a defendant arrested on a bench warrant, that is, the defendant may be held in county jail pending arraignment until the superior court is next available.
 - b. If issued by a local criminal court (city, town or village) a bench warrant may be executed within the county of issuance, an adjoining county, or, anywhere else in the state upon the endorsement of a local criminal court or the defendant is not taken into custody.
 - c. A local criminal court bench warrant is executed in the same manner as is the arrest warrant.
- 3. Probation Warrants: A warrant issued for a probationer who is accused of violating his or her probation bears the characteristics of both the arrest warrant and the bench warrant. It is issued by either the local criminal court or the superior court which originally imposed the sentence of probation and is based on the filing of a Written declaration of delinquency.
- 4. Parole Warrants: Section 259-1(3) of the Executive Law authorizes a parole officer having supervision over a paroled or conditionally released person to issue, or have issued a warrant for his arrest when the officer has reasonable cause to believe that such person has lapsed into criminal ways or company, or has violated one or more conditions of his parole. Such warrant shall constitute sufficient authority to the superintendent or other person in charge of any jail to hold in temporary detention the person named therein.
 - a. Incarceration, if possible, shall be in the county where the arrest occurred. Note that the arrestee in this case is not entitled to an arraignment, and that no further commitment order need be obtained. A parole officer may call upon a police officer for assistance in executing a parole warrant.
- 5. Family Court Warrants: Section 153 of the Family Court Act authorizes that court to issue process to secure or compel the attendance of an adult respondent (defendant) or a child, or any other person whose presence at a proceeding is deemed necessary by the court.
 - a. Post arrest proceedings differ from the usual criminal arrest in that the respondent shall be taken before the court issuing the warrant if he or she is taken into custody in the county in which the court sits. If the respondent is taken into custody in a different county, he or she may be brought before a family court judge in that county.
 - b. Section 155 of the Family Court Act provides for the circumstance of an adult respondent arrested under the act when the family court is not in session. In this event, "he shall be taken to the most accessible magistrate and arraigned before him". Note that the restriction which demands that persons arrested under a superior court criminal warrant be taken before a superior court, does not apply here. The local criminal court magistrate, then, may conduct such an arraignment.
- 6. Division For Youth Warrants: Article 19-G of the Executive Law created the Division For Youth (DFY) in the Executive Department. Section 524 of this law provides for the return of runaway children, who may be taken into custody by any police officer based on a warrant issued by an employee of the DFY authorized to issue such a warrant. Section 524 (4) reads "A magistrate may cause a runaway or released child to be held in custody until returned to the division". As a practical matter, since the local criminal court ordinarily has no jurisdiction over persons under the age of 16, and may be unfamiliar with this little used section of the law, every effort should be made to contact the DFY immediately upon apprehending a child under this authority.

7. Armed Services Warrants: Under provisions of Section 130.8 of the Military Law, the GCSO receives from an armed service of the United States, notice of a detainer which requests the apprehension of a deserter or one who is absent without leave from his assigned station. Upon effecting such arrest, the military authority having jurisdiction as indicated on the detainer shall be notified. The detainee shall be confined in the Greene County Jail until such time as the military authority obtains custody of him or her.
8. Criminal Summons: A summons is a process issued by a criminal court in response to the filing of an accusatory instrument charging any offense and may be issued in any case in which the court is authorized to issue an arrest warrant. It must be served personally upon the defendant and may be served by a police officer anywhere in the county of issuance or anywhere in an adjoining county. It is returnable only in the issuing court.
9. Appearance Ticket: Article 150 of the NYS CPL provides that whenever a police officer is authorized to arrest a person without a warrant, pursuant to CPL 140.10, and the offense is other than a Class A, B, C or D felony, or the Class E felonies described in NYS PL Sections 130.25, 130.40, 205.10, 205.17, 205.19 and 215.56; he may instead issue to and serve upon such person an appearance ticket. The deputy/investigator assigned to the case may issue an appearance ticket to a suspect who resides within Greene County, who has furnished valid identification and who can be expected to appear as directed.
 - a. The appearance ticket is a written notice, subscribed by a police officer, and directs a designated person to appear in a designated local criminal court on a designated future date in connection with his or her alleged commission of a designated offense.
 - b. The appearance ticket is not an accusatory instrument, but rather is merely an invitation for the defendant to appear in court when circumstances indicate that a custody arrest is not necessary. Therefore, in order to convey jurisdiction to the court, at some time prior to the defendant's court date, the member must prepare and file with the designated court an information, a misdemeanor complaint, or, except for the following Class E felonies, a felony complaint:
 - i. Rape in the third degree
 - ii. Sodomy in the third degree
 - iii. Escape in the second degree
 - iv. Absconding from temporary release in the first degree
 - v. Absconding from a community treatment facility, and
 - vi. Bail jumping in the first degree
 - c. An appearance ticket, except one issued for parking, must be served personally. It may be served anywhere in the county in which the designated offense was allegedly committed or in any adjoining county; however, if the officer attempting to serve a person has been in continuous close pursuit commencing in the county in which the alleged offense was committed, or in any adjoining county in and through any county of the state, one may serve such appearance ticket upon him in any county in which he is overtaken.
 - d. Although NYS CPL 150.30 authorizes the acceptance of pre-arraignment bail following the issuance of an appearance ticket as a condition of the defendant's release, the GCSO has no mechanism for the posting of such bail and personnel shall neither request nor accept bail monies.
10. Subpoena: A subpoena is a process of a court directing the person to whom it is addressed to attend and appear as a witness in a designated action or proceeding in such court on a designated date.

- a. One of the responsibilities of the GCSO is to receive subpoenas prepared by the District Attorneys' Office requiring that a witness appear in court. Upon receipt, the subpoena is given to the Records Division and will be entered into the SJS System under the appropriate section. Entry data will include the date received, court appearance date and the name and address of the person to be served.
11. After entry, the subpoena will be distributed to the L.E.D. for service through the civil out box.
- a. If service is successfully made, an affidavit of service shall be completed by the deputy and returned to the return to civil box in the road room. The Sergeant in charge of civil or the bookkeeper will bring the affidavit to the civil office for it to be filed with the Records Office. The same process will occur when an investigator is subpoenaed.
 - b. It is expected that a Deputy receiving a subpoena for service will make at least one attempt during his/her shift. In the event the Deputy is unable to make service, entries regarding such attempts shall be recorded and the subpoena returned to the civil out box for reassignment to a Deputy on the subsequent shift.
 - c. Personnel may, either directly or through the GCSO, receive a subpoena commanding one's own attendance in a court proceeding, ordered by the District Attorney, another prosecutor or by an attorney for a defendant. Upon receipt, personnel shall advise their immediate superior by forwarding the original or a copy of the subpoena in order that the chain of command will be aware of his/her participation in a court proceeding. In the event of a subpoena issued on behalf of a defendant in a criminal matter, the District Attorney should also be notified.
 - d. A member who receives a subpoena shall attend the proceeding as a witness on the designated date and on any subsequent adjourned date, if so required.
11. Subpoena Duces Tecum: An order of a superior court requiring the production of documentary or physical evidence about which the witness will be expected to testify.
- a. A subpoena which requires the production of GCSO records shall be forwarded to the Deputies supervisor.
- D. Arrest Without A Warrant: A person who has committed or who is believed to have committed an offense and who is at liberty within the State may, under certain circumstances prescribed by law, be arrested for such offense although no warrant of arrest has been issued and although no criminal action has yet commenced in any criminal court.
- 1. The authority for a police officer to make an arrest without first securing a warrant from a neutral magistrate is contained in Article 140 of the NYS CPL, with which all members assigned to law enforcement duties must be familiar.
 - 2. Sworn personnel from the GCSO may arrest a person for a petty offense (violation or traffic infraction), when there is reasonable cause to believe that the offense was committed in the Deputy's presence and within Greene County.
 - 3. Sworn personnel from the GCSO may arrest a person for a crime (misdemeanor or felony), when there is reasonable cause to believe that the crime was committed, whether or not in the Deputy's presence and whether in or outside of Greene County. The arrest may be made anywhere within the State, regardless of the location of the crime. In addition, one may pursue such person outside the State and arrest him or her in any State subscribing to the provisions of the Uniform Act On Close Pursuit (NYS CPL 140.55).

4. It has been a popular misconception that once a person has been placed under arrest, the process must go forward until a prosecutor withdrew the charge or a judge dismissed the case. As written in Section 140.20 of the NYS CPL:

“If after arresting a person, for any offense, a police officer upon further investigation or inquiry determines or is satisfied that there is not reasonable cause to believe that the arrested person committed such offense or any other offense based upon his conduct in question, he must immediately release such person from custody”.

[Please note: The so-called “un-arrest” is the only appropriate course of action under certain circumstances]

E. Special Court Orders:

1. Pistol Permit Revocations and Suspension Orders: Upon receipt of a court order calling for the revocation or suspension of a pistol permit and the seizure of any firearm, a case Number will be assigned and an Incident Report and Property Report prepared showing the action taken. These will be filed along with a copy of the court order. Consistent with any directions specified in the court order, seized property will be retained in accordance with procedures.
 - a. Personnel assigned to a matter of this type shall make appropriate inquiry into the cause of the revocation or suspension in order to be prepared for any resistance or criminal activity which may be encountered.
 - b. In the event there is resistance to personnel performing their lawful duty, consideration will be given to the filing of criminal charges under the Penal Law, such as criminal contempt or obstructing governmental administration.
2. Orders of Protection: Protective orders are issued by Family Court or a criminal court and may be designated temporary, to expire on some future date, or permanent. Before service, an Order of Protection should be carefully read since it may contain a provision for seizure of firearms, weapons or the removal of a named individual from certain premises. In that event, the procedures set forth above shall be followed. This type of order requires the filing of an Affidavit of Service to be returned to the issuing court. For reference, a copy of each pending order is kept in the Sheriff's Office Communications Center, the responsibility of a designated dispatcher. In addition, this dispatcher will enter date pertaining to permanent Orders of Protection and outstanding warrants into a special program within the New York State Police Information Network (NYSPIN).

Greene County Sheriff's Office

Subject: ARRESTING OFFICER						Policy 151	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: All deputies are hereby directed that when an arrest is made or a summons issued, the deputy first on the scene, most physically involved, making and signing the information, affirmation of service or investigation sheet will be considered the arresting deputy of record on said summons.

In the event that more than one deputy is involved in the arrest, the deputy completing the report will be considered the primary arresting deputy. Any other deputies on the scene can be used as assisting witnesses, if needed.

Greene County Sheriff's Office

Subject: WARRANTS, SUBPOENAS						Policy 152	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley			
Reviewed:							

POLICY: This Rules and Regulations is established in order that documents from the courts are accounted for and served and executed in a timely manner.

I. Procedure

- A. Arrest Warrants, Subpoenas and Criminal Summons, when received by someone other than the Investigator in charge of Warrants, will send the document directly to the said Investigator for processing. There is an in-box for warrants in the Sergeant's Office. This box will be monitored by the Investigator in charge of warrants.
- B. Upon receipt of a Warrant, Subpoena or Summons, The Investigator will assign the document a CR number and attach that number to the document. The Investigator will assign the warrant to a deputy sheriff.
- C. Upon receipt of the Warrant the Communications Center will enter data into the NYSPIN system. A copy of the NYSPIN file and Incident Report will then be sent to the LED for service. Personnel serving a warrant will verify with the Communications Center the validity of all warrants prior to service.
- D. The Active Warrant File will be maintained in the Sergeant's Office by the assigned Investigator and will be available to all personnel 24 hours per day.
- E. No warrants will be copied, faxed or otherwise duplicated without the authorization of a supervisor.**
- F. Any person assigned to serve a warrant will verify the validity of the warrant with the Greene County 911. All persons assigned to serve subpoenas and warrants will create a Narrative Supplement each time any action is taken on the document. All Narrative Supplements must be forwarded to the Investigator for entry into the Records Management System. This data will become part of the original incident.
- G. Once a warrant has been served, it is the responsibility of the person serving the warrant to advise the Communications Center of service. The Records Office will update the Records Management System and notify the Communications Center which will cause the cancellation from NYSPIN / E-Justice and in-house files of that document.
- H.. If an Arrest Warrant, Summons or Subpoena is unable to be served it is the responsibility of the deputy assigned to verify that this information is indicated as part of the original

incident.

- I. Summons and Subpoenas from other agencies will be returned by the Deputy handling the issue indicating the status of the document.

Greene County Sheriff's Office

Subject: PRISONER HANDCUFFING							Policy 153	
Effective: January 1, 2016				Standard Number(s):				
Rescinded:		Amended:		Sheriff: Gregory R. Seeley				
Reviewed:								

POLICY: The purpose of this Rules and Regulation is to establish a procedure regarding handcuffing prisoners during transport.

I. Procedure

- A. Handcuffs will be used when transporting all prisoners.
- B. Deputies will handcuff a subject with hands in back, but may choose to handcuff hands in front to accommodate the suspect's deformity or disability.
- C. When a suspect is handcuffed, use of the double lock will help insure prisoner and deputy safety. The double lock devise is normally located directly above the key hole on the locking mechanism of the bracelet and can be locked by inserting a pointed object (back of handcuff key, pen, pencil, etc.) in the lock and pushing down. Double locking reduces the chance of picking the lock or of the bracelet accidentally closing further, restricting circulation.
- D. A body belt, which allows a deputy to handcuff the prisoner in front, yet restricts the movement of the prisoner's arms and hands and leg irons must be used on any extradition or transport.

Greene County Sheriff's Office

Subject: PRISONER TRANSPORTATION						Policy 154	
Effective: January 1, 2020			Standard Number(s): 64.1				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The following procedures will be followed when deputies transport prisoners. These procedures are designed to ensure the deputies and prisoners safety and to limit the opportunities for escape.

I. Procedures

A. General

1. With only limited exceptions, all prisoners will be transported only in secure, caged vehicles, handcuffed in accordance with Rules and Regulation O64.
2. In no case will a juvenile known or believed to be under the age of 15 years be transported with adults suspected of or charged with criminal acts.

B. Searching the Prisoner

1. The transporting deputy should always search a prisoner before placing him or her in the vehicle. Deputies should never assume that the prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting deputy should conduct a search of the prisoner each time the prisoner enters custody of the deputy.

C. Searching the Police Vehicle

1. The transporting deputy will search the vehicle before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his destination, the deputy will again search their vehicle to ensure that the prisoner did not hide contraband or other evidence.

D. Positioning Prisoners in the Transport Vehicle

1. When one deputy is transporting one prisoner, the prisoner will be positioned on the rear seat on the opposite side of the deputy driving. Prisoners will be seat belted unless authorized by a supervisor.
2. When one deputy is transporting more than one prisoner, the prisoners will be located on the rear seat and, if circumstances warrant, the transporting deputy will use seat belts.
3. If more than one deputy is involved in the same vehicle transporting prisoners:

- a. Both deputies will ride in the front of the vehicle while the prisoner will ride in the back seat.
- b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners should be positioned on the rear seat and the assisting deputy should position him or herself on the front seat in order to see the prisoners at all times.

E. Control of Prisoners While Transporting

1. Observation:

- a. While transporting a prisoner, the deputy will observe him or her at all times, even when it becomes necessary to allow the prisoner the use of a toilet.
- b. In a situation where observation is not possible (women prisoner needing toilet facilities and the transporting deputy is male and vice versa), the deputy should ensure that he has as much control of the situation as possible. The prisoner should not be allowed in the facility with another person and the deputy should ensure that there are no escape routes within the facility and that there are no weapons available to the prisoner.

2. Meals

- a. If necessary for the transporting deputy to stop enroute for a meal while a prisoner is with him, he should choose an unfamiliar place. This minimizes any chance of a pre-arranged plan for someone to attempt a release of the prisoner.

3. Stopping To Provide Law Enforcement Services While Transporting A Prisoner

- a. When transporting a prisoner, the transporting deputy will provide law enforcement services only in the following situations:
 - i. When there is a need for the transporting deputy to act immediately in order that a potential victim is not harmed.
 - ii. When a victim has been injured and assistance is required immediately.
 - iii. When a crime is in progress and there is an immediate need because of safety reasons that the suspect be apprehended.
 - iv. In all of the above situations, the transporting deputy should ensure at all times that the prisoner is secure and protected.
 - v. Under no circumstances will a deputy transporting a prisoner engage in a pursuit.

4. Escape

- a. In the event a prisoner escapes while being transported, the transporting deputy will use the following procedures:
 - i. Assistance will be requested immediately from the jurisdiction the deputy is in at the time of the escape.
 - ii. The transporting deputy will offer his services in order to recapture the escapee as soon as possible.

- iii. The transporting deputy will submit a written report to the Sheriff as soon as he or she returns to the office explaining the circumstances of the escape.

5. Prisoner Communication

- a. The transporting deputy will not allow prisoners to communicate with other people while in transit unless the situation requires it. The deputy will use his or her good judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

6. Arrival At Destinations

- a. When transporting prisoners from one facility to another, the transporting deputy, upon arrival at his or her destination with the prisoner, will follow these procedures:
 - i. Firearms will be secured in the designated place at the facility being entered.
 - ii. Restraining devices will be removed only when directed to do so by the receiving facility or when the deputy is sure that the prisoner is properly controlled and secure.
 - iii. The proper paperwork (jail committal, property form, etc.) will be submitted to the proper person at the receiving facility and, in situations what require it, the deputy will ensure that proper signatures are obtained on paperwork to be returned to the Agency.

7. Medical Facilities

- a. When a prisoner is transported to a medical facility and is admitted by the attending physician, the deputy will immediately notify the shift supervisor. The supervisor will, in turn, use the following procedures to endure control of the prisoner:
 - i. Have the prisoner released from custody, if appropriate, by contacting and seeking advice from the District Attorney and the magistrate.
 - ii. If the prisoner has to remain in custody arrangements will be made to provide 24 hour supervision of the prisoner.
 - iii. The prisoner should be kept under observation at all times and, normally, restraining devices should be used. Deputies should consult with medical personnel concerning use of restraining devices, until transferred to the jail.
 - iv. The shift supervisor will be notified of the situation as soon as practicable and will schedule deputies for guard duty, if necessary.
 - v. The shift supervisor will ensure that guards are checked periodically and relieved as necessary.

8. Transport Of Dangerous/Security Risk Prisoners To Court

- a. When a transported prisoner is considered dangerous or a security hazard, the judge will be notified before the transport takes place in order that prisoner handling can be placed to minimize any chances of escape, injury to the prisoner or anyone else.

F. Special Transport Problems

1. Transport of prisoners by deputies of different sex:
 - a. When transporting a prisoner of one sex by a deputy of another sex, an additional deputy may be requested to accompany the transport whenever possible.
 - b. When it is impractical to use a second deputy, the transporting deputy will, at a minimum:
 - i. Contact the dispatcher by radio and request that the time and odometer mileage be logged in the CAD.
 - ii. The transporting deputy should proceed directly to the destination by using the shortest practical route.
 - iii. Upon arrival at the destination, the transporting deputy will contact the dispatcher by radio and request that the time and the odometer reading be logged in the CAD.
2. Handicapped Prisoner
 - a. When transporting a handicapped prisoner, the transporting deputy will request assistance when needed in order that the transport be completed in a manner that is most convenient, comfortable and safe for both the prisoner and the deputy. An ambulance service may be contacted for assistance. The transporting deputy will ensure that whatever special equipment or medicine is necessary for the prisoner to have taken care of as well.
 - b. The transporting deputy, when having a handicapped person in custody, must use common sense. When the handicap is such that no danger of escape or or injury to the prisoner of deputy exists, restraining devices may be inappropriate.
3. Injured/Sick Prisoners
 - a. If at any time before, during or after the arrest, the prisoner is injured or becomes sick, the deputy will seek medical attention immediately. Medical attention will be obtained before transporting the prisoner to the jail if the injury or sickness happens before arrival there.
 - b. The transporting deputy must use the same discretion as previously explained in using restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be totally incapacitated, restraining devices may not be appropriate.

G. Restraining Devices

1. Mentally Disturbed Prisoners:
 - a. At no time will a strait jacket be used to restrain prisoners who do not require it. If a subject while in custody becomes unruly to the extent that he or she endangers his or her health or safety of that of the deputy escorting him or her, additional restraints may be used. Additional restraints with the approval of the shift supervisor may be used, such as leg ties, leg belt or shackles.

H. Transport Equipment

1. All marked Deputy patrol vehicles are equipped with a metal screen separating the front and rear compartments. Normally these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. All vehicles equipped with metal screen barriers and used to transport prisoners will have the rear interior door and window handles rendered inoperable to minimize the risk of escape by prisoners while being transported.

I. Documentation

1. Prisoner Identification

- a. When picking up a prisoner for transport at a detention facility, the transporting deputy should ensure that he or she has the right person. This can be accomplished by:
 - i. Deputy's personal knowledge of the prisoner.
 - ii. Request for verification of prisoner's identity by the jail custodian.

Greene County Sheriff's Office

Subject: WARRANT RECALLS						Policy 155	
Effective: January 1, 2020			Standard Number(s): 8.12				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The purpose of this Rules and regulation is to establish a policy for recalling issued Warrants of Arrest.

I. Procedure

A. An Arrest Warrant will be returned to the issuing court only under the following procedure:

1. The issuing court will provide the Warrant Control Officer a recall request in writing. The request will specify the following:

- a. Date of issuance.
- b. Defendant's name.
- c. Defendant's date of birth.
- d. The charge.

2. The original request will be maintained in the original investigative file.

3. A copy of the recalled request will be returned to the issuing court of said warrant.

B. Any member that makes an arrest on a GCSO active warrant will take the following steps:

- 1) Cancel the warrant in E-Justice (this can be done through dispatch, a Sergeant or Investigator)
- 2) Strike out the person's name in the warrant book with one line. Indicate the warrant was executed then initial with a shield number and date.
- 3) If an arrest was made, take out a case and arrest number for the arrest.
- 4) Put the warrant jacket inside the completed case file and submit it to Inv. Rowell for review. Inv. Rowell will approve and sign off on all GCSO warrant case files.

Greene County Sheriff's Office

Subject: JUVENILE ARRESTS							Policy 156	
Effective: January 1, 2020				Standard Number(s): 50.4				
Rescinded:			Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:								

POLICY: To establish guidelines for the conduct of investigations of cases involving juveniles; for participation in the preparation of Family Court cases; and for the development and perpetuation of programs intended to prevent delinquent and criminal behavior by juveniles.

Society has been witness to ever increasing crime during the past several decades. Not only has the volume of crime increased, so too has the seriousness. Current trends reflect more violent acts perpetrated by both adults and juveniles. The prevention and control of juvenile delinquency is an issue of paramount concern to the GCSO. This will be addressed in a section developed for the purpose of coordinating such activity.

I. Procedures

A. Agency personnel should be aware of the terms that appear regularly in the handling of juvenile matters. Selected examples are noted below for ready reference:

1. **Infancy:** A defense described in the Penal Law that states a person less than 16 years of age is not criminally responsible for his conduct.
2. **PINS (Person In Need of Supervision):** A person less than 18 years of age who is truant or incorrigible, or who is ungovernable or habitually disobedient and beyond the lawful control of a parent or other authority, or who is in lawful possession of 25 grams or more of marijuana (Section 221.05, NYS Penal Law) and is deemed to be in need of supervision or treatment as prescribed by the family court.
3. **Juvenile Offender:** A person who is 13, 14 or 15 years of age and who is criminally responsible for his conduct as it applies to certain felonies as enumerated under subdivision 18 of Section 10.00 of the NYS Penal Law. Juvenile offenders are prosecuted by the District Attorney.
4. **Juvenile Delinquent:** A person over 7 and less than 16 years of age, who, having committed an act that would constitute a crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from the criminal court to the family court pursuant to Article 725 of the CPL. Actions against juvenile delinquents are handled by the County Attorney or Corporation Counsel. Additionally, refer to 265.05 of the NYS Penal Law.

5. Designated Felony: An act that, if done by an adult, would be a crime as defined in the Family Court Act, Section 301.2(8) and variously affecting persons 13, 14, or 15 years of age. Since these persons are also juvenile delinquents, actions involving a designated felony are handled by the County Attorney.
 6. Intake: The process comparable to the commencement of a criminal action as described in the CPL, but applicable to juvenile delinquents. In Greene County, this function is performed by the Probation Department, acting on the issuance of a Juvenile Appearance Ticket.
- B. The decision to refer a juvenile to intake rests largely with the investigating Deputy Sheriff who, by virtue of a thorough investigation is in a position to determine what course of action will best serve justice. Some of the factors that may influence the decision for or against intake are:
1. The seriousness of the offense as judged by its nature, the use of a weapon, whether gang related, or whether the juvenile was under the influence of alcohol or drugs;
 2. The juvenile's history of criminal activities and the timeliness of similar conduct;
 3. The juvenile's status with respect to official supervision; and
 4. The effectiveness of the juvenile's participation in any previous rehabilitation programs, including his or her attitude toward parental supervision, as well as the capability of the parent or guardian to control the youth.
- C. If, considering age and conduct, the juvenile qualifies as a juvenile offender within the meaning of the term as described above, there shall be no discretion concerning disposition of the case and he or she shall be petitioned into the Family Court, regardless of history for compliance with supervision.
- D. Agency personnel who are dealing with juveniles shall take the least coercive action among reasonable alternatives, consistent with preserving public safety, order and individual liberty.
- Specifically, in an effort to seek the least forceful disposition of a juvenile case, the juvenile shall be dealt with in one of the following ways:
1. Release with no further action, or
 2. Conference involving the juvenile, parents and the investigation officer, utilizing "in- house" diversion, or
 3. Voluntary and prolonged program of treatment involving the participation of one or more agencies providing social or supervisory services,
 4. Referral through petition into Family Court.
- E. Consistent with the policy of using as little coercive action as possible, Section 307.1 of the Family Court Act provides for the use of an Appearance Ticket as an alternative to a custody arrest to secure a juvenile's presence at probation intake.

Guidelines for use of the Family Court Appearance Ticket available to Agency personnel are as follows:

1. The juvenile should be regarded as posing a threat neither to him or herself nor to the safety or property of others.

2. The criteria set out in paragraph B above shall be considered in assessing the appropriateness of the Appearance Ticket.
3. If the crime to be charged is a designated felony, the return date on the ticket shall be no later than 72 hours after issuance excluding Saturdays, Sundays and public holidays.
4. If the crime to be charged is not a designated felony, the return date shall be no later than 14 days after issuance.

F. Processing Juvenile Delinquents

1. Every effort shall be made to process juvenile delinquents in an unlocked area of the Sheriff's Office such as:
 - a. The meeting room located in the Sheriff's Office
 - b. The Sheriff's Office
3. Handcuffing: Only in extraordinary situations when juvenile delinquents are combative, disruptive, unmanageable or charged with a serious violent crime shall they be handcuffed. Handcuffing to a stationary object will constitute secure detention, i.e. a cuffing ring or rail. Handcuffing will be used in the following situations with appropriate approval.
 - a. Where an officer determines that a juvenile taken into custody as an accused criminal-type offender (JD or JO) the juvenile must be handcuffed to a cuffing rail or other stationary object, or placed in a locked room, this is permissible for up to six (6) hours.

However, once a juvenile is placed in secure detention (Federal definition), the six hour time limit begins and continues until the juvenile leaves the facility, regardless of whether the juvenile was in secure detention for 20 minutes of the entire six hours.

This six hour "grace period" begins to run when the juvenile enters a secure detention status and ends six hours later.

In all situations, the juvenile must be under constant visual supervision and not be in contact with adult prisoners.
 - b. The juvenile does not have regular contact with adults in secure detention or confinement.

Under normal conditions a juvenile may be handcuffed without attachment to stationary object, when the process of questioning or interrogation is taking place in a Family Court approved questioning room.
 - c. If a juvenile is in custody during a regular meal period, the juvenile shall be provided with a meal.
 - d. A juvenile may be held in a police station only for a brief period if such holding is necessary to allow release to his or her parent, guardian or other suitable person or approved facility.
4. Secure Detention Defined By Federal Guidelines: Pursuant to Federal guidelines, "a secure detention or confinement status has occurred within a jail or lockup facility when a juvenile is physically detained or confined in a locked room, set of rooms or a cell that is designated, set aside or used for the specific purpose of securely detaining persons

who are in law enforcement custody. Secure detention or confinement may result either from being placed in such a room or enclosure and/or from being physically secured to a cuffing rail or other stationary object”.

5. Non-Secure Custody (Federal Guidelines)

- a. A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility, but not be in secure detention or confinement status.
- b. The following police criteria, if satisfied, will constitute non-secure custody of a juvenile in a building that houses an adult jail or lockup:
 - i. The area(s) where the juvenile is held in an unlocked multipurpose area, such as a lobby, office or interrogation room not designated for secure detention;
 - ii. The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;
 - iii. The use of the area(s) is limited to providing secure custody only long enough and for the purposes of identification, investigation, processing, release to parents or arranging transfer to an appropriate juvenile facility or to court;
 - iv. In no event can the area be designed or intended to be used for residential purposes; and
 - v. The juvenile must be under continuous visual supervision by law enforcement officer or facility staff member during the period of time that he or she is in non-secure custody.
- c. If a juvenile is to remain in custody long enough to require residential services, the juvenile should be moved to an appropriate juvenile residential facility as soon as this need is identified. Once an area of a jail or lockup facility begins to be used for residential, the juvenile will be considered to be in secure detention status.

Beyond this “non-residential” requirement and the other limiting criteria stated above, there is no limit in the length of non-secure custody.

G. Booking Areas

1. While a booking area may be secure, a juvenile being processed “through” this area is not considered to be in a secure detention status. Where a secure booking area is all that is available, and continuous visual supervision is provided throughout the booking process and the juvenile only remains in the booking area long enough to be photographed and fingerprinted, the juvenile will not be considered to be in secure detention status.

Continued non-secure custody for the purposes of interrogation, contacting parents or arranging an alternative placement must occur outside the booking area.

H. Separation from Adult Prisoners

1. Under the Family Court Act section 304.1, a juvenile detained in a police station, must be held in a place other than one designed for detention of prisoners apart from any adult charged with or convicted of a crime.

2. Under Federal law, juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

The term regular contact is defined as sight and sound contact with incarcerated adults, including inmate trustees. This prohibition seeks as complete separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults per .28 Code of Federal Regulations, Section 31.303(d).

I. Custody

1. Custody, as it applies to juvenile matters is two fold. One is in the conventional sense of being an arrest which restricts the liberty of the arrestee; the other encompasses the concept of protective custody for juveniles who have been harmed or are in danger of harm.

- a. Section 305.2 of the Family Court Act sets out the authority for a police officer's arrest of a juvenile without a warrant, which authority is derived from Article 140 of the CPL as it applies to the arrest of a person for a crime. The same rules affecting the seizing of evidence and the securing of admissions following the arrest of an adult are applicable to the arrest of a juvenile under this section, including the requirement that the juvenile be notified of his or her constitutional rights.

- b. The officer affecting such an arrest is required to make immediate notification to the juvenile's parent or guardian, or, if unavailable, to the person with whom he or she resides, that the juvenile has been taken into custody. After making every reasonable effort to give such notice, the deputy shall take one or more of the following actions:

- i. If the child has allegedly committed a designated felony in FCA 301.2(8), and the family court is in session, the officer shall forthwith take the child directly to such family court, unless the officer takes the child to a facility for questioning or upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there conduct questioning for a reasonable period of time. The decision to proceed directly to family court or to a place for questioning should be made after consultation with an investigator or the Senior Investigator.

If the Family Court is not in session, that is it is outside of regular court hours or a family court judge is not available and questioning is concluded or is not conducted, the officer must release the child upon issuance of an appearance ticket to the child and to the person to whose custody the child is released, or, if circumstances warrant, the officer may take a child to a detention facility. Again, before acting on any of these alternatives, be sure to contact the secure detention facilities in your area. Do not contact NYS DFY. A "Juvenile Detention Facilities Manual" should be available for reference.

- c. If the child is accused of committing a crime that is not a designated felony and the family court is in session, the child must be released with an appearance ticket or taken forthwith to court. Note that in these circumstances, detention is precluded. When the court is not in session, the child must be released and an appearance ticket issued unless special circumstances exist that would justify detention. The nearest secure detention facility should be contacted before taking the latter action since temporary detention is allowable only when there is substantial risk that the juvenile will not appear in court or a substantial risk that the juvenile would commit another crime.

When no bed is available at a secure juvenile detention facility, a bed may be deemed unavailable in the following emergency situations:

- a. When road conditions have been defined by The National Weather Service as hazardous; or
- b. When the time in transporting to and from that facility would make it impractical (considering the health and welfare of the youth) to assure a timely court appearance; or
- c. When a child needs secure care in a hospital and no children's ward is available.

Jail placement never takes place with a juvenile under the age of 14 years, with the exception of a 13 year old alleged or convicted juvenile offender.

J. Conditions of Jail Placement

1. Authorization shall be for a 12 hour period and may be renewed for additional 12 hour periods only so long as the emergency conditions as defined above in this Rules and Regulations continue to exist.
3. Youth shall be housed in quarters separate from incarcerated adults.
4. There shall be complete audio and visual separation of youth from incarcerated adults.
5. There shall be continuous direct staff supervision of youth in jail placement. Audio and visual monitoring devices may not be substituted for direct staff supervision.
5. Each youth shall be provided with a bed, mattress, blanket and pillow.
6. Each facility shall assure that a youth is provided meals at established meal times. A meal must be provided to any youth detained more than five (5) hours.
7. Youth may be visited by parents, legal guardian or attorney at any time during the incarceration.
8. Persons requesting jail placement of a youth shall be obligated to notify the youth's parent or legal guardian, of the youth's location.
9. Youth shall be held only in jails or lockups that are monitored by the New York State Department of Correction.
10. A juvenile may also be taken into custody upon the authority of a family court warrant signed by a family court judge commanding appearance in court. Such a warrant may be issued for a juvenile. It may be based on the juvenile's failure to appear in for court date or a probation meeting. The options set out are applicable to a warrant arrest except for release with an appearance ticket.

K. Recordkeeping

1. A juvenile log, for the purpose of documenting juvenile custody, should be kept. Information should include:
 - a. Juvenile's name or numerical identifier;
 - b. Date and time of admission and release;
 - c. Offense charged;

- d. Meals provided;
 - e. Where and how the juvenile was held (secure or non-secure conditions);
 - f. Telephone calls made to state and local authorities and parents, guardian, relatives or friends.
 - g. Special circumstances surrounding the juvenile's situation (e.g. was juvenile carrying prescription medication, drugs or weapons when arrested).
- c. Name of person to whom child is released; and
 - d. Time of release.
2. The New York State Commission of Correction requires that the New York State Record of Juvenile Detention Form be filled out and returned to the Commission of Correction if a juvenile is held in jail detention for any reason.

L. Custodial Interrogation

1. Custodial interrogation of a juvenile is covered under Section 305.2 of the Family Court Act which notes that the presence or absence of the child's parents, his or her age and the period of time for questioning will all be considered relevant in determining whether such interrogation was suitable. The following procedures will govern such activity by Agency personnel.
- a. Questioning may occur only in an approved designated facility (see paragraph Q below) or alternatively, and with the parent's consent, in the juvenile's residence.
 - b. Every reasonable effort must be made to notify the juvenile's parent or guardian that the juvenile is in custody and of his location. All attempts should be documented in writing.
 - c. Questioning must await the arrival of the juvenile's parent or guardian, unless such person has elected not to be present and/or has given express permission to proceed in his absence or cannot be reached.
 - d. Both the juvenile and the parent or guardian must be advised:
 - i. Of the child's right to remain silent;
 - ii. That statements made by the child may be used in a court of law;
 - iii. Of the child's right to have an attorney present; and
 - iv. Of the child's right to have an attorney provided for him without charge if he or she is indigent.
 - e. If the juvenile agrees to proceed without an attorney being present, he should be requested to sign a waiver to this effect and the parent or guardian should be requested to sign as a witness.
 - f. The juvenile should be informed of the responsibilities and procedures of the Agency and of the juvenile system in the matter at hand.
 - g. Questioning shall be limited to a reasonable period of time and at no time shall there be more than two (2) investigators present during the interrogation. In determining

which is relevant would include the child's age and if the parents were notified and present at the time of questioning.

- h. All female juveniles that are to be interviewed must be interviewed in the presence of a female officer or a qualified female staff member.

M. Fingerprinting and Photographing

- 1. Authorization for the fingerprinting and photographing of persons who are alleged to be juvenile delinquents and limitations on their collection, dissemination and retention are set out under Section 306.1 of the Family Court Act. Other forms of identification pertaining to juveniles may be secured by court order or with the consent of the juvenile and his or her parent or guardian. In addition, a juvenile may be fingerprinted and photographed when the investigator:
 - a. Is unable to ascertain the juvenile's identity; or
 - b. Reasonably suspects that the identification given by the juvenile is not accurate.

N. Protective Custody

- 1. Taking a juvenile into protective custody is also authorized when there is justification for such action, however, persons so apprehended shall be placed in the least restrictive environment which ensures safety and supervision. The parental home or release into the care of the Department of Social Services are alternatives in this regard. Juveniles subject to being taken into custody for their own protection include:
 - a. An abandoned, abused or neglected child;
 - b. One who is suffering from illness or injury or who is under the influence of alcohol or drugs;
 - c. One who is in immediate danger from his surroundings;
 - d. A runaway, as reported by a person of legal responsibility; or
 - e. Any other situation in which custody is in keeping with the paramount issue of the juvenile's safety.

O. Juvenile Records

- 1. Confidentiality is important when dealing with juveniles. The Agency is required by law to keep records and results of juvenile cases in strict confidence. Section 381.3 of the Family Court Act states:
 - a. All police records relating to the arrest and disposition of any person under this article shall be kept in files separate and apart from the arrests of adults and shall be withheld from public inspection. The Family Court in the county in which the petition was adjudicated may, upon motion and for good cause, order such records open:
 - i. To the respondent or his or her parent or person responsible for his care; or

- ii. If the respondent is subsequently convicted of a crime, to a judge of the court in which he or she was convicted, unless such record has been sealed pursuant to Section 375.1.
- b. An order issued under subdivision two must be in writing. All Agency personnel are to be alert to any request made for information pertaining to a juvenile or his case and must be certain that the person requesting the information has a legal right to receive it. Any doubt shall be resolved by referring the matter through the chain of command. Destruction of juvenile records shall be in compliance with New York State and local (specify) retention schedules.
 - i. Upon receipt of a court order to expunge records pertaining to a juvenile, all such records shall be destroyed without delay.
 - ii. Access to records pertaining to juveniles shall be obtained only through those personnel who are assigned to the Records Division and who are responsible for the generation, collection and retention of such records, except that in certain circumstances access may be obtained through the Sheriff or his designee.

P. Designated Facilities

- 1. A list of rooms approved by the Chief Administrator of the Courts, per 22 NYCRR, Section 205.20, for questioning of juveniles is available from the Senior Investigator.

Greene County Sheriff's Office

Subject: MENTAL HEALTH ARRESTS	Policy 157									
Effective: January 1, 2016	Standard Number(s):									
Rescinded:	Amended: Sheriff, Gregory R. Seeley									
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>									

POLICY: It shall be the policy of the GCSO that a deputy take into custody any person who appears to be mentally ill and is conducting himself or herself in a manner that is likely to result in serious harm to him or her self or others, under the authority of Section 9.41 of the New York State Mental Health Law.

I. Procedure

A. When a deputy arrests a subject under provisions of Section 9.41 of the Mental Health Law, he or she will:

1. Notify the shift supervisor.
2. Check the subject for weapons or any object that may cause harm to the subject of the hospital staff (e.g. pens, pencils, nail files, etc.).
3. Complete required admission forms.
4. If the situation presents a risk that the transported person may become violent, or is violent, a Deputy will accompany the ambulance to the health care facility and remain at the facility until the staff, along with their security, has control over the individual.
5. GCSO deputies, when enforcing Section 9.41 of the Mental Health Law, will have the subject to be examined transported to:
 - a. The Columbia Memorial Hospital, as a matter of routine.
6. Deputies are directed to follow the same procedures outlined above when enforcing Section 9.43 (Court ordered mental examinations) and Section 9.45 (Community Service ordered mental examination) of the Mental Health Law. In these cases, the deputy does not file the 9.41 form.
7. Deputies will assist in arranging transportation by ambulance of persons voluntarily entering a hospital for psychiatric help.
8. Deputies will assist in notifications of family members of persons voluntarily admitted to a psychiatric hospital.

9. Transportation of individuals under provisions of the Mental Health Law will be in accordance with GCSO Rules and Regulations O65, "Prisoner Transportation".

Mental Health Pick-up Orders:

All members are advised that Mental Health has a new procedure for sending us Greene County Mental Health pick-up orders during hours when the clinic is not open. Each on-call worker will have access to an internet capable device. They will contact Greene County Dispatch and verify who the on duty supervisor is. The supervisor on duty will be notified by dispatch that an order is being sent. The worker will then e-mail the pick-up order in an electronic format to the on-duty supervisors county e-mail address. When the supervisor receives the order, they are to print it out, verify that it has an electronic signature, and execute the order as normal. These orders will only be sent from (1) email address in order to verify that these orders are legitimately coming from Greene County Mental Health. The address will be GREENEMH@DISCOVERGREENE.COM. Documents received from any other e-mail **are not** to be entertained as valid mental health pick-up orders. This new process is implemented with the intent of making it easier for Mental Health to get GCSO personnel these pick-up orders so that we are able to act quicker and more efficiently. Mental health pick-up orders that are generated during normal business hours for the clinic will continue to be handled as usual. This written order applies to all GCSO members effective immediately.

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Greene County Sheriff's Office

Subject: Death in Custody Act							Policy 158	
Effective: January 1, 2020				Standard Number(s): 40.1,40.2				
Rescinded:			Amended: August 17th, 2020				Sheriff Peter Kusminsky	
Reviewed:								

Policy: The Death in Custody Reporting Act of 2000 (DICRA), Public Law 106-297, enacted by the United States Congress on October 13, 2000, requires law enforcement to provide Incident Reports on all deaths occurring in police custody prior to confinement in local jails.

I. Procedure:

- A. Upon the death of a person in custody of the Greene County Sheriff's Office in the process of arrest or en-route to be incarcerated, The immediate supervisor will be contacted and requested o the scene. Patrol will contact dispatch will be notified and will immediately make notifications per Rules and Regulation O22A "Sheriff Notifications To Be Made", O80, "Greene County Coroner's Policy and Procedures" and O22 "Emergency Notifications".
- B. An Incident Report documenting the death and relevant circumstances will be prepared, reviewed by the appropriate supervisor and forwarded to the Lieutenant(s), Undersheriff and Sheriff.
- C. Forms DCJS-3281 and CJ11 will be maintained by the Lieutenant(s). Form 3281 will be completed by the Lieutenant and forwarded to Division of Criminal Justice Services with each Death in Custody Incident Report. Records Office will complete Form CJ11 and forward to Division of Criminal Justice Services annually, including negative report, for the period 1 January – December 31.
- D. Form DCJS-3281 will be forwarded to the federal Bureau of Justice Assistance by Division Of Criminal Justice Services. Individual death records collected by the Bureau of Justice Assistance are considered immune from subpoena.

Greene County Sheriff's Office

Subject: EMERGENCY MOBILIZATION PLAN						Policy 159	
Effective: January 1, 2020			Standard Number(s): 58.4				
Rescinded:		Amended: August 17th, 2020		Sheriff Peter Kusminsky			
Reviewed:							

POLICY: The GCSO will have an Emergency Mobilization Plan that will consist of three (3) phases.

I. Phases:

- A. Phase I: The “hold over of a current shift”.
- B. Phase II: Phase I expanded to include the personnel of selected divisions and units and the call-in of the next scheduled shift.
- C. Phase III: Phase II expanded to include the call-in of all sworn and selected support (non-sworn) staff and the notification of extra-departmental officials and resources; i.e. County Administrator, other police agencies, etc.

II. Authorization:

- A. A Phase I emergency the shift supervisor of the Uniform Patrol may authorize mobilization of on duty personnel.
- B. A phase II and Phase III emergency mobilization may be authorized by the Sheriff, Undersheriff, Captain or the Lieutenant.

III. Procedures

- A. In the event of a Phase II or Phase III emergency mobilization, the shift supervisor will:
 - 1. Direct the dispatcher to arrange that complainants are informed that the GCSO is presently only available to respond to critical service requests, and to suspend calls for service not involving danger to life and property, i.e. larceny reports.
 - 2. The on-duty shift supervisor will be responsible for providing and supervising adequate personnel to operate telephones. If sufficient personnel are not available, he or she will take the following measures:
 - a. Direct the response of any available employees.
 - b. Direct on-duty investigators.
 - c. If necessary, assign patrol personnel.

3. Personnel assigned to the emergency mobilization telephones are responsible for calling off-duty personnel and informing them:
 - a. That an emergency mobilization plan is in effect and where to report.
 - b. To immediately report for duty in uniform and ready for assignment.
 - c. Personnel will report to their regular division for assignment unless otherwise directed by emergency telephone operators or standing orders to facilitate control and transportation to the scene.
 - d. Of specific areas to be avoided in transit.
4. The Shift Supervisor is responsible for maintaining an up-to-date list from which personnel will be called and/or alerted in event of mobilization. The Sheriff, at his discretion, may order test runs of the alarm list.
5. Activation of specialized units will be in accordance with procedures established by GCSO Rules and Regulations (175, 176, 177, 178, 179, 180 and 181).
6. Transportation requirements will be in accordance with provisions included in GCSO Rules and Regulation 160, "Major Disasters".
7. Equipment and distribution thereof will be the responsibility of the Supervisor on duty.
8. Command protocol will follow GCSO Rules and Regulation 006, "Authority and Responsibility".
9. Alert procedures may be activated for rehearsal purposes at the discretion of the Sheriff or the Undersheriff.

B. Assembly Areas

1. The primary assembly area for reporting for an emergency mobilization situation will be the Sheriff's Office, 370 Main Street, West Coxsackie, NY 12192.
2. The secondary assembly area for reporting for an emergency mobilization situation will be determined by the incident commander at the time of the call out.

IV. Review

1. Copies of this plan will be made available to all personnel for review and training. A review of the Greene County Sheriff's Office Emergency Mobilization Plan will be conducted at a minimum of once every five (5) years along with the Sheriff's Office Continuity of Operations Plan (160A).

Greene County Sheriff's Office

Subject: MAJOR DISASTERS						Policy 160	
Effective: January 1, 2020			Standard Number(s): 58.4				
Rescinded:		Amended: August 14th, 2020		Sheriff Peter Kusminsky			
Reviewed:							

POLICY: The purpose of this Rules and Regulation is to establish a written plan for responding to natural and man-made disasters and civil disturbances.

I. Definitions:

- A. Accidental Disaster: Any major fire, explosion, transportation crash, industrial incident,- hazardous material incident or other major occurrence in which lives, safety or property of numerous persons are in jeopardy.
- B. Natural Disaster: Incidents in which the forces of nature threaten the lives, safety or property of numerous persons, e.g. floods, tornadoes, ice storms, significant snowfalls, blizzards.
- C. Community Disorder: An action by any group that poses a substantial threat to peace, life or property or any tumultuous or violent activity that creates a grave risk of causing public harm or alarm.
- D. Terrorist Action: A politically motivated, hostile action taken by a person or group that has as its intent the commission of violent acts designed to instill fear, communicate a message and/or demand some governmental action.
- E. Inner Perimeter: The immediate area of containment around the incident site.
- F. Outer Perimeter: The peripheral control area surrounding the inner perimeter providing a safety zone for access to and from the inner perimeter as well as defining the limit of access by unauthorized persons.
- G. Field Command Post: The on-scene location for command staff who will be responsible for determining the exact status of the emergency, resources needed and incident strategy. With approval of the Sheriff, Undersheriff or Senior Command Officer, the Mobile Command Center can be deployed per Rules and Regulations 175.

II. Procedure

A. Duties Of Responding Units

- 1. The following protocols will depend on the nature and the extent of the emergency situations.

2. Once it has been established that an emergency situation is in fact taking place, the initial responding deputy or deputies will:
 - a. Notify the Communications Center of the nature and specific location of the situation and request supervisory personnel and emergency services personnel as required.
 - b. Contain the situation to the smallest possible area consistent with officer safety and attempt to prevent the escape of any involved suspects.
 - c. Direct responding units indicating hazard zones to be avoided.
 - d. Position responding personnel so that:
 - i. A "cross fire" situation does not result through exposure of personnel.
 - ii. Deputies have an available escape route.
 - iii. Contamination or exposure of personnel to dangerous chemicals, etc., is rendered unlikely.
 - e. Establish an inner perimeter around the situation denying all access to the area.
 - f. Request additional units to establish an outer perimeter and begin diverting vehicular and pedestrian traffic away from the scene.
 - g. Secure all witnesses at a safe point outside the inner perimeter for interviews.
 - h. Use only that force required by the situation and allowed by GCSO Rules and Regulations 133, "Firearms/Deadly Physical Force" and 132, "Use of Non-lethal Weapons".

B. Duties Of Supervising Officers At The Scene

1. Establish a communications venue consistent with the emergency and consider the need to request other emergency services.
2. Obtain as much information about the situation as is possible from the initial responding deputies and immediately advise the LED Lieutenant(s) or Senior Command Officer, one of who will be the on-site Incident Commander. The Sheriff and Undersheriff will be notified as well.
3. When applicable, summon an on-duty investigator and assign him the responsibility for any suspect and/or incident background information gathering.
4. Isolate and secure the area.
 - i. Ensure safety, initiate any necessary evacuation of bystanders or victims within the inner perimeter.
 - ii. Establish a command post with telephone availability in a safe and accessible location within the outer perimeter. Notify the Communications Center by telephone of the address and telephone number of the location and the safest, open route for other responding personnel.
 - iii. Ensure that vehicular and pedestrian traffic has been adequately diverted.
5. Establish a staging area to which responding units will report, preferably within the outer perimeter as space and location permit.

6. Ensure that all responding units are advised as to the Incident Commander, the location of the command post and staging area and any special instructions regarding the incident, including areas to avoid when responding.

C. Communications

1. Maintain radio communications on an emergency basis for use by all units assigned to the situation, assigning at least one (1) dispatcher to that frequency.
2. Maintain information for an Incident Report.
3. Notify command and personnel as directed, recording when contacted, how contacted and their response.
4. Request at least one Fire and EMS unit to respond to the staging area, depending upon incident circumstances.

D. Development Of The Incident

1. With the arrival of the Senior Command Officer designated as Incident Commander, the previous supervisor will brief the situation and its status. Personnel at the scene will be notified via radio of the officer in charge.
2. Overall command of the operation will be from the command post and all field communication will be directed to the command post. Command post personnel will communicate directions and requests to the Communications Center for matters beyond command post capability.
3. Supervising personnel will report directly to the command post. The Incident Commander will designate these supervisors to act as:
 - a. Operations Officer: Will implement the strategy and tactics to control the incident as outlined by the Incident Commander and will:
 - i. Maintain a chronological log of responding personnel and assignments.
 - ii. Make assignments based on the direction of the command post or needs identified by the outer perimeter supervisor.
 - iii. Distribute and/or make arrangements for equipment as required.
 - b. Public Information Officer: No information shall be given to the media except through the Public Information officer with the prior approval of the Incident Commander at the scene, following the guidelines established in GCSO Rules and Regulation 097, "News Media".
 - c. A deputy may be assigned by the Incident Commander to maintain a chronological log of events.
 - d. Deputies may be assigned additional duties by the Incident Commander.

E. Response BY Additional Units:

1. Additional responding units, as directed by the Incident Commander, will report to the staging area for assignment, to include:

- a. Investigators to interview witnesses, victims, etc.
- b. ID personnel with specialized photography skills and equipment to record the incident, including overall photos and/or videotape of the scene to include locations of personnel and any significant developments.
- c. K9 to be assigned to possible escape routes in event of foot pursuit.
- d. Specialized equipment.
- e. Hostage negotiators.
- f. SRT.
- g. Adjoining jurisdictions, State Police and Federal Agencies when applicable.
- h. Employees, friends, relatives and neighbors will be directed to a location designated by the Incident Commander.

F. General Guidelines:

- 1. The overall command of any situation will be the responsibility of the designated incident commander who will be or initially be senior ranking officer present. Normally, the Sheriff and Undersheriff will be designated as the incident commander or designate an alternative Incident Commander. Change of Incident Commander will be announced by the Command Post.
- 2. All non-uniformed officers at the scene will have their badge affixed to their outermost garment.
- 3. Identified representatives of the media will only be allowed inside the outer perimeter to gain access to the media center and will be escorted to same. Media representatives who refuse to remain at the press center should be kept outside the outer perimeter. The Public information Officer will identify him or herself to the press as the person at the scene who will refer their questions to the Incident Commander at the scene and then only through the Public Information Officer.
- 4. When the incident has ended, the Incident Commander will arrange for necessary after-action reports and meetings.

G. Special Situations:

Due to hazards involved in responding to an emergency scene, personnel should be cautious when approaching the site. The following guidelines should govern response.

1. Airplane Crash

- a. Be aware that the responsibility for the investigation of a plane crash lies with the Federal Aviation Administration. Deputies should attempt to concentrate their actions in controlling the immediate hazard, preserving evidence and taking statements at the scene.
- b. Many military aircraft carry explosive charges that eject canopies and seats. Serious injuries may result if mechanical pins or charges are touched or improperly operated.
- c. Caution should be exercised before coming in contact with metal parts of the airplane as they may retain heat in a sufficient amount to cause injury.

d. Leakage of fuel may be highly volatile.

2. Chemical Spill/Radioactive Materials:

- a. Deputies should approach the scene with caution, attempting to stay upwind and out of low lying areas.
- b. Notify the Communications Center to dispatch fire, EMS or HAZMAT response immediately.
- c. If possible to accomplish safety, deputies will identify the material through the placard of the side of the container and the bill of lading which should be located in or near the driver's area or on individual railroad cars. Consult the Department of Transportation Emergency Response Guidebook, a copy of which has been placed in each patrol unit, for initial action to be taken. Notify the Communications Center of the placard markings for them to contact CHEMTREC. If safety concerns prohibit this action, await the arrival of the fire department and/or HAZMAT.
- d. Do not attempt rescue or evacuation of persons in the area until the chemical has been identified and hazards confirmed.
- e. Notify the following:
 - i. Director of Emergency Management Services.
 - ii. Director of Emergency Medical Services.
 - iii. Director of Health Department.

3. Hostage Situations

- a. The primary goal in any hostage or barricaded person situation is to ensure the safety of human life. The secondary goal is to arrest the perpetrator(s). Hostage negotiators will follow protocol in GCSO Rules and Regulation 111, "Hostage Recovery".
- b. Supervisors will request CGSSRT notification in accordance with GCSO Rules and Regulations 181, "Columbia Greene Shared Services Response Team".
- c. First responders will not become involved in in-depth negotiations if it can be avoided. First contact should consist of situation assessment. Whenever possible, await the arrival of hostage negotiations personnel. If a hostage negotiator is on-duty the supervisor should request his or her response to the scene.
- d. General Guidelines:
 - i. Time is on your side. Slow everything down. Do not rush. Rarely will there be a necessity for an immediate assault of the premises or hostage taker.
 - ii. If negotiations have started, weapons or the surrender of other persons in trade for hostages is **not** negotiable. If you are confronted with an ultimatum, advise the subject that all arrangements must be made through the senior command officer.
 - iii. If involved in an armed, face-to-face confrontation with the suspect and if use of force is not possible, deputies will withdraw and holster their weapon only when out of immediate danger and consistent with personal safety.
- e. Prolonged hostage negotiations will be conducted by personnel trained as hostage negotiators and as directed by the Sheriff, Undersheriff or senior command officer. Negotiators will have a secure area from which to work. The Incident Commander

of the operation or CGSSRT Commanders will be the only authorized contact with the negotiator unless others are specifically requested by a negotiator.

- f. The negotiators and the CGSSRT Commanders will maintain direct contact with the Incident Commander at the Command Post for the purpose of guidance and staff command decision.

4. Civil Demonstration And Disorder

- a. It is the responsibility of the GCSO to preserve the peace while protecting the rights of demonstrators to assemble peacefully and exercise free speech. Personnel will make reasonable efforts to employ non-arrest methods of crowd control, but as required, will make arrests for violations of the law.
- b. Deputies will display an attitude of neutrality and will not engage in demonstration related discussion with participants.
- c. If disbursement of the crowd is necessary, supervisors will utilize, in the following order:
 - i. Verbal persuasion to request disbursement.
 - ii. Issuance of warnings.
 - iii. Arrest.
- d. After disbursement, de-escalation of the scene will be accomplished by the authority of the commanding officer at the scene.

III. Arrest Procedures

- A. During an emergency operation when large numbers of arrests are anticipated, Agency personnel effecting the arrest of individuals and/or groups shall adhere to the following policy, unless otherwise directed:
 1. The arresting deputy(s) will, as soon as possible, report to an area designated as the Prisoner Processing Center with the arrested individual(s) where, with the assistance of CIU Investigators, the following procedures will be implemented:
 - a. A thorough search will be made of the prisoner(s) by the arresting deputy(s) prior to the arrival of deputies responsible for prisoner transport. Deputies will secure any evidence and/or prisoner property and a Property Custody Report will be completed. The transporting deputies will make a second thorough search consistent with GCSO Rules and Regulation, O65, "Prisoner Transportation".
 - b. A photograph of the arresting deputy and the individual in custody will be immediately taken using video or digital cameras.
 - c. The arresting deputy will immediately complete an Incident Report including enough supporting data in the remarks area to allow an accusatory instrument to be prepared.
 - d. An Arrest Report will be completed by arresting personnel when expedient.
 - e. The CIU will coordinate the submission of accusatory instruments to the courts and will contact the District Attorney's Office for assistance if necessary.
 - f. A CIU Investigator will coordinate the interviews of those arrested.

- g. Any medical attention required for a person in custody will be arranged by the transporting deputy per GCSO Rules and Regulations, O65, "Prisoner Transportation".

IV. Temporary Assignment

- A. It is the policy of this Agency not to assign deputies to temporary duty with other agencies.
- B. However, if an emergency occurs or an incident where immediate assistance is needed by another jurisdiction and they request assistance, the GCSO will send whatever help is available until said jurisdiction is able to take control of the event. If the GCSO requires additional assistance, appropriate jurisdictions will be contacted and additional assistance will be requested.

V. Transportation

- A. Transportation of GCSO personnel and individuals affected by or involved with a disaster will utilize all available GCSO vehicles and available county owned vehicles. Additional bus transportation, if required, can be obtained by contacting and completing arrangements with local bus operators

GREENE COUNTY SHERIFF'S OFFICE

Subject: Continuity of Operations Plan (COOP)	Policy 160A
Effective: January 1st, 2020	Standard Number(s): 58.3
Rescinded:	Amended: August 17 th , 2020 Sheriff Peter Kusminsky
Reviewed:	

Policy: The Greene County Sheriff's Office has prepared a comprehensive and effective Continuity of Operations Plan to ensure that essential operations can be performed during an emergency situation that may disrupt normal operations. This plan was developed to establish policy and guidance to ensure the execution of mission-essential functions and to direct the relocation of personnel and resources to an alternate facility capable of supporting operations. The plan outlines procedures for the delegation of authority, alternate operations and communication locations, management of vital records and a recovery to normal operations

I. Procedure

The Greene County Sherriff's Office has essential operations and functions that must be performed, or rapidly and efficiently resumed, in a disaster or emergency. Emergency events can quickly interrupt, paralyze, and/or destroy the ability to perform these essential operations. While the impact of these emergencies cannot be predicted, planning for operations under such conditions can mitigate the impact of the emergency on our personnel, our facilities, our services, and our mission.

A. Essential Functions include, but are not limited to

1. Maintain telephone communication lines for the public to reach the Sheriff's Office for emergency calls.
2. Continuation of emergency police services and law enforcement in an environment that is threatened, diminished or incapacitated.
3. Respond to the scene of any disaster or unusual occurrence.
4. When necessary, initiate emergency personnel activation.
5. Notify County officials, media and other service providers in the event that the Greene County Sheriff's Office primary facility has been temporarily relocated.

B. Assumptions

1. A major emergency or disaster could happen at any time.
2. Adverse conditions could cause a much larger than expected demand for certain services, internal and external to the GCSO.
3. The COOP plan may be activated at any time with little advance notice or warning.
4. An emergency condition may require immediate activation of the COOP and the relocation of operations to a designated alternate location.
5. Mobile communication capabilities may be used in the interim during relocation until interoperable communications can be re-established at an alternate location.
6. The alternate location will be adequately staffed and operational within twelve (12) hours.
7. The alternate operations location may need to remain operational for an extended period of time.
8. A majority of systems supporting daily Departmental functions may not be available.
9. Emergency Management Assistance and state and federal resources may not be available within the first 72 hours of activation.
10. In an emergency, outside assistance could be interrupted or unavailable.
11. Following the declaration of an emergency or crisis requiring relocation, non-emergency Office activities may be discontinued.

C. Authority and Chain of Command

1. The Sheriff or his/her designee has the authority to activate the COOP plan. In the event that the normal chains of command are disrupted, the most senior Supervisor or Officer on duty will temporarily assume command until relieved in accordance with normal organizational structure. In the event of COOP plan activation, the Sheriff or his/her designee shall notify the County Administrator of the activation and nature of the emergency warranting the activation.

D. Alternate Operations and Communication Locations

1. The initial Alternate Communications and operations location for GCSO is at the Emergency Operations and Control Building located at 24 Volunteer Drive. The "E.O.C." has equipment at this location and will give the Agency the ability to maintain communications and continue to provide emergency police services.
 - a. Equipment pre-positioned at the E.O.C. include:
 - Cable TV access
 - Internet access
 - Landline telephones
 - Fax Machine
 - Sheriff's Office Radio equipment (Base Station)
 - Sheriff's Office computer access (County information management systems)

2. The secondary operations location shall be at the Greene County Office building located at 411 Main Street, Catskill, NY, 12414. The primary landline at this location is the same as the E.O.C. (518)622-3344. Equipment at the facility as well as equipment transported to the location will give the agency the ability to maintain communications and continue to provide emergency police services.

- a. Equipment pre-positioned at 411 Main Street include:

- Cable TV access
- Internet access
- Landline telephones
- Fax machine

- b. Additional equipment to be transported will include.

- Cellular Telephones
- Handheld portable radios
- Laptop computers
- Greene County mobile command unit

E. Vital Records and Databases

1. Vital records and databases for the Greene County Sheriff's Office are maintained within several information management systems. All systems are backed up and maintained off site through I.T.S. LLC. "Information Technology Solutions" and is accessible outside of the Greene County Sheriff's Office headquarters if required.

F. Recovery to Normal Operations

1. As soon as possible (within 24 hours) following a COOP plan activation and/or relocation, the Greene County Sheriff or his/her designee will initiate operations to salvage, restore and recover the primary Greene County Sheriff's headquarters. A return to normal agency operation will commence when the Sheriff or his/her designee determines that the emergency situation has ended and is unlikely to reoccur. Once this determination has been made, one or a combination of the following options may be implemented, depending on the situation:

- Continue to perform mission essential functions at the alternate facility.
- Begin and orderly return to the Greene County Sheriff's Office primary headquarters.
- Begin to establish plans for normal operations at a different primary facility.

G. Training and Review

1. Copies of this plan will be made available to all personnel for review and training. A review of the COOP plan will be conducted at a minimum of once every five (5) years along with the Sheriff's Office Emergency Mobilization Plan ([GCSO Policy 159](#))

Greene County Sheriff's Office

Subject: BIOLOGICAL/CHEMICAL RESPONSE	Policy 161
Effective: January 1, 2016	Standard Number(s):
Rescinded:	Amended: Sheriff, Gregory R. Seeley
Reviewed:	

POLICY: The Greene County Sheriff's Office will respond to requests from the public and act in accordance with State and Federal statutes, directives and protocols in all situations involving threats or incidents involving release of anthrax or other biological or chemical agents.

I. Procedure

A. Communication Center Response

1. Dispatcher receiving a complaint involving a chemical or biological agent will:
 - a. Turn call over to E911 for polling. If GCSO is assigned the call attempt to calm the caller. Ensure the caller that exposure to anthrax and other biological and chemical agents is treatable and help is on the way.
 - b. Ask the caller what type of package or hazard is involved, its current location, how it was delivered and how many people are immediately known to be exposed.
 - c. If an open package or envelope is involved or materials are present, advise caller to close the package or envelope and limit any further exposure to the material. Instruct the caller to close all doors and windows to the room where the package or envelope is located and for those people believed to be exposed to isolate themselves until the arrival of emergency service responders. If the package or envelope is unopened, advise the caller to place the package or envelope in a plastic bag and await arrival of patrol.
 - d. Inform the caller to limit the people and area exposed to the material and not to pass the material around or involve anyone else until professional help arrives.
 - e. Advise the caller to keep hands away from face and not to touch the eyes, nose or mouth.
 - f. Dispatch a patrol and provide as much information as possible. If possible use the MCT or other secure communications device to transfer this information to avoid creating panic in the community and unwanted onlookers converging on the scene.
 - g. Notify NYS Division of State Police (pursuant to Executive Order, dated 10/12/01) of any report or threat or incidents of the release of anthrax or any other biological or chemical agents via NYSPIN Enforcer 2000 workstation by typing (CTRL-A) BIO1 (XMIT).

- h. If conditions warrant, a group page will be made to the Sheriff, Undersheriff, Lieutenants and Investigators. As well as the Director of Emergency Management Services.

B. Patrol Response

1. Think about safety; first yours, then the victim(s) and the general public. Treat this as a Hazmat incident. Do not rush into a contaminated area and become contaminated and a victim. Minimize contact with victim(s).
2. Obtain as much information as possible about the incident prior to arrival.
3. Respond to the scene, secure a perimeter and restrict access to the contaminated area to authorized personnel. Attempt to identify any hazards present from a safe distance. Treat the exposed area as a crime scene. Specialized equipment may be required of those entering the contaminated area. Do not enter a potentially contaminated area unless properly trained and have personal protective equipment.
4. Begin a crime scene log upon arrival.
5. It is essential to limit the surface area and people exposed to the suspected contaminant. Persons trained to should decontaminate anyone leaving the contamination area.
6. Encourage contaminated victim(s) to gather in a safe area on the perimeter of the scene away from the immediate threat. HAZMAT personnel will have proper personal protective equipment. EMS personnel will render appropriate treatment.
7. Brief HAZMAT personnel upon arrival and brief responding command personnel of actual and potential hazards present.
8. Assist HAZMAT responders in containment of the scene until arrival of command personnel.

C. Evidence Processing

1. All packages and envelopes will be marked with appropriate CR Number and evidentiary procedures will be followed per GCSO Rules and Regulations A10, "Non-Agency Property/Evidence".
2. Currently, there are no definitive field tests for identifying biological agents. Biothreat field testing can mislead response efforts by providing incorrect or incomplete results and destroy limited materials critical for definitive laboratory testing required to facilitate appropriate public health and law enforcement responses.
3. Unopened packages and envelopes will be placed in triple plastic zip lock bag, either by caller or patrol deputy, and turned over to ID for processing.
4. Open packages or envelopes and packages and envelopes where materials are suspect. will be placed in triple plastic zip lock bags by HAZMAT personnel, the outer bag will be decontaminated, and turned over to ID for processing.
5. Those packages that are questionable but do not require Haz Mat response will have a culture swab taken by the responding deputy and will be placed in the appropriate test bag per section I, C (1) of this Rules and Regulation.

D. Scenarios and Protocol

1. **Letter/container with unknown substance and threatening communication (with or without illness):**

Since there is a stated or implied threat, it is likely that the substance was intentionally introduced into the package in an effort to validate a threat. A stated or implied threat by itself, with or without the presence of a suspicious substance, is a federal crime and may also constitute a violation of state and/or local statutes. The closest state or local law enforcement agency should be contacted and appropriate resources dispatched. The responding law enforcement agency will notify UNIRIC (**1-866-4UNYRIC**) per Rules and Regulations O77F which will notify the local FBI WMD Coordinator and or the local FBI JTTF. The responding law enforcement agency should also ensure that an appropriately trained and equipped response unit (HAZMAT, NYSP Contaminated Crime Scene Team) is notified as well as the Greene County Department of Health (GCDOH) and NYSPIN "BIO-1" message will be dispatched as soon as possible.

If the incident involves an unopened container and/or the potential presence of an improvised explosive device, the item must be evaluated by a certified bomb technician or explosive ordinance disposal personnel in accordance with Rules and Regulations O66 prior to being handles by the responding HAZMAT Team and/or delivery to a laboratory. HAZMAT field safety screening should be clearly documented and limited to screening for pH (liquids), radioactivity, volatile organic compounds and flammable materials if appropriate detection equipment is available for oxidizing agents. Definitive analysis will be performed only by the appropriate laboratory utilizing the Laboratory Response Network Biothreat Tracking Form (DOH 4348) attached to this protocol.

An Incident Report and Evidence Form will be initiated and delivery of evidence will be coordinated with the designated Laboratory Response Network (LRN) for testing and analysis.

If individuals immediately present exhibit symptoms of illness, the GCDOH will be notified. If the FBI threat credibility assessment indicates the threat to be credible, the FBI will immediately notify the Centers for Disease Control and Prevention (CDC), the Department of Homeland Defense Security Operations Center (HSOC) and other appropriate federal agencies.

The role of Incident Commander (IC) will be assumed by the appropriate authority as designated by state or local law. The IC will establish the Incident Command System (ICS) to provide a unified command structure.

2. **Letter/container with a threat but no visible powder or substance present:**

Threatening the use of a chemical or biological agent is a violation of federal law and merits investigation. As in scenario 1, all responders will be notified of the threat of potential hazards. Although no substance may be visible, there could be trace amounts of material present that can represent a health risk and also provide critical forensic evidence for investigation and prosecution. The guidance in scenario 1 applies to a letter/container containing a threat with no visible powder or substance.

3. **Letter/container with unknown powder or substance, no articulate threat and no illness:**

If there is no threat and no one is ill, it must be determined if there is a logical explanation for the presence of a substance. HAZMAT Teams have responded to a number of letters containing crushed vitamin samples from vitamin and pain-relief companies attempting to mass market their product. If, (1) a reasonable and defensible explanation can be articulated as to the source of the substance, (2) there is no written or verbal threat, and (3) no one is ill, **no further actions are necessary**.

If a reasonable source cannot be determined, the steps outlined in scenario 1 will be considered.

4. Letter/container with no visible powder or substance, no threat, but recipients are ill:

This scenario has the most potential for ambiguity and confusion. Those who come in contact with *Bacillus anthracis* (anthrax) or other biological pathogens/toxins, will not immediately appear symptomatic. Although no powder or substance may be available to be collected for testing, public health officials may decide to utilize clinical samples from exposed individuals. It may be difficult to decide determine is a letter/container is associated with the illness. As there is no specific threat to investigate, this is primarily a public health and/or medical issue but may represent a potential criminal act that should be jointly investigated by public health and law enforcement.

Initial notifications will largely be the same as in scenario 1, with public health taking a primary role in the response. Public health and law enforcement will maintain close contact while public health determines the nature of the illness and law enforcement examines any relevant intelligence. If a potential criminal nexus is identified, the FBI will conduct a threat assessment with state and local law enforcement and initiate appropriate investigative actions and notifications as listed in scenario 1.

5. Letter/container arrives with no powder or substance, no threat, the recipient is not ill, but the recipient is concerned about the package:

With strict regard to federal criminal statutes, no investigative actions are necessary in this matter. However, if other threat indicators are present such as excess postage, misspelled names, unusual odors/colors, etc., law enforcement and the U.S. Postal Service will be notified to evaluate for potential hazards. If it is determined the letter/container is suspicious, steps outlined in scenario 1 will be initiated.

E. Critical Components Checklist:

1. Request the assistance of the Greene County Hazmat Team or properly equipped and trained law enforcement WMD Team to conduct risk assessments, field safety screening, sample (evidence) collection, decontamination and mitigation activities. Sample (evidence) collection will be coordinated with law enforcement (FBI).
2. **Do not** touch, move or open a suspicious package until an initial hazard risk assessment of the package can be performed by a certified bomb technician, if appropriate, in coordination with HAZMAT personnel and law enforcement.
3. Ensure notification of UNYRIC when a potential threat is identified.
4. Contact the CCDOH, who in turn should notify state health authorities and CDC if there is a threat of public health exposure or environmental contamination exists.
5. Notify the U.S. Postal Service whenever it appears the threat was delivered via mail. Ensure that origin and tracking information is obtained from the package or envelope. Photograph the front and back of the package/envelope.
6. Ensure HAZMAT performs basic field safety screening of the substance to rule out explosives, radiation, flammability, corrosives, volatile organic compounds and oxidizing agents prior to transport to the LRN, as coordinated by the FBI WMD Coordinator. Clearly document all screening and share with other law enforcement and response agencies. Unscreened samples should not be transported.

7. Preserve evidence in accordance with Rules and Regulation O51 and protocols outlined in this Rules and Regulation and ensure suspicious material is safely packaged for transport to a testing facility. Retain as much unadulterated suspicious material as is possible. Definitive laboratory testing and forensic examination will require the equivalent of a sugar packet worth of solid material, but always collect as much suspicious material as is reasonable in accordance with NYSDOH collection protocol *Code Red or Environmental Sampling Techniques for Use in Public Health Emergencies*, Appendices A and B.
8. Treat the scene as a crime scene. Collect, preserve and package evidence in accordance with Rules and Regulations and law enforcement protocol.
9. Fill out the Laboratory Response Network Biothreat Tracking Form (NYSDOH Form 4348); removing the back two copies for law enforcement and local health officials. Remaining copies will be sent to the testing laboratory with samples. **Do not** place the form in with the sample.
10. Transfer custody of evidence an officer of the appropriate investigating agency as soon as possible. Ensure proper chain of evidence on the Evidence Sheet.
11. In coordination with public health and law enforcement, identify and list the names and contact information for anyone who may have been exposed to a suspicious substance so they may be contacted when LRN test results are available .

Laboratory Response Network
Biothreat Tracking Form

Specimen Information

Incident ID# _____ Collection Date/Time _____
Investigating agency and contact information _____
Collection County _____
Collection Site (address) _____
Targeted individual's name (if any) _____
Specimen Description _____

Collection Site Information

Building evacuated no yes details _____
Ventilation system shut down no yes details _____
Site/building locked-down no yes details _____
Media on-site no yes details _____
Medical response initiated no yes details _____

Credible Biohazard Assessment Criteria

Stated or implied Threat no yes describe _____
Visible, testable Material no yes describe _____
Uncertain or suspicious Origin no yes describe _____
Exposure or illness
Targeted individual no yes illness _____
First responders no yes illness _____
Sample collectors no yes illness _____

Credible Biohazard Assessment performed by _____

Field Hazard Screens performed by _____

Explosive Device negative Instrument used _____
Chemical Hazard negative Instrument used _____
Rad/Nuc Hazard negative Instrument used _____

ALL samples must be NEGATIVE by ALL Screens to be accepted at testing laboratory

Sample Collected by _____

Sample Container Decontaminated by _____

UNYRIC notified (by whom) _____ date/time _____

NYSPIB BIO1 submitted (by whom) _____ date/time _____

Submitter Information

Name _____
Phone () - - After hours () - - Message OK? yes no

Report Results To (if different than Submitter)

Name _____
Phone () - - After hours () - - Message OK? yes no

Incomplete information reporting on this tracking form or a failure to conduct hazard screening procedures as outlined will result in this sample being refused at the laboratory and/or returned to the submitting agency.

White and Yellow copies to lab Pink copy to law enforcement Blue copy to local health department

Greene County Sheriff's Office

Subject: TERRORISM RESPONSE						Policy 162	
Effective: January 1, 2020			Standard Number(s): 40.1,40.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: Acts of terror against the United States resulting from both domestic and foreign elements require a heightened sense of security and response from the intelligence, military and law enforcement communities. The GCSO will participate in intelligence gathering activities, implement security measures as required and provide response capability in order to enhance the safety and security of the United States, State of New York and the County of Greene.

I. Procedure

- A. Command and police services personnel will remain apprised of Federal and State threat levels and terrorist threat advisories, be alert to terrorist information generated by the public and be vigilant for individuals and vehicles identified as having terrorist ties.
- B. Specific terrorist-related information received by the Communications Center or police services personnel through their interaction with the public will be immediately reported by the Communications Center to the Sheriff and in his absence the Undersheriff. In the event of the absence of the Undersheriff this information will be reported to the Lieutenant(s) or to CIB. Sensitivity to relaying certain information via radio, given access by the public to scanners, must be considered. MDT's and secure telephone lines may be an appropriate choice in transmitting information.
- C. The GCSO will:
 - 1. Receive, assign a CR Number and dispatch a response to any reported activity that involves actual or suspected terrorist activity.
 - 2. Cooperate with all police and intelligence agencies; Federal, State and local in order to maximize investigatory and response effects.
 - 3. Notify and share intelligence information with Federal, State and local police agencies to include the FBI, CIA, INS and NYSP.
 - 4. Warn and educate the residents of Greene County on matters of public safety.
 - 5. Protect and defend the residents of Greene County.
- D. Police Services personnel must exercise the following approaches to incidents that may involve terrorist activity:

1. Exercise caution in unfamiliar surroundings.
 2. Be extra alert and vigilant on patrol.
 3. Seek out vulnerable targets, pay particular attention to known or potential targets and be alert for suspicious persons appearing to be conducting surveillance on prospective targets.
 4. Report all suspicious activity immediately.
 5. Encourage merchants, rental agents, landlords, service dealers, etc., to report unusual or suspicious inquiries or business transactions.
 6. Be familiar with GCSO Rules and Regulations 160 "Disaster Plan", 159 "Emergency Mobilization Plan", 168 "Bomb Threats", 161 "Biological/Chemical Response".
 7. Remain calm in an emergency so the public may follow your example.
 8. Keep the Communications Center notified of all significant incidents.
 9. Cooperate fully with local, State and Federal law enforcement responders.
 10. Upon being dispatched to the scene of a terrorist-related incident, potential or actual, patrol and supervisory personnel will follow protocols set forth in GCSO Rules and Regulations 10 "Deputies Responsibility" and 09 "Supervisor Responsibility".
- E. Communications Center personnel will process complaints from the public and reports from patrols involving actual or suspected terrorist activity. Notifications will be made as soon as possible. The Sheriff or his designee will direct additional notifications, as required, to Federal, State and local law enforcement agencies and Greene County Emergency Management Services and Health Department. Fire and Medical Services will be dispatched in the event of potential or actual fire, chemical, explosive/incendiary devices or injury.
- F. GCSO Specialized Units will be activated, as required, in accordance with Rules and Regulations 178 "Marine Patrol", 179 "Dive Team", 181 "Columbia Greene Shared Services Response Team".
- G. Potential targets identified in Greene County include the following:
1. Government: Office Buildings, Courthouses, Law Enforcement Facilities.
 2. Mass Transit: Airports, planes and hangars; trains, tracks, cars, junctions; buses and garages.
 3. Bio-chemical: Manufacturing and storage facilities; haz-mat trucks and truck routes; Food and Water Supply; Dairies; Restaurants; Crop Dusting Planes and Equipment.
 4. Infrastructure: Bridges, Major Arteries, Factories, Warehouses, Dams, Utilities, Mines, Natural Gas Lines, Pumping Stations.
 5. Symbolic: National Monuments, Historic Landmarks, Financial Institutions, Company Headquarters.
 6. Strategic: Waste Facilities.
 7. Communications: Broadcast Facilities, Transmission Towers, FAA Towers, Satellite Receivers, Telephone Lines and Sub-stations.

8. Entertainment Venues: Hotels and Motels, Tourist Attractions, Auditoriums, Theaters.
 9. Miscellaneous: Truck Stops, Shopping Centers, Churches, Schools, Colleges, Flight Instruction Facilities.
- H. The following Federal and State contacts may be utilized for intelligence sharing and assistance in incidents involving terrorism:
1. Central Intelligence Agency (CIA); Washington, D.C.: 703-482-0623
 2. U.S. Coast Guard; 212-668-7000
 3. U.S. Department of State; Counter Terrorism Coordinator; Washington, D.C.: 202-647-4000
 4. U.S. Customs Service; Investigations Unit: 202-927-1600
 5. Federal Bureau of Investigation (FBI); NY Field Office: 212-384-1000
 6. U.S. Immigration and Naturalization Service; NYC District Office: 800-375-5283
 7. U.S. Office of Homeland Security; White House, Washington, D.C.: 202-456-1414
 8. U.S. Postal Inspection Service; NYC Office: 212-330-3844
 9. U.S. Secret Service; NYC: 718-553-0911, Albany: 518-436-9600
 10. NYS Police; Bureau of Criminal Investigations; NYC: 718-319-5100, Albany: 518-783-3211
- I. Media contacts will be in accordance with GCSO Rules and Regulation 97 "News Media".

Greene County Sheriff's Office

Subject: SCHOOL RESPONSE PLAN	Policy 163								
Effective: January 1, 2020	Standard Number(s):								
Rescinded:	Amended: August 17th, 2020								
Sheriff Peter Kusminsky									
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>								

POLICY: The purpose of this Rules and Regulation is to plan and implement a response to incidents in Greene County Schools that involve hostile, armed or threatening individuals and threats, real or implied, that involve explosive devices and weapons.

I. Definitions

- A. Bomb Threat: Any telephoned call, written communication, verbal communication, suspicious item and/or hazardous device, which, due to information received, threat or circumstances suggests, implies or confirms that an explosive device is, or may be, in place which could result in injury, loss of life or loss of property.
- B. Hostile, Armed or Threatening Individual: Any individual who appears on the grounds, vehicles, or buildings comprising a Greene County School District with a weapon, dangerous object or explosive device that may cause harm, injury or death to another person or persons and who threatens, annoys or causes fear of death or injury with a weapon, dangerous object or explosive device or verbally, in writing or physically threatens to harm another.
- C. Barricaded Subject: Any individual who is reasonably believed to be a threat to commit serious bodily injury or death to hostages, deputies or others in the community while in a stronghold position.
- D. Active Shooter: One or more subjects who participate in a random or systematic shooting spree demonstrating their intent to harm others. Their overriding objective appears to be that of mass murder rather than criminal conduct.
- E. Immediate Action rapid Deployment: The swift and immediate deployment of law enforcement resources to ongoing, life threatening situations where delayed deployment could result in death or bodily injury to innocent persons.

II. Procedure

A. Patrol Response:

1. The area patrol and area shift supervisor or supervisor and on-duty officer(s) will be the first to respond to the scene of a school incident. First responders will conduct an immediate on site assessment (if possible with school officials) and determine:

- a. What the problem is (intruder, bomb).
 - b. Where the problem is located.
 - c. What has been done.
2. Results of the on site assessment will immediately be reported to the Sheriff, Undersheriff LED Lieutenants. As the situation dictates and/or pending arrival of additional law enforcement and emergency services personnel, first responders will assure the safety of staff and students, safe evacuation into a secure evacuation area and preservation of any crime scene.
 3. First responding officers will consider and employ rapid deployment at an incident scene when the use of rapid deployment:
 - a. is determined to be critical to resolution of the incident.
 - b. is necessary to contain the movements and continued aggressive actions of "the active shooter".
 - c. is required because the suspect has moved to a location with access to additional victims and use of rapid deployment is paramount to the safety and rescue of these victims.
 - d. is necessary to save lives.
 4. Rapid deployment will be initiated when the first two (2) officers at the scene form an entry team and enter the location in search of "the active shooter".
 - a. Upon making contact the initial entry unit will:
 - i. Stop the threat with deadly force.
 - ii. Limit his or her movement.
 - iii. Prevent escape.
 - iv. Communicate with command personnel and other responders.
 - v. Provide updated assessments of the situation.
 5. Upon arrival at the scene, SRT personnel will replace the initial entry unit.
 6. Situation permitting, in accordance with provisions of GCSO Rules and Regulations 181, "Columbia Greene Shared Services Response Team" first responding units will maintain an inner perimeter, note names and addresses of witnesses for possible interview at a later time and gather intelligence data on suspects and/or locations.

D. Command Response:

1. Upon notification from the Greene County 911 Center of a report of a bomb or presence of armed or threatening individuals in a school, and as the situation dictates, the Sheriff, Undersheriff, LED Lieutenants may authorize deployment of the Mobile Command Center in accordance with provisions contained in GCSO Rules and Regulation O13A, "Mobile Command Center", and determine the location where the Mobile Command Center will be located.
2. Command and control will be the LED Lieutenant. In the absence of the LED Lieutenant the Senior Command Officer will assume command and control.

3. The Senior Command Officer on scene will establish an interior and exterior perimeter using manpower available at the time. Perimeter security can be enhanced with arrival of additional manpower. Plain-clothes officers will not be allowed on the inner perimeter. Initial response will include one (1) unit on each side of the building.
4. With arrival of sufficient law enforcement personnel, search parties will be deployed to search school grounds for explosive devices and suspects. Interior bomb search will be done by school personnel with the assistance of Law enforcement personnel.
5. Aircraft with infrared and thermal imaging capability may be utilized, per GCSO Rules and Regulations O76, "Military Aircraft", to search outside areas for suspects in the situation warrants this response.
6. If the incident in the school involves weapons and/or shots are fired, urgent concern must be directed to secondary devices in the school or on the school grounds. If a suspect is identified the suspect's vehicle, residence and personal property must receive priority response.
7. In addition to thorough interior building search, school district buses and vehicles, faculty, staff and student vehicles, shrubs, trees, waste containers, dumpsters and all objects adjacent to school buildings, play grounds, athletic fields, lawns and wooded areas and nearby residential and commercial buildings must be searched for suspects and primary and secondary explosive devices.
8. As soon as possible, an area will be designated, well beyond the outer perimeter, as a place where parents, relatives and interested civilians can wait while law enforcement responders access and process the situation. School districts will identify a liaison to interface with the Mobile Command Center to provide information and periodic updates on the situation for parents, relatives and bystanders.

E. SRT Response:

1. SRT activation will be at the direction of the Sheriff, Undersheriff or LED Lieutenant(s). Unit notification and activation will be in accordance with provisions of GCSO Rules and Regulations O14D, "Special Response Team".
2. The SRT Team Leader(s), after arrival at the incident scene, will assess the situation and recommend uniformed manpower to include additional police and SRT/SWAT personnel from other agencies, military assets and any additional equipment and/or human resources.
3. The SRT Team Leader(s) will assemble the unit at the GCSO Mobile Command Center or designated staging area and access all maps, building plans, campus plans and material relevant to the situation.
4. The SRT Team Leader(s) will be responsible for deployment of team members and levels and types of response based on conference and review with the Sheriff, Undersheriff or Senior Command Officer, assessment of the situation and intelligence information.
5. Additional Emergency Response Teams may be requested by the Sheriff, Undersheriff, Senior Command Officer or SRT Team Leader(s).
6. The SRT Team Leader(s) and school designee will be responsible for maintaining and updating a response file for each school district in Greene County. The file will include building blueprints, campus maps, vehicle information, student and personnel lists, daily class schedules and any response plan the district may have developed. The SRT Team Leader(s) will review these files with the Sheriff, Undersheriff and Command Staff.

F. Bomb Response:

1. Response to bomb threats, real or unsubstantiated, will follow the protocol contained in GCSO Rules and Regulation, O66, "Bomb Threats".
2. The level of response will be determined by the Sheriff, Undersheriff or Senior Command Officer either on scene or from information provided by first responding patrols on scene. None of the bomb squads identified in Rules and Regulation O66 will respond unless an actual explosive device or an object perceived to be an explosive device is found.
3. Priority in requesting a bomb squad will follow the order listed below with distance and response time determining priority:
 1. New York State Police Bomb Squad: 518-851-3111
 2. US Army Explosive Ordinance Disposal Squad: Ft. Drum, NY
315-773-4044

H. Media Response:

1. Response to the media, both printed and electronic, will follow the guidelines established by GCSO Rules and Regulation, A30, "News Media". For the safety of all those involved, law enforcement, emergency services and civilians, strict attention must be directed to enforcing outer perimeter security.

I. Proactive School Response:

1. Upon request from a Greene County School District, the GCSO will meet with school officials and make them aware of proactive options available to ensure a safe learning environment for students and a safe working environment for staff.
2. Options offered by the GCSO will be the following:
 - a. Campus Security Review
 - i. The GCSO will provide, upon request, deputies and investigators who will examine school district buildings and grounds and make recommendations that will enhance security by addressing critical safety issues. A safe school security checklist will be provided the district superintendent for future consideration and use.

Greene County Sheriff's Office

Subject:	CLANDESTINE LABORATORY PROTOCOL	Policy	164
Effective:	January 1, 2016	Standard Number(s):	
Rescinded:	Amended:	Sheriff, Gregory R. Seeley	
Reviewed:			

Purpose: In the event of a report or discovery of a clandestine drug manufacturing facility (Clan Lab) in Greene County, Patrol and Criminal Investigation personnel will take immediate action to ensure personal safety, take custody of suspects, secure the crime scene and notify the proper authorities. The appropriate hazardous materials team will be called to the scene and will clean/dispose all of the chemicals on the scene. Suspected Clan Lab sites will be approached with caution in that production production materials, by-products and the products are toxic substances that can cause serious health problems and death. Many of the chemicals used in clandestine drug production are reactive, explosive, flammable, corrosive and/or toxic. Clan Labs are known to be booby-trapped.

The GCSO on site Commanding Officer will ensure the closest fire service is contacted to provide assistance in the event of fire and for decontamination.

Initially the Greene County Haz-mat team will be called to assist at the scene. The NYSP hazardous scene team may be called to assist with the securing of the scene, collecting evidence and scene decontamination.

Greene County Sheriff's Office

Subject: INFECTIOUS ANIMAL DISEASE POLICY						Policy 165	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff , Gregory R. Seeley			
Reviewed:							

Policy: Bioterrorism threats not only impact on the human population but threaten the animal population as well. Much of the economy of Greene County is based on agriculture with significant and varied animal populations. Greene County also supports a large and varied wildlife population. Police services personnel responding to situations involving sick or deceased animals and communication personnel receiving reports of sick or deceased animals must follow proper protocol and reporting requirements when informed of or exposed to sick or deceased animals suspected to be victims of bioterrorism.

Procedure:

I. Response

- A. Upon receiving a report of a sick or deceased animal, either domesticated or wild, the dispatcher will attempt to ascertain from the caller the symptoms the animal exhibits and determine if those symptoms appear to be bioterrorism related.
- B. A patrol will be dispatched to the incident scene, with as much information as is available from the caller.
- C. The Greene County Health Department will be notified if bioterrorism is suspected by the on-scene deputy.
- D. The Sheriff, Undersheriff and Lieutenants will be notified of any suspected incidents involving bioterrorism.
- E. Local and State agencies will be notified pending approval of the Sheriff, Undersheriff, or Lieutenants.

II. Patrol Response

- A. Upon arrival at the scene the deputy will restrict movement of the animal, contact with the animal and access to the area.
- B. The deputy will make an on scene assessment as to the need for a Health Department response. Reasonable judgment must be used in making the assessment, e.g. exposures do not include animals covered with dust after rolling in dirt, etc.
- C. Soap and water will be used immediately to wash any material on people resulting from contact with the suspect animal.
- D. Contact with the animal should be avoided, but if necessary to make contact gloves and gowns should be worn.

III. Epidemiologic Signs of Disease In Animals

- A. The animal exhibits unusual symptoms.
- B. A sudden increase in illness is exhibited in previously healthy animals.
- C. Simultaneous disease outbreaks occur in human and animal populations.
- D. Unusual geographic clustering of illnesses appear.

IV. Possible Disease Agents for Bioterrorism Exposures to Animals.

A. Anthrax

- 1. Animals often found dead.
- 2. Live animals may exhibit fever, depression, visible dead tissue and enlargement of internal organs.

B. Tularemia

- 1. Rodents most susceptible, including rabbits and squirrels.
- 2. Sheep may display respiratory distress, fever and rigid gait.
- 3. Abscess usually visible at inoculation site.

C. Plague

- 1. May only display fever and lethargy.

2. Enlarged lymph nodes.
3. Abscesses possible on tongue, back and legs.

D. Brucellosis

1. Abortion in female animals and infection in reproductive organs of male animals common.
2. Domestic pets display neuralgic disease.
3. Fistulous withers noted in horses.

V. Contact Agencies

- A. Greene County Department of Health: 518-719-3600.
- B. New York State Department of Agriculture and Markets: 518-457-3502.
- C. New York State Department of Health: 518-474-3186.
- D. New York State Department of Environmental Conservation Wildlife Pathology Unit: 518-478-3032.

GREENE COUNTY SHERIFF'S OFFICE

Subject:	EXPOSURE CONTROL AIRBORNE COMMUNICABLE DISEASES	Policy 165A
Effective:	January 1, 2020	Standard Number(s): 3.1
Rescinded:	Amended: August 17th, 2020	Sheriff Peter Kusminsky
Reviewed:		

I. Policy

The purpose of this Rules and Regulation is to establish guidelines for personnel involving situations in which they may come in contact with a person infected with a communicable disease or contact with the body fluid of another and to establish policy within the GCSO relative to the safe handling, packaging, transportation and disposal of infectious or potentially infectious waste.

The GCSO recognizes that personnel may be exposed to communicable diseases which can be transmitted by direct contact with an infected individual and/or through contact with body fluids of another. This Exposure Control Plan has been established to minimize the risk of exposure to infected individuals, body fluids and infectious waste. Any direct exposure to the body fluids of another person should be considered as a possible exposure to a communicable disease. All infectious waste will be handled in a manner consistent with procedures set forth in the Exposure Control Plan.

The risk of exposure to a communicable disease does not relieve personnel of the obligation to perform their duties. Personnel with AIDS or some other communicable disease(s) may be considered handicapped under Section 503 and 504 of the Rehabilitation Act of 1973. Therefore, reasonable accommodations may be made to keep handicapped employees working who are able to perform the duties of their position. If a supervisor has reasonable cause to believe that an employee with a communicable disease is unable to perform his or her duties and/or may be placing fellow employees or the public at risk, he or she, after consultation with administrative staff, may request a Certificate of Fitness by the employee's physician or a physician selected by the Sheriff. The Surgeon General and all major medical experts in this field agree that AIDS is not transmitted through casual contact in the workplace. If an employee refuses to work with a co-worker who has or is believed to have AIDS or is HIV positive, and has been informed of the AIDS policy and continues to refuse to work with the person, he or she will be subject to disciplinary action.

II. Definitions

- A. **Communicable Diseases:** Any diseases that are capable of being transmitted from one person to another. For the purpose of this Exposure Control Plan, the term includes, but is not limited to, the diseases known as Acquired Immunodeficiency Syndrome (AIDS), hepatitis B, and tuberculosis.
- B. **Blood:** Human blood, human blood components, and products made from the human blood.

- C. Blood borne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus and human immunodeficiency virus (HIV).
- D. Contaminated: The presence or the reasonable anticipated presence of blood or other potentially infectious materials on any item or surface.
- E. Contaminated Laundry: Laundry that has been soiled with blood or other potentially infectious materials or which may contain “sharps” (hypodermic needles, scalpels, etc.).
- F. Decontamination: The use of physical or chemical means to remove, inactivate or destroy blood borne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling or disposal.
- G. Exposure Incident: A specific eye, mouth or other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that result from the performance of any employee’s duties.
- H. Personal Protective Equipment: Specialized clothing or equipment worn by personnel for protection against a hazard. General work clothes (uniforms, pants, shirts or blouses) are intended to function as protection against a hazard are not considered to be personal protective equipment. Protective facial masks, rubber gloves, Tyvek suits, Tyvek slip on boot covers, puncture resistant gloves and face shields are available to all Deputies. Protective facial masks and rubber gloves will be stocked and available at each satellite and in each patrol car. Tyvek equipment will be available when needed from the Main Office. Each Deputy will utilize said equipment when necessary to provide protection to themselves from exposure.
- I. Body Fluids: Body secretions such as blood, semen or any other fluid that might contact blood, semen, saliva, vomit, urine, feces or vaginal secretions. Perspiration is not considered a body fluid.
- J. Direct Contact: Direct contact between blood and/or body fluids of one person and the eyes, nose, mouth or broken skin of another.
- K. Tuberculosis: Tuberculosis is a bacterial disease usually affecting the lungs (pulmonary TB). Other parts of the body can also be affected, i.e. lymph nodes, kidneys, joints, etc. (extra pulmonary TB). The term tuberculosis is generally shortened to “TB”.
- L. Biohazard: A material of biological composition, infective in nature, that constitutes a threat to humans or their environment. It is a term generally used to describe infectious waste materials.
 - 1. Hepatitis B: Hepatitis B is an inflammation of the liver caused by the hepatitis B virus.
 - 2. Acquired Immune Deficiency Syndrome (AIDS): A viral infection that destroys the body’s natural immune defenses against disease.
 - 3. High Risk Group: Those groups of people who are highly susceptible to contracting a communicable disease, to include homosexual or bisexual men, intravenous drug users and male or female prostitutes. Jail inmates are considered as high-risk individuals.
 - 4. Infectious Waste: Material soaked or saturated with human blood, discarded serums, vaccines, pathological wastes, including human tissue and anatomical parts, laboratory wastes including animal carcasses which have been exposed to pathogenic organisms, wastes from patients in isolation, as well as articles being discarded that are potentially infectious and might cause punctures or cuts. Infectious waste further includes hypodermic needles, intravenous tubing with needles attached, pipettes and scalpels that have not been autoclaved or subjected to a similar decontamination

technique and crushed or otherwise rendered incapable of causing punctures or cuts. New York State Law requires that infectious waste be disposed of at a state-regulated

on-site incinerator or surrendered to a transporter who possesses a special state permit to handle these types of waste.

III. Blood borne Diseases-General Precautions

- A. Personnel must use personal protective equipment unless they are in a rare and extraordinary circumstance where in their professional judgment such use would prevent the performance of duty in a timely manner.
- B. Disposable latex gloves and/or other protective items must be worn when coming in contact with a person known to have or reasonably suspected of having a communicable disease. Gowns, aprons and other protective body clothing must be worn in occupational exposure situations.
 - 1. Personnel may, at their discretion, wear gloves while processing prisoners or other persons for fingerprinting. Consideration should be given to wearing gloves while searching persons suspected of having a communicable disease. Caution should also be used when reaching into areas such as under car seats, searching pockets, purses, bags, etc., to avoid needle sticks or cuts. Persons who sustain a needle stick or puncture wound should induce bleeding and wash the wound thoroughly with soap and water. If an exposure occurs, it must be reported to the employee's supervisor and the employee will complete an Employee Injury Report.
 - 2. Whenever an employee is in contact with body fluids of another individual, such as rendering first aid or gathering bloody evidence, gloves or other protective equipment will be worn (gloves, gowns, boots, goggles, etc., as determined necessary by the employee.
 - 3. Employees should be aware that items such as pens, clipboards, telephone receivers, etc., may become contaminated if touched while wearing gloves contaminated with body fluids. In addition, employees must ensure that rings, jewelry and fingernails do not compromise the integrity of the gloves.
 - 4. Employees should cover all cuts and breaks in the skin while on duty. Employees with skin disorders, such as psoriasis, should cover all exposed areas as a precaution.
- C. During the collection and preservation of biological evidence, a high risk of exposure to contaminated fluid exists. Additional preventative measures should be utilized.
 - 1. During the collection of biological evidence, wet or dry, gloves should be worn. Gloves must be worn when anticipating contact with body fluids and replaced if torn or punctured. Single-use disposable gloves will not be washed or decontaminated for re-use.
 - 2. When scraping dried samples of biological evidence, consideration should be given to wearing eye protection and surgical masks.
 - 3. All procedures involving blood or other potentially infectious material will be performed in a manner so as to minimize splashing, spraying, spattering or generating droplets. Masks and eye protection devices must be worn whenever splashes, spray, spatter or droplets of bloody fluids may have contact with the eyes, nose or mouth.
 - 4. Employees should avoid stepping in any body fluids since shoes and other clothing may become contaminated. Shoe covers will be worn when gross contamination can be anticipated.
 - 5. Sharp objects that may be contaminated (needles, razor blades, etc.,) will be placed in a puncture resistant container prior to transporting.

6. Specimens of potentially infectious materials will be placed in a container which prevents leakage during collection, handling, processing, storage and transporting. All such containers will be labeled or color coded and closed before being stored or transported. If a specimen could puncture a container, it will be placed in a second container which is puncture resistant.
 7. All biological evidence contaminated with blood or body fluids will be clearly marked as such with the biohazard symbol.
- D. Frequent hand washing is an important safety precaution. Hands and skin should be washed with soap and water and mucous membranes flushed with water immediately following contact with potentially infectious materials. Hand washing facilities are readily available at all GCSO work sites. For personnel in field operations, an appropriate antiseptic hand cleaner and clean cloth or paper towels or antiseptic towelette should be used.
 - E. After coming into contact with a known or suspected carrier of a communicable disease, personnel should not eat, drink, chew gum or smoke until they have disinfected their hands. Eating, drinking, smoking, applying cosmetics, lip balm and contact lenses in work areas where there exists the possibility of exposure to infectious fluids must be avoided. Food and drink are not to be kept in refrigerators, freezers, shelves, cabinets or counter tops where potentially infectious materials are present.
 - F. When dealing with a subject who has a chronic cough, which may be indicative of a communicable disease, personnel should minimize close contact and may utilize a surgical mask as a form of protection.
 - H. In order to reduce the possibility of exposure to a communicable disease, other persons coming into contact with a person who makes a voluntary statement that he or she has a communicable disease, should be advised (paramedics, ambulance or hospital personnel, jailor, etc.).
 - I. If the interior of a vehicle becomes contaminated, no other persons will be transported in that vehicle until it is decontaminated. Any uniforms or equipment (weapons, radios, handcuffs, etc.), that is contaminated must be decontaminated before further use.
 - J. All evidence or property contaminated with body fluids will be handled as if it were contaminated with a communicable disease. The material will be packaged and identified with the biohazard warning label.

IV. Housekeeping

- A. All equipment and environmental work surfaces must be cleaned and decontaminated as soon as possible after contact with body fluids.
- B. Equipment (garments) must be removed as soon as possible if penetrated by potentially infectious material.
- C. All equipment must be removed before leaving the work area and placed in a designated area or container for storage, washing, decontamination or disposal.
- D. Any contaminated equipment that is not disposable must be examined before servicing or shipping and decontaminated, as necessary, if possible.

- E. The biohazard label will be attached to equipment stating which portion remains contaminated. This information is to be conveyed to all persons who may handle the equipment so precautions will be taken.
- F. Protective coverings used to cover equipment and other surfaces will be removed and replaced as soon as possible when contaminated.
- G. Any receptacles intended for reuse that may have been contaminated must be inspected and decontaminated as soon as possible after visible contamination and cleaned at regular intervals.
- H. Broken glassware which may be contaminated must not be picked up directly with the hands.
- I. Reusable contaminated "sharps" must not be stored or processed in a manner that requires personnel to reach by hand into containers where "sharps" have been placed.
- J. Disposable contaminated "sharps" will be discarded immediately in containers that are closable, puncture resistant, leak proof and labeled or color coded.
- K. Contaminated needles and "sharps" are not to be manipulated or recapped.
- L. Containers for contaminated "sharps" must be easily accessible and located as close as feasible to areas where "sharps" are used.
- M. Containers should be upright throughout use, replaced routinely and not allowed to overfill. When moving containers, they will be closed prior to removal.
- N. Reusable containers will not be opened, emptied or manually cleaned.
- O. Other regulated waste will be placed in containers that are closable, leak proof, labeled and color coded prior to removal.
- P. If outside contamination of the containers occurs, it will be placed in a second container with the above qualifications and closed prior to removal.
- Q. Contaminated laundry must be handled as possible and bagged at the location where used.
- R. Laundry will be placed and transported in bags that prevent leakage of fluids and are labeled and color coded.
- S. Personnel who have contact with contaminated laundry must wear gloves and protective equipment.

V. Exposure

- A. Examples of high-risk exposure:
 - 1. Direct contact with bodily fluids from a subject suspected of having a communicable disease, especially when the bodily fluids are exposed to broken skin or mucous membrane (eyes, mouth, cuts, etc.).
 - 2. Direct mouth-to-mouth resuscitation (CPR) with a person suspected of having a communicable disease.
 - 3. Receiving a cut or puncture wound as a result of searching or arresting a subject suspected of having a communicable disease.

- i. There is no sure way to identify someone at high risk. Therefore, it must be assumed that everyone's blood or body fluids are potentially infectious. The CCSO adheres to the concept of universal precautions under which personnel should try to avoid contact with blood and body fluids of others.

B. Employee Risk Categories (based on potential risk):

1. Category 1: Direct contact with blood or other body fluids to which universal precautions apply. Positions in this category include the jail nursing staff, jail physician, and identification technicians.
2. Category 2: Activity performed without blood/body fluid exposure, however, exposure occur in an emergency. Positions in this category include Deputy Sheriff Road Patrol, Corrections Officer, Court Security Officer, Civil Deputy and those civilian employees that perform similar duties or who may be exposed to individuals listed in the high-risk group.
3. Category 3: Task or activity that does not entail predictable or unpredictable exposure to blood. Positions in this category may include administrative assignments or clerical positions.

C. Representative job tasks with the potential for risk exposure:

1. Deputy Sheriff Road Patrol:
 - i. Altercations with subjects.
 - ii. Searching suspects and their property.
 - iii. Handling confiscated hypodermic needles.
 - iv. Handling weapons, property and clothing contaminated with blood.
 - v. Responding and caring for accident victims.
2. Corrections Officer:
 - i. Altercations with inmates.
 - ii. Searches of inmates and cell blocks.
 - iii. Altercations between inmates.
 - iv. Housekeeping activities such as cleaning spills of bodily fluids.
 - v. Responding and caring for sick and injured inmates.
3. Court Security Officer:
 - i. Altercations with inmates and defendants.
 - ii. Body and property searches.
 - iii. Handling confiscated weapons and hypodermic needles.
 - iv. Responding and caring for injured and sick inmates, defendants and general public.

4. Civil Deputy:

- i. Altercations with civil defendants.
- ii. Body and property searches.
- iii. Handling confiscated weapons and hypodermic needles.

5. Civilian Employees:

- i. Altercations with inmates, defendants and suspects.
- ii. Situations arising from close working relationship with deputies and a high risk clientele.

- D. It is the policy of the GCSO to make the hepatitis B vaccine available to all personnel who have occupational exposure to blood or other potentially infectious materials.
- E. Personnel whose positions are considered to be in Risk Category 1 or 2 will be offered hepatitis B vaccinations, free of charge and in the amounts and at times prescribed by standard medical practices. The GCSO will provide education on the benefits and risks of the hepatitis B vaccine. Personnel are encouraged to contact their personal physicians to help determine the effectiveness of this voluntary vaccination. If vaccination is desired, the immediate supervisor shall be notified. Vaccines will be offered through the Greene County Health Department.
- F. It is also the policy of the GCSO to safeguard employees who may be exposed to a serious or life-threatening communicable disease while still providing essential services to the community. Therefore, the GCSO may conduct serological testing or personnel for communicable diseases when there exists reasonable belief that the employee was exposed. Serological testing will be performed only with employee consent.
- G. When direct exposure has occurred, the American Medical Association's recommendations for testing and diagnosis will be followed. The expenses for the original diagnosis will be borne by the GCSO. The employee will immediately report the exposure to his immediate supervisor who will ensure that the employee receives proper medical care. The Health Care provider will complete an *Infectious Material Exposure Form* in compliance with OSHA Regulations. The Road Patrol Lieutenant, Captain, Undersheriff and Sheriff will be notified of the exposure, examination, diagnosis and treatment.
- H. All newly hired employees will be offered hepatitis B vaccinations at no cost to the employee.
- I. Employees may decline the vaccination. However, they may opt to receive a vaccination at a later date at no cost.

VI. Post Exposure Evaluation and Follow-up:

- A. Documentation must be made of the route of exposure and circumstances under which the incident occurred.
- B. Identification and documentation of the source individual should be made unless identification is not feasible or prohibited by law.
- C. The source's blood should be tested for HBV and HIV as soon as possible after consent is obtained. If consent cannot be obtained, it must be documented.
- D. If infectivity of HBV or HIV of the source is already known, no testing is indicated.

- E. The exposed person will be informed of the results of the source individual's test results and cautioned regarding disclosure of the identity and infectious status of the source individual.
- F. The exposed individual's blood will be collected as soon as possible and tested after consent is obtained.
- G. If the employee consents to baseline testing for HBV, but not to HIV, the sample will be preserved for 90 days. If within that period, the employee elects to consent to HIV testing, it will be done.
- H. Post exposure treatment will be facilitated when indicated.
- I. Counseling and evaluation of the reported illnesses will be provided to the employee.
- J. The following information will be provided to the healthcare professional for post exposure evaluation:
 - 1. A copy of the Occupational Safety and Health Administration (OSHA) regulations will be made available to the evaluating healthcare professional.
 - 2. A description of the exposed employee's duties as they relate to the exposure incident.
 - 3. A documentation of the route of exposure and circumstances under which the exposure occurred.
 - 4. Results of the source individual's testing if available.
 - 5. Medical information relevant to appropriate treatment including the employee's vaccination status.

VII. Recordkeeping

- A. Medical records will be kept confidential and not disclosed without the employee's written consent either within or outside the GCSO.
- B. Medical records will be provided for examination and copies for the employee, OSHA representatives and others with the employee's written consent.
- C. Medical records will include:
 - 1. Name and social security number.
 - 2. Hepatitis B vaccination status and any medical record relative to the employee's ability to receive the vaccine.
 - 3. Copy of results of the examinations, tests and follow-up procedures from any previous exposure.
 - 4. Copy of healthcare professional's written opinion of the employee's post exposure. Follow-up, including if hepatitis B vaccination was indicated, that the employee was notified of results of the evaluation and any medical conditions resulting from the exposure which required further evaluation and treatment.
 - 5. Copy of the information provided to the healthcare professional upon follow-up of exposure.
- D. Medical records will be maintained for thirty years beyond termination of employment.

VIII. Training

- A. The Greene County Sheriff's Office will be responsible for specific training of personnel with respect to the following:
1. Recognition of activities that may involve exposure to potentially infectious materials.
 2. The basis for selection of appropriate protective equipment.
 3. Information regarding the types, proper use, location, removal, handling, decontamination and/ or disposal of the protective equipment.
 4. An explanation of the use and limitations of practices that could prevent or reduce exposure, including appropriate engineering controls, work practices and protective equipment.
 5. An explanation of the signs, labels and/or color coding which identifies infectious waste.
 6. Information regarding hepatitis B vaccine, its efficiency, safety and benefits.
 7. Review of the procedure to follow if an exposure occurs, including who to call and what medical follow-up will be made available.
 8. An explanation of the OSHA standards and this Rules and Regulation, copies of which will be made accessible to employees.
 9. Maintenance of a record of the training sessions to include dates, summary of content, names and qualifications of persons conducting same and names and job titles of all persons attending. These records will be maintained for three successive years.
 - i. Training records will be made available for examination and copies for employees and the OSHA representatives.

IX. Handling And Disposing Of Infectious Wastes

- A. Handling Infectious Waste:
1. Deputies in the field are to treat all blood, blood tainted materials, body fluids and hypodermic needles as infectious materials and should handle, package and transport as such.
 2. All packages of infectious waste that are not being held for evidence must be clearly marked on the package and delivered to the Jail Medical Unit for proper storage and later transported by a New York State approved infectious waste handler. All labels will be marked with the biohazard symbol.
 3. Infectious waste not deemed to be evidence will be transported to the Jail Medical Unit at least once per week for appropriate disposal. Transportation of infectious waste will be in red bags or red plastic containers. The bags are red in color and marked "Infectious Waste" in English and Spanish and have the international biohazard logo imprinted on them. The red plastic quart containers, marked with the biohazard logo, are to be used for such items as hypodermic syringes and needles. The containers are not reusable and are not to be used for anything other than sharp infectious materials. These containers will be secured to prevent loss of contents. All infectious waste will be double bagged.

4. Infectious waste container supplies will be made available to all work locations and in all patrol units. Each vehicle will contain three infectious waste bags. Bags are not to be reused or utilized for anything except infectious waste.

B. On-Site Disposal

1. The Jail Medical Unit is designated as the collection, packaging and disposal center for GCSO waste designated as infectious.
2. All infectious materials to be disposed of will be secured in a properly marked red "Biohazard/Infectious Material" waste bag and transported to the Greene County Jail. The bag containing the questioned contents will be turned over to GCSO Jail Medical Staff. Greene County Jail and Jail Medical personnel will ensure proper disposal of such material at a proper disposal site.

X. Airborne Diseases-Tuberculosis

- A. The U.S. Department of Health and the CDC list the following individuals as high risk compared to the general population:

1. Persons with HIV infection.
2. Close contacts with infectious tuberculosis cases.
3. Persons with medical conditions that increase the risk of TB.
4. Foreign-born persons from high prevalence countries.
5. Low-income populations, including high-risk minorities.
6. Alcoholics and intravenous drug users.
7. Residents of long-term care facilities, including prisons.

XI. Education And Training

- A. The general training of GCSO personnel regarding prevention of occupational exposure to hepatitis B and/or HIV will include the following:

- i. Background and importance of regulation.
- ii. Universal precautions.
- iii. What is hepatitis B and HIV?
- iv. What are the symptoms?
- v. Where is the virus found (which body fluids)?
- vi. How is it spread?
- vii. How soon do symptoms occur?
- viii. How long is a person able to spread the virus?
- ix. What risks are there for a fetus?
- x. What are the serious effects of the disease?

- xi. What is considered to be a significant exposure to the diseases?
- xii. What occupational activities put a worker at risk for hepatitis B and HIV?
- xiii. How can the employee protect him or herself against hepatitis B and HIV?
- xiv. What protective equipment should be used?
- xv. How important is hand washing?
- xvi. How should needles and other sharps be disposed and transported?
- xvii. How should blood spills be cleaned?
- xviii. How should blood and/or body fluids be transported?
- xix. How should soiled laundry be handled?
- xx. What is infectious waste?
- xxi. What labels and/or color coding identifies infectious waste?
- xxii. What is hepatitis B vaccine?
- xxiii. How safe is hepatitis B vaccine?
- xxiv. How effective is hepatitis B vaccine?

XII. Communicable Disease Exposure Coordinator

- A. The coordination of communicable disease exposure for the GCSO is the responsibility of the Greene County Department of Public Health, 411 Main Street, Catskill, New York. The Greene County Department of Public Health during normal business hours, call 518-719-3600. For after hours emergencies, contact dispatch at 518-622-3344 and request the Public Health on call supervisor.

**GREENE COUNTY SHERIFF'S OFFICE
INFECTIOUS MATERIAL EXPOSURE FORM**

TO BE COMPLETED BY EMPLOYEE'S HEALTH CARE PROVIDER

Employee's Name: _____ DOB: _____

Date of Incident: _____

Date of This Report: _____

Name of Health Care Provider: _____

Address: _____

To be compliant with OSHA Regulations, within 15 days of the incident the Columbia County Sheriff's Office needs to be provided with the following information, which will be kept strictly confidential:

Is a Hepatitis B vaccination indicated for this individual? (Yes)_____ (No)_____

Has the individual been informed of the results of this evaluation? (Yes)_____ (No)_____

Has the individual been informed of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation and treatment? (Yes)_____ (No)_____

All other findings or diagnosis will remain confidential and will not be included in this statement.

GREENE COUNTY SHERIFF'S OFFICE

EMPLOYEE IMMUNIZATION CONSENT FORM

Hepatitis B Vaccine

Employee: _____ Date Of Hire: _____

1. I am already immunized against Hepatitis B.

Dates of Hepatitis B Vaccinations:

#1 _____ #2 _____ #3 _____ Boosters _____

2. Hepatitis B is contraindicated for medical reasons.
3. I have decided to receive Hepatitis B Vaccine. I have read the information about Hepatitis B and have had a chance to ask any questions which were answered to my satisfaction. I understand that the immunization regimen consists of 3 doses of vaccine administered over a period of 6 months. I believe I understand the benefits and risks of Hepatitis B Vaccine and **request that it be given to me.**
4. I do not wish to receive the Hepatitis B Vaccine at this time. (Please sign and attach mandatory declination statement).

(Employee's Signature)

(Date)

(Supervisor's Signature)

(Date)

Greene County Sheriff's Office

Subject: SPECIAL EVENTS						Policy 166	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff : Gregory R. Seeley			
Reviewed:							

Policy: New York State Law requires sponsors of special events such as fairs, carnivals, festivals, etc. hosting large numbers of attendees prepare a contingency plan for the event governing the following:

1. Local emergency response agencies.
2. Emergency codes.
3. Reporting an emergency.
4. Duties of special event personnel.
5. Emergency plan distribution.
6. Training records.
7. Incident reporting.
8. Map of event grounds.

As an emergency services provider, the Greene County Sheriff's Office is a recipient of contingency plans and will provide emergency response and/or police services for the event.

Special Events, due to lower attendance numbers, not required to prepare a formal contingency plan often request police services from the Sheriff's Office.

I. Procedure

- A. Contingency plans and requests for police services for special events will be directed to the Sheriff, Undersheriff or Lieutenant(s).
- B. The Lieutenant(s) will review the contingency plan and contact the person responsible for the special event. In the event there is no contingency plan the Lieutenant(s) will contact the event point of contact. The Lieutenant(s) will determine:
 1. Anticipated attendance.
 2. Type of police services requested and required.
 3. Number of police services personnel required.
 4. Equipment, vehicles and specialized units required.

- C. The Lieutenant will advise the Sheriff and Undersheriff.
- D. The Lieutenant will designate a supervisor of the detail assigned to the special event.
- E. The Lieutenant(s) and the supervisor will develop, publish and distribute a schedule of personnel assigned to the event to include shifts assignments, requirement for any special equipment and instructions. The schedule will be forwarded to the Sheriff for approval.
- F. The supervisor will brief personnel assigned prior to departing the GCSO for the event grounds.
- G. The Lieutenant will maintain a file for each special event for which the GCSO provides police services, to include the after action report, for future reference.

Greene County Sheriff's Office

Subject: GREENE COUNTY COURT HOUSE ACTIVATION AND RESPONSE		Policy 167
Effective: January 1, 2016		Standard Number(s):
Rescinded:	Amended:	Sheriff : Gregory R. Seeley
Reviewed:		

POLICY: The purpose of this Rules and Regulation is to provide for an expedient and uniform response to any alarm activation at the Greene County Court House located on Main Street, Catskill, NY.

I. Procedure

A. The following procedures will be adhered to in the event of duress and fire alarms:

1. Alarm activations of **any type** at the Court House during **normal business hours** will be monitored and reacted to by the Court Security staff. No intervention is required by the dispatcher unless otherwise directed by Court Security. At such point, the following will take place:

- a. Dispatch the two (2) closest patrols.
- b. Notify the shift supervisor.

c. Dispatch any police services personnel from the Sheriff's Office as well as the Village of Catskill Police Department.

2. Alarm activations from the Court House after normal business hours (many employees work odd hours when Court Security is not in service) will be handled in the following manner:

- a. Fire Alarm
 - i. Dispatch Village/Town of Catskill Fire Department and Ambulance.
 - ii. Dispatch closest patrol unit as back-up.
 - iii. Notify shift supervisor.

3. Follow-up:

- a. All alarm responses will be logged in CAD.
- b. If an actual incident occurs and additional support is required, dispatch Sheriff's Patrols,

Catskill Police Department and shift supervisor.

4. Notifications:

a. In the event of an actual incident, the following notifications will be made:

i. Sheriff

ii. Undersheriff

iii. Lieutenants

Greene County Sheriff's Office

Subject: BOMB THREATS						Policy 168	
Effective: January 1, 2020			Standard Number(s): 58.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: The GCSO will follow the protocol contained herein upon receiving complaint of a bomb threat.

I. Procedure

- A. In the event the GCSO receives a report of a bomb threat, the dispatcher will send a patrol to the location and the call will be turned over to Greene County 911. If assigned the call and when the patrol arrives the call Star 64 if the threat was received by telephone and use any other telephone available to call from. If the threat was received by written correspondence the correspondence should not be handled and secured as evidence. The dispatcher will notify the Captain, Lieutenant and a courtesy call to the Fire Chief within whose jurisdiction the incident occurs. Upon arrival deputies will ascertain if a search of the building has been made. The occupant accompanied by responders, as deputies are not in a position to be familiar with anything that may appear to be unusual, should search buildings. If the building has not been searched, the person in charge of the building will be directed to assist responding officers in conducting a search and further instructed not to touch anything out of the ordinary. If nothing is found and it appears from the information received that the call is a hoax, it will be the responsibility of the person in charge of the building to either evacuate or remain in the building.
- B. If something out of the ordinary is found, or a device commonly used as an incendiary or explosive tool is located, the scene then becomes a crime scene and potentially dangerous. The GCSO will work with those people in authority to evacuate the building and secure a safe distance.
- C. If it is determined that a bomb squad should be dispatched, one of the following will be contacted to respond as requested:
 - 1. New York State Police Bomb Squad: 518-851-3111
 - 2. US Army Explosive Ordinance Disposal Squad: Ft. Drum, NY
315-773-4044
- D. Investigation of the incident will follow established guidelines for a criminal investigation.

Greene County Sheriff's Office

Subject: Evidence Request/Tagging						Policy 169	
Effective: January 1, 2020			Standard Number(s): 7.1,7.3				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose

It is the purpose of this policy to establish guidelines for the submission and management of property and evidence acquired by this Department during the course of business.

Policy

A. Proper handling and tracking of evidence is critical to the operations of the Greene County Sheriff's Office

B. The Evidence Custodian or his designee will be responsible for all required recording, storage, classification, retrieval, and disposition of evidence and property placed in the protective custody of the Greene County Sheriff's Office.

1. All Deputy Sheriff's shall place, as soon as practicable, all evidence and any found, confiscated, or recovered property coming into their possession in the proper temporary evidence location. The proper evidence locations are the metal evidence lockers and drop box located at 80 Bridge Street.
2. All the satellites are equipped with temporary evidence lockers.
3. The following Evidence items are NOT to be secured at satellites and must be Transported to GCSO as soon as Possible.
 - A. Firearms
 - B. Bloodkits
 - C. Cash or items of high value, i.e. jewelry or sensitive documents.
4. Investigators may, at their discretion, process evidence, and have evidence processed, at the New York State Police Laboratory in Albany. Evidence must be submitted to the Sheriff's Office so that evidence in question may be logged into the database.

C. In order to assure the efficient, orderly and appropriate operation of the evidence room and related procedures, at least once each year, a random audit of property within the evidence room will be conducted and properly documented by the Evidence Custodian and a member of the Greene County District Attorney's Office At least 25% of the current inventory will be audited.

Procedures

- A. All property and/or evidence taken into custody by an Deputy Sheriff will be properly tagged, marked, and/or sealed in bags or envelopes, when practicable, provided for that purpose.
1. The Deputy Sheriff obtaining the evidence or property shall include in his/her report, in addition to any other required information, the source (from whom), date, time, and location where the evidence or property was obtained.
2. All evidence and property shall be marked or tagged for future identification.
 - a. Whenever possible, evidence should be marked in a manner which will not:
 - (1) Damage the evidence or property;
 - (2) Impair its processing: or
 - (2) Allow the mark to be accidentally or readily removed.
 - b. If marking would have a negative effect on the evidence, the evidence will be secured in a sealed envelope or container and the envelope or container marked, rather than the evidence.
3. Any firearms taken into custody by an officer that require a NCIC check or weapons trace (GGUN) will have such check/trace performed by the officer entering such weapon into evidence/property. The NCIC check or GGUN trace will be done at a NYSPIN Terminal. The Performance of these tasks shall be noted in the case file.
4. All drugs and money shall be placed in separate property envelopes and sealed separately from any other evidence by the officer vouchering such evidence. The submitting officer shall initial and date the evidence bag on the seal.
 - a. Money will be counted by an officer and the officer will initial sealed evidence bag.
 - b. All drugs will be weighed and the weight will be entered on both the evidence bag and tag.
 - c. If drugs are taken into custody under circumstances other than arrests or investigations, (i.e., found abandoned), the reporting officer will note this on the Property Tag..
 - d. The Evidence Custodian will not accept these items if unsealed, unsigned and/or without a recorded drug weight.
 - (1) **The evidence will be returned to the officer for correction.**
5. Most evidence and property, unless otherwise indicated below, shall be secured in the temporary evidence locker by the officer submitting same.
 - a. Evidence and property which is too bulky, large, or numerous to be placed in the evidence locker, shall be placed upon direction of the evidence custodian.

b. Evidence and property that is flammable or explosive (such as cans, etc.) shall be stored in the garage.

c. Vehicles impounded or towed as evidence shall be handled pursuant to **Impounded Vehicles / Towed Vehicles Policy and Procedure**

6. Upon submitting evidence or property, all Deputy Sheriff's shall indicate such submission in writing on an evidence form, and /or a property receipt.

7. Upon receiving any evidence or property, the Evidence Custodian shall assure that it is properly marked and/or tagged, and securely stored with controlled access, and shall:

a. Catalogue all evidence and property, including the creation and maintenance of tracking logs;

b. Assure that all evidence requiring special attention, such as lab testing or other procedures, is properly and timely addressed;

c. Receive and secure all evidence returned from an officer, the Lab, or the District Attorney's Office in the same manner as the evidence was initially submitted; and

d. Arrange for the proper destruction of all evidence and property identified for destruction.

8. The following special security and safeguard measures shall be undertaken for the types of items described, and shall include the segregation of such items from other evidence:

a. Money, firearms, drugs, controlled substances and high value items shall be kept in a separate locked area within the evidence room.

B. Access to the evidence room shall be limited to those persons specifically designated and authorized by the Sheriff.

C. Evidence shall not be released from the evidence room under any circumstances except in accordance with the following guidelines:

1. Evidence will be released from the evidence room only for the following purposes:

a. lab and other authorized testing;

b. trial preparation and proceedings;

c. destruction, when statutorily authorized; or

d. when release and return is requested by an owner of stolen property or property used in the commission of a crime in accordance with Penal Law Section 450.10.

2. Prior to the removal of evidence from the evidence room, the Evidence Custodian will make the appropriate entries in the computer log to document such movement.

a. Each time a transfer of custody of physical evidence takes place, the Evidence Custodian must assure that the record includes:

- (1) The date and time of transfer;
- (2) the person's identity that received the evidence;
- (3) the reason for the transfer;
- (4) the name and location of where the property was transferred; and
- (5) any examinations performed (if applicable).

b. The Evidence Custodian must assure that the tracking log indicates all subsequent events, including the return of the evidence.

c. When all pending court matters involving the evidence are concluded, and the evidence is to be destroyed, upon receipt of appropriate releases, the Evidence Custodian shall make the appropriate entries in the evidence log..

3. When the owner of stolen property or property used in the commission of a crime requests return of the property, the Evidence Custodian shall conform to regulations as required by NYS Penal Law Section 450.10.

D. Property, other than evidence, will be released by the Evidence Custodian to the owner upon an adequate showing of ownership, or to a finder upon expiration of the required waiting period for the item, pursuant to Article 7(B) of the Personal Property Law.

Greene County Sheriff's Office

Subject:	FIREARMS SEIZED IN THE COURSE OF INVESTIGATING A CRIME	Policy	170
Effective:	January 1, 2020	Standard Number(s):	40.1,40.2
Rescinded:	Amended:	Sheriff Peter Kusminsky	
Reviewed:			

Purpose: The purpose of this policy and procedure is to establish a clear, well-defined procedure on handling and processing of firearms in accordance with Chapter 512 of the Laws of 1995 that requires agencies to report to DCJS information regarding firearms seized in a course of investigating a crime.

In response to Chapter 512 of the Laws of 1995 the outline responsibilities of this agency will be as follows:

- A Any firearms which are seized during the investigation of a crime will be turned in to the custody of the Member in charge of the Evidence Vault (Section 400.5 PL) and inventory maintained.
- B The Deputy assigned to the case will provide the following information of the firearms to the Communications Branch:
 - 1 Serial Number
 - 2 Make
 - 3 Model
 - 4 Caliber
 - 5 Type
 - 6 Date of Recovery
 - 7 AMM – Manufacturer's name
- C In accordance with provision of NYS Executive Law, Sections 230 and 837 Communications Branch will use the NYSPIN format GGUN to report firearms used or believed to have been used in the commission of crime.
- D Copy of T.T. will be kept on file with the Incident Report in the records office and with the Lieutenant in charge of the Evidence Vault.

Greene County Sheriff's Office

Subject: EVIDENCE / PERSONAL PROPERTY	Policy 171							
Effective: January 1, 2020	Standard Number(s): 7.1, 7.2, 7.3							
Rescinded:	Amended: August 17 th , 2020	Sheriff Peter Kusminsky						
Reviewed:								

**GREENE COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE
SUBJECT: SECURING OF EVIDENCE AND PROPERTY.**

- 171.1.1 Preamble to Non-Agency Property**
- 171.1.2 Types of Property**
- 171.1.2.1 Policy, Non-Agency Property**
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- 171.2.9 Storage of Blood or Urine Specimen**
- 171.2.10 Storage of Firearm (s)**
- 171.2.11 Procedure for non agency Firearm(s)**
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- 171.2.15 Court Orders Associated with Pistol Permits**
- 171.2.16 Orders of Protection**
- 171.2.17 Safekeeping**
- 171.2.18 Return of Firearm(s)**

- 171.2.19 Destruction of Firearm(s)**
- 171.2.20 Retention of Firearm(s)**
- 171.2.21 Annual Audit of Firearm(s)**
- 171.2.22 Found, and surrendered Property**
- 171.2.23 Release of Evidence to Deputies**
- 171.2.24 Evidence Disposition**
- 171.2.25 Audit of Permanent Evidence Storage Room.**
- 171.2.26 Forms used with Non-Agency Property**
- 171.2.27 Medical Box Return Procedure**

**GREENE COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE**

SUBJECT: Securing of Evidence and Property, continued.

171. 1.1 Preamble.

The Greene County Sheriff's Office recognizes that internal controls of Non-Agency Property, Evidence, Property in Safekeeping and Found Property, are essential to maintain public trust and confidence. Article 17 specifies Agency Policy and designated persons responsible for carrying out that policy.

An efficient and legal process for handling found, recovered or evidentiary property is critical for the Professional operation of the Sheriff's Office. Not only is this important in maintaining the chain of custody for criminal cases, but is essential for guarding the integrity of the personnel of the Sheriff's Office. The following sections establish a strict Non-Sheriff's Office property Management System and Procedures for the handling, security and disposition of this property.

171.1.2 Types of Property.

There are three types of Non-Agency Property:

1. Property held for safekeeping, at the request of the owner, or by Court Order, and found property. This property is under the control of the Undersheriff and the Evidence Custodian.
2. Evidence and seized assets: This property is under control of the Undersheriff and the Evidence Custodian.

3. Found Property: This property is investigated by the Deputy whose possession it comes into, and is assigned an incident / report number, and is under the control of the Undersheriff and the Evidence Custodian.

171.1.2.1 Policy, Non-Agency Property.

Policy – Property, which is found confiscated or otherwise obtained by any member of the Sheriff’s Office, while acting in an official capacity, must be reported as described in the following sections.

In most circumstances, the property will be turned into the Authorized property storage location in the table below, along with the appropriate forms necessary for future recognition and legal disposition. Any alternate storage location will be appropriately reported to and approved by the Sheriff or Undersheriff. (This order excludes property obtained from person(s) entering the Jail for incarceration purposes).

171.1.2.2 Storage Locations.

The following locations are approved for the storage of Non-Sheriff’s Office property, as outlined below:

- Evidence locker in the GCSO Main Office, permanent storage.
- Drop Box, (Mail Box) located in patrol room of GCSO Main Office. Temporary evidence locker.
- (5) metal lockers, secured with pad locks after evidence is placed inside, located in the GCSO Main Office, temporary securing of evidence and property.
- Property/Storage room, located at the GCSO Main Office, utilized for Office issuing Pistol Permits.
- Evidence locker, in Sheriff’s Office Garage, 2nd floor. Utilized for larger items or large quantities. Permanent Storage.
- Impound areas for motor vehicles, Greene County Highway Department’s Compound in Ashland, and Greene County Transfer station, ST 385, Town of Catskill, and the (7) Bay Garage GCSO locked rear bay, located at the GCEOC, 24 Volunteer Drive, Cairo.

The only vehicle impound exception is when vehicles are impounded for non-criminal reasons to a private facility. Other secure areas may be designated for the storage of Non-Sheriff’s Office property, as needed, with the approval from the Sheriff or the Undersheriff.

Whenever the designated person described in the above table changes, a total inventory of the storage location must be conducted by the new custodian, and a memorandum must be submitted to the Sheriff, confirming the accuracy of the inventory. All personnel assigned to the duties of property/evidence room management must successfully complete a course in property/evidence room management within one year of being assigned such duties.

171.2.0 General Procedure, all Non-Agency Property.

When property officially comes into the possession of any member of the Sheriff's Office, while acting in an Official capacity, must be documented. Under **ALL** circumstances, non-agency property will be identified within an incident report, and other forms appropriate for future recognition and legal disposition.

All property items are to be recorded on the Property receipt / Evidence Form, and will be numbered consecutively, and described in sufficient detail, to make them readily identifiable. Similar items in quantity can be listed as one item.

EXAMPLE: The Following items were received

ITEM: List type, make, model, serial number etc.

1. 50 small yellow tablets believed to be amphetamine.
2. \$ 250.00
 - A. 2 - \$100.00 Bills
 - B. 1 - \$ 50.00 Bill

NOTE: - for evidence, the "person received from" signature is optional if the person the property was taken from is unable to, or refuses to sign.

When property is delivered to a permanent or temporary storage area, it will be accompanied by the yellow copy of the receipt. The white copy is for the party said property was received from.

The evidence drop box is used for small non-agency property only, during non-business hours. Small items will be properly tagged or placed in sealed evidence bags, and placed in the drop box. To ensure the chain of possession, the evidence bag, or tag, must be endorsed as follows:

FROM	TO	DATE
Members Signature	Drop Box	Proper Time and Date.

Larger items received during non-business hours will be placed in one of the five provided temporary lockers, in the patrol room of the GCSO Main Office. These items will be documented, and tagged, as described above. If items are too large to fit in these temporary lockers, the Evidence Custodian, or the Undersheriff will be contacted, and will provide place in the permanent storage location.

171. 2.1 Evidence, Property Log Sheet.

In ALL cases involving Evidence/Property, an Evidence/ Property log sheet will be submitted to the Evidence Custodian or the Undersheriff. The log sheet shall have all pertinent information legibly transcribed and may be hand printed or typed. When property is released to a known owner, a property receipt will be prepared returning the property to the owner. The receipt will include all information regarding the property, including incident numbers, date property was received, the property number, the signatures of both the person receiving the property and the Evidence Custodian or member designated to release said property, and the date it was turned over.

171.2.2 Evidence marking.

The following sections will detail the procedures regarding non-agency property and the storage of evidence. Non-agency property/evidence shall be marked for future identification. Markings shall be done so as not to:

1. Damage the evidence or property.
2. Impair any processing by technicians.
3. Depreciate its Value.
4. Allow markings to be accidentally or readily removed.

171.2.3 Storage Area Security.

The Sheriff's Office storage areas are used to store both Agency and non-agency property. Access to keys and lock combinations is restricted as follows:

- The Key Cabinet, located in the Undersheriff's Office, is restricted to the Undersheriff, or his designee.
- Keys to the Evidence Lockers are restricted to the Undersheriff and the Evidence Custodian.
- Key to Garage lockers, 1st and 2nd floor are restricted to Undersheriff, and Evidence Custodian.
- Keys to Evidence Drop Box, in Coxsackie Office, Ashland Satellite, and Greenville Satellite, is restricted to Undersheriff and the Evidence Custodian.
- Impound access at the Transfer Station on ST 385, in Catskill, and Ashland County Garages are accessible to all Greene County Highway and Sheriff's Office Employees during business hours. Gates are secured after hours, and keys are available to personnel from the Greene County Sheriff's Office.

171.2.4 Temporary Storage Procedures.

1. Non-Agency Property and Evidence secured during non business hours or when the Undersheriff/Evidence Custodian are not available will be temporarily stored in the "Mail Box" evidence drop box located in the patrol room of the GCSO Main Office. Items, which are too large or fragile, will be placed in the lockers near the drop box. If items are too large, or extraordinary, due to size or value, the Undersheriff or the Evidence Custodian will be contacted, and will provide access to permanent storage.
2. Non-Agency Property or Evidence secured by members assigned to the Ashland or Greenville Satellites will be temporarily stored in the temporary evidence lockers in the satellites. It will then be transported to the Coxsackie Main Office and put into evidence by the Evidence Custodian. Items too large or fragile for Temporary Storage will be transported to the Coxsackie Office, and the Undersheriff or Evidence Custodian will be contacted to provide access to Permanent Storage.
3. In all cases an Evidence/Property Log Sheet will be completed and provided to the Undersheriff or Evidence Custodian prior to the end of the shift.
4. In all cases the evidence/property will be properly packaged and placed in secure storage, and Evidence/Property Log Sheet will be completed and provided to the Undersheriff or Evidence Custodian prior to the end of the collecting officer's shift.

171.2.5 Permanent Storage Procedures.

The Evidence Custodian shall maintain a log for the recording of all non-agency property. The log will contain at a minimum of the following:

1. Date item(s) placed in a permanent storage area
2. Case number or Blotter number
3. Name of owner of property- where applicable
4. Name of defendant-when property is Evidence
5. Description of item(s)
6. Location of item (which storage area)

Every item placed into permanent storage will have a fully completed evidence/property tag affixed or will be sealed in a plastic evidence bag with the required information on the bag completed.

171.2.6 Storage of Drug Evidence

The proper handling of confiscated controlled substances is of paramount importance. The following procedures will be strictly adhered to:

1. Drugs are stored in a locked cabinet within the Evidence Locker, controlled by a combination lock, or a pad lock, and separate from Money, Firearms and other property.
2. All Drugs are stored in sealed plastic Evidence Bags or as directed by the Undersheriff or the Evidence Custodian, if there is danger of spoilage.
3. The exact weight and number of pieces (crack rocks), tablets, vials, plastic bags etc. will be recorded on the Plastic Evidence Bag as well as the Evidence Log Sheet.
4. When seized drugs are to be used as evidence, they will be forwarded to the NYSP Forensic Investigation Lab Center for analysis. The evidence shall be accompanied by properly completed forms as required by the Division of State Police. (NYSP Lab 1 or 2, or DCJS 8).

171.2.6 Storage of Evidence / Seized Assets and Monies.

Prior to placement in the Evidence Locker, all monies taken as evidence, or as seized assets, must be counted by two employees. Both must place their signature after the words "counted by" in the "description of property" portion of the Evidence/Property Log Sheet. High value Gems, Jewelry and other small high value items should be inventoried in a manner similar to money.

171.2.8 Storage of Vehicles.

This section describes circumstances under which a person's vehicle can come under the control of, the Sheriff's Office, including vehicles seized as evidence or as seized assets.

1. Vehicles, as defined by the Vehicle and Traffic Law, and boats impounded as a result of the commission of a crime, must be transported to one of the designated secure impound areas, either the County Transfer Station, on ST 385, in Catskill, Ashland County Highway compounds, or the (7) Bay Garage in Cairo with a vehicle impound tag, prominently displayed, in the windshield. The member securing the vehicle shall prepare a completed Evidence/Property Log sheet. The sheet should go along with the keys, tagged indicating case number owners name, vehicle identification number, (year, make model, color, registration plate number) and submit all items to the Evidence Custodian, or the Undersheriff.
2. Vehicles towed and impound as a result of a MVA or Vehicle traffic violation/ misdemeanor, requires completion of the items in number one and in addition if the owner is not knowledgeable of the vehicles location, a

NYSPIN entry is required.

3. Vehicles seized as Evidence or, as a Seized asset, will be accompanied by both the Evidence/Property Log Sheet, and the vehicle impound report, and along with the keys, submitted to the Evidence Custodian or the Undersheriff.

171.2.9 Storage of Blood Specimen.

When Blood is secured and will be submitted as Evidence, the tube or vial must be sealed and initialed by the Arresting Deputy. An Evidence/Property Log Sheet and required Lab Submission forms, will be completed, and submitted, to the Evidence Custodian. The outside of the tube or vial container will be sealed and initialed by the Arresting Deputy and the container will be placed in the refrigerator located in the patrol room of the GCSO Main Office. A piece of evidence tape will be placed on the door of the refrigerator to signal evidence is located inside. If another blood specimen is taken and the refrigerator is already being used, the Deputy will contact his supervisor for further instructions. The sample will be transported to the NYSP Lab by the Evidence Custodian, or his designee, or mailed, registered mail, to the NYSP Lab, in Albany, within 72 hours.

171.2.10 Storage of Firearm(s).

Any Non-Agency Firearm (Dictionary Definition) coming into the possession of the GCSO must be rendered in a safe condition as follows:

1. Unloaded, and with the magazine, if so equipped, removed.
2. Action open. On certain semiautomatic firearms, the action cannot be kept open. A folded piece of paper or wood dowel will be inserted in the action to keep it open.
3. Safety on if possible.

During business hours all firearms and related ammunition and equipment must be turned into the Evidence Custodian, or the Undersheriff, accompanied by an Evidence/Property Log Sheet.

After business hours the temporary locking devices, in the patrol room of the GCSO Main Office, will be utilized. If no locker is available, and or the size requires alternative storage, the Evidence Custodian, or the Undersheriff, will be contacted to make provision for the secure storage of firearms. The Evidence Custodian, or the Undersheriff, is the only personnel authorized to document and secure firearms in the Evidence locked Gun Locker.

Long guns are stored in the Gun Rack designed for this purpose, and hand Guns are stored in suitable, labeled storage bins. All firearms will be tagged.

171.2.11 Procedure for Non-Agency Firearm(s)

The following are the procedures which shall be used by the Sheriff's Office members, when receiving or seizing all non-agency firearms, based on the purpose for which the firearms were received or seized.

171.2.12 Surrender of Firearms.

Firearms, which come into the possession of the Sheriff's Office for Protective Custody, or for reasons other than Evidence, will be secured in the property/storage room located in the GCSO Main Office. The reasons for Protective Custody include but are not limited to Firearms seized or surrendered as the result of a Court Order, Suspension or Revocation of a Pistol Permit, Voluntary Surrender, or Delivered for Safe Keeping.

Firearms may be accepted by; any sworn member of the Sheriff's Office Law Enforcement Section. Person(s) who desire to deliver or recover Firearms should make an appointment to ensure that a member is available to accept or turn over, and document, the firearm(s).

171.2.13 Accepting Firearm(s) for Protective Custody.

Follow these steps whenever a firearm is accepted for Protective Custody.

1. Make the Firearm Safe. This means unloaded, Action open and safety is on (if possible). For Semi-automatic handguns, where the action will not stay locked open, a wooden dowel, rolled tube of paper, a zip tie or piece of rope may be used to insert into the action.
2. If a case number has not been assigned, make a blotter entry detailing the Name, Address and Telephone number of the owner or person who delivered the Firearms.
The number of Firearms, make, models and serial numbers are required in the blotter entry.
3. Every effort should be made, NOT to accept magazines, hard or soft cases, ammunition, holsters or any other items not part of the Firearms.
4. **Perform a NYSPIN Gun Inquiry on each Firearm. Save the reply and attach to the Agency copy of the receipt.**
5. An Incident Report is required and a Weapons Property Receipt form will be completed for each transaction, containing the following information:
 - A. Incident Number
 - B. Received from, always include the persons full name, including middle initial, date of birth and phone number.
 - C. Include complete (911) address if different than mailing address and zip code.

- D. Describe any accessories, which are part of the Firearm, such as slings or scopes.
- E. If a pistol Permit was surrendered, include the number on, the list.
- F. The Office copy is always the yellow one. The white copy goes to the person turning in the firearm(s).
- G. Attach a copy of the order to the agency copy.
- H. Complete Evidence Tags as follows:

H1: An Evidence Tag is required for each Long Gun, and Hand Gun that is turned in.

- I. WARN the Person delivering the Firearm(s) that under New York State Law, Firearms held more than a year will be declared a nuisance and destroyed, and that every effort should be made, to legally transfer the Guns, to another party, prior to the end of the first year.
- J. The Undersheriff or the Evidence Custodian, will be made aware of the receipt of Firearm(s).
- K. The Evidence Custodian, the Undersheriff, or the member in charge of the Pistol Permit Section, will secure the Firearm(s) in the appropriate lockers.

171.2.14 Protective Custody of Firearm(s).

The Sheriff's Office receives two types of orders concerning the Seizures of Firearms: Court orders issued by the Surrogate or County Court Judge ordering surrender of Handguns and Pistol Permits, and Orders of Protection issued by various Courts, requiring the surrender of Firearms as one of the conditions, of the order. Firearms are also delivered to the Sheriff's Office by the owner, or next of kin, for Safekeeping.

171.2.15 Court orders Associated with Pistol Permits.

Orders from the office of the Surrogate suspending or revoking a pistol permit, and ordering the surrender of Firearms (Penal Law Definition) are delivered immediately to the Sergeant who will retain the original copy, forward a copy to the Undersheriff.

The Sergeant will, in the first instance, attempt to obtain voluntary compliance as soon as possible after receiving the order. If the Firearm(s) (and License) are not surrendered within Five (5) working days, the Sergeant will immediately assign a Deputy to Execute the Order, and seize the Firearm(s).

There are five acceptable conclusions to the order:

1. The Order is rescinded. Confirm with the, Surrogate Court.
2. The Firearm(s) are surrendered, and held in Protective Custody.
3. The Firearm(s) are lawfully transferred PRIOR to the issuance of the Court Order. The Person named in the order must provide Notarized Proof (Bill of Sale, Copy of Permit Endorsement, ETC.) Persons transferring the Firearm(s) after issuance of the Court Order without Permission of the court may be held in Contempt
4. If the owner claims to have lost Firearm(s), and or License, an Incident Report and Sworn Deposition MUST be taken and the items entered into NYSPIN.
5. The owner refuses to surrender the Firearm(s), *he/she* should then be warned that this REFUSAL may be considered Criminal Contempt of the Court Order. An Incident Report and 710.30 CPL Form will be submitted, detailing the facts surrounding the Refusal to Surrender the Firearm(s).

If the Firearm(s), on the Suspended or Revoked, Pistol Permit also appears on another person's Pistol Permit, The Firearm(s) may not be released to the other person until the Revoked or Suspended person removes the Firearm(s) from his / her Pistol Permit.

Upon conclusion of the Investigation, the assigned member will forward a cover memorandum to the Sergeant, with the Pistol Permit, if surrendered, with a copy to the Undersheriff. The Sergeant will reply to the Surrogate Court, outlining how the person complied with the Court Order. The Court will also be provided with any copies of any reports, associated with the order.

171.2.16 Orders of Protection.

An Order of Protection is issued by a Court containing a provision requiring that the Respondent surrender all Firearms, (Rifles, Shotguns and Pistols) in his or her possession. Such Order applies to all Firearm(s) owned or possessed by the Respondent as well as any other Firearm in the domicile that are directly accessible by the person. Action on the Order MUST be taken immediately. As soon as the Order is received, a Deputy or Deputies

will be assigned to execute the Order without delay, securing the Guns and reporting and storing the Firearm(s) as described in 17.3.8. A written Order from the Court is required to release the Firearm(s).

171.2.17 Safekeeping.

The Greene County Sheriffs Office will accept Firearm(s) for Safe Keeping for several reasons including, but not limited to; Retention pending the outcome of an Estate, Extended Vacation of the Owner, Retention pending acquisition of a Pistol License or for the Safety reasons at the request of the Owner. Usually Firearms(s) stored for Safekeeping are delivered to the Sheriff's Office by appointment. However, UNREGISTERED Handguns may be picked up by a Deputy, unless the Firearm(s) can otherwise, legally be transported, to the Office. The procedure for Storage of Firearm(s), retained for Safekeeping, are outlined previously in 171.2.10 and 171.2.17.

171.2.18 Return of Firearm(s).

In accordance with the NY State Penal Law, Firearm(s) held in Protective Custody will be retained by the GCSO for a maximum period of one year. After that time they may be declared a NUISANCE and destroyed. Every effort will be made prior to the end of the first year to contact the owner to determine the status of the Firearm(s) and if transfer of the Firearms would be necessary.

Contact may include Personal Notification, Telephone Contact or by Certified Mail. When a Firearm(s) has been held pursuant to a Court Order, or a Suspension or Revocation of a License, the Firearm(s) will not be returned unless the Court Order has been rescinded. The Court issues a written directive to release the Firearms(s) or the License has been restored by the Court.

The Sheriff, Undersheriff or, a Specific Designee are the only persons authorized to return Firearm(s). An appointment must always be made in advance, prior to returning a Firearm(s).

The following MUST be followed:

1. Obtain a copy of the Order to Rescind, Letter of Release or Restored Pistol License if applicable.
2. If the Firearm(s) were transferred, obtain a copy of any documents relating to the transfer, including a photocopy of any Amended Pistol Permit reflecting the Firearm(s).
3. Obtain a signed receipt from the person taking possession. An endorsed copy of the original receipt is acceptable.

171.2.19 Destruction of Firearm(s)

The following applies to Firearm(s) stored in both the Evidence Locker and the second Floor Firearm(s) Vault. Any Firearm(s) used in the Commission of a Crime is declared a NUISANCE and must be destroyed or otherwise disposed of, in accordance with Penal Law Section 400.05(2). Under some circumstances, Firearm(s) voluntarily surrendered may be declared a nuisance after One (1) year, except as described in 171.2.12. All Firearm(s) declared a NUISANCE must be destroyed by the NY State Police Forensic Investigation Center (FIC). Every Firearm(s), targeted for destruction, must be approved by the Sheriff. Firearm(s) taken into possession for Safe Keeping or in Accordance with a Court Order or Pistol License suspension, every effort must be made for the Legal Transfer of the weapons to another party, or obtain permission in writing to destroy the weapons, the following rules shall apply:

1. All Firearms submitted for destruction must be delivered to the state Police Forensic Investigation Center, Albany NY. An appointment must be made by contacting 518-457-1208. There is a maximum of 50 Firearms.
2. All Firearms with Serial Numbers will be made the subject of a NYSPIN / NCIC inquiry and the response will be attached to the Firearms.
3. All Firearms submitted for destruction must be listed and consecutively numbered on a Firearms Destruction Submission Form. A tag with the number corresponding to the destruction form number must be affixed to each Firearm(s).
4. Handguns must be tagged and Packaged separately in a sealed box containing no more than (20) twenty Handguns and listed on a Destruction Form separate from Long Guns. Prior to submitting Firearm(s) to the FIC for destruction, a NYSPIN message must be sent to NYSP Pistol Permit Section (QCRD) using the 1-GUNDES screen format, listing the make, model, caliber and serial number of the Firearm(s). The NYSP Pistol Permit Section will send a reply letter. The letter will acknowledge the Destruction. A copy of which must be included with the Firearm(s) when they are delivered to the FIC.
5. Ammunition and Accessories such as cases, magazines, scopes and slings will not be included in the delivery to FIC. Stocks and Grips may be removed for Agency use.
6. A letter from the Sheriff or his designee, authorizing destruction MUST accompany the items delivered to the FIC.

When the Firearm(s) have been turned over to the FIC, the Undersheriff's records will be adjusted accordingly. Destroyed Firearm(s) records will be retained for

ten (10) years.

171.2.20 Retention of Firearm(s) by the Sheriff's Office

In lieu of destruction and at the discretion of the Sheriff, Firearms may be certified for Non-Destruction and taken into the custody of the Sheriff's Office. The Firearms may be placed in service, used for training, or used as part of a display. The following rules apply:

1. The Sheriff will make an application to the District Attorney to keep the Firearms, in accordance with Penal Law Section 400.05(3), if the Firearm is to be placed in service with GCSO.
2. Firearms that will be rendered permanently ineffective do not require the application to the District Attorney.
3. All Firearms becoming the property of the Sheriff's Office will be recorded on the Sheriff's Office Firearms- Inventory.
4. The Sheriff will send a letter to the NYSP Pistol Permit Section, transferring ownership of the Firearm to the Sheriff's Office.

171.2.21 Annual Audit of Firearms.

The integrity of the Firearms Permanent Storage Areas is guaranteed through an Annual Audit of at least 100% of the Firearms in storage at the time of the audit. The audit will be conducted on an annual basis. The audit will review the following areas:

1. Accuracy of Data. The data base and the actual Firearm Match.
2. Case numbers and corresponding reports are associated with each Firearm.
3. Necessary steps are being taken, after a year of storage, to dispose of the Firearms or have the weapons declared a nuisance.
4. Determine that all Firearms are stored in a safe condition, (unloaded, action open, and safety on if possible).

The results of the Audit will be reported by memorandum the Sheriff. A copy of the Audit results will be maintained in designated Firearms Annual Audit, located in the Undersheriff's files, after they are reviewed by the Sheriff.

171.2.22 Found and Surrendered Property

When Property is found by a Private Citizen or by a Deputy and delivered to the Sheriff's Office and the owner is unknown, an Incident number will be assigned and an Incident Report completed. If found by a private citizen, the Incident Report Should indicate if the person would like to obtain possession of the Property, if the lawful owner cannot be found. A standard Receipt should be given to the finder. All found Property will be made subject of a NYSPIN File 9 Message. Found Property with a serial number should be file checked using the appropriate Property inquiry format, and if not entered as stolen, it should be entered into NYSPIN.

If Property (other than Guns) is surrendered (e.g. a Passport, Court Order) an Incident Number will be obtained and a Receipt given to the owner listing the Property Surrendered, and the Name, Address and DOB of the owner. The Non-Agency Property will be tagged using Evidence/ Property Tags, and delivered to the Evidence Custodian or the Undersheriff.

Agency Property Log will be used to document the following:

1. The Incident Number
2. The date found or surrendered
3. Finder or Owners name
4. Storage Location (Permanent Storage Area); if necessary additional storage locations may be assigned by the Sheriff or Undersheriff.
5. Retention Date- Date when Property may be legally disposition of (Personal Property Law, PPL, Section 253 Sub.7).

171.2.23 Release of Evidence to Deputies.

The chain of possession must be maintained whenever Evidence leaves a storage location. Items will be released only to the reporting Member, listed on the Property Receipt, or to an Authorized Recipient / Owner of the property. When the case has been disposed of, Identification Technicians may sign out Property or Evidence for identification purposes with the exception of Drugs or Money.

Evidence transported from Evidence Storage to either a laboratory or the District Attorney's office, becomes the responsibility of the transporting Deputy until signed for by a competent authority. When Evidence is left with the District Attorney, a receipt for the Evidence must be obtained. The original receipt must be signed by the recipient, at the D.A.'s Office.

When Evidence is transported / forwarded to the NYSP Forensic Investigation Center for analysis, forms required by the lab will be used and

properly receipted by the lab. For Non-SP Labs consult the Sheriff or Undersheriff/Evidence Custodian. All Receipts reflecting chain of possession remain with the Evidence Records.

171.2.24 Evidence Disposition.

Evidence taken into Custody, as a result of an arrest may be released to an owner in any of the following circumstances:

1. Thirty (30) days after the case has been disposed of in Court. It is the responsibility of the Arresting Deputy/ Investigator to notify the Undersheriff/Evidence or Evidence Custodian that this has occurred.
2. When return is demanded by an owner; a Court Order must be obtained by the owner from the Court of Jurisdiction. (Penal Law, Section 450.10)
3. In both cases, the District Attorney must be informed and approve the release. If a written order to release was not issued, complete and submit a supplemental report indicating why the Evidence was released and on whose authority.

Evidence whose use or existence is dangerous or unlawful, such as Drugs, explosives and illegal weapons, will be destroyed after it is no longer needed for Prosecution or Appeal. Upon direction of the District Attorney, a Supplemental Report is required documenting the destruction and method of destruction. EXTREME CARE MUST BE EXERCISED when destroying explosives (including Fire Works) and Toxic Materials. Such destruction must be in compliance with all Federal, State and Local Laws. Firearms are destroyed as described in Section 171.2.19

171.2.25 Audit of Permanent Evidence Storage Room.

An Annual Audit of the Evidence Storage Room will be conducted using the following guidelines:

1. The Audit will be conducted annually.
2. The Audit will be conducted by the Evidence Custodian and a supervisory person or member from the District Attorney's Office not associated with the Evidence Room.
3. 100% of the Evidence Locker will be audited to determine:
 - A) Audit trail to Source Documents
 - B) Proper Storage

- C Evidence described matches Evidence in Storage
 - D) Security Safe-Guards
4. Results of the Audit will be reported by memorandum, indicating the results of the Audit and the actions to be taken to correct deficiencies. A copy of the report will be maintained in files designated Evidence Annual Audit, in the Undersheriff's Files, after review by the Sheriff.

171. 2. 26 Forms used with Non-Agency Property.

1. EVIDENCE FORM / PROPERTY LOG SHEET. Submitted in triplicate. The Original White Copy and the Yellow Copy remains with the Evidence Custodian, and the Pink Copy is returned to Submitting-Member, as soon as evidence / property has been received by the Evidence Custodian, and will be placed in the Case file as a Case Copy.
2. RECEIPT FOT PROPERTY: White copy to person whom property is received from, Yellow Copy to Evidence Custodian / Property Log. Photocopy of Yellow form should be placed in Case File.
3. GENERAL RECEIPT FORM. White copy, to the person whom the property was received from. Yellow Copy to Evidence Custodian / Property Log.
4. NOTICE TO OWNER OF STORED FIREARM (S) Original to owner, copy on file.
5. FIREARMS SUBMITTED FOR DESTRUCTION FORM. Original with Firearms, Copy on File.
6. RECEIPT FROM NYSP FIC LAB. Original filed with Evidence Log sheet, copy in Case File.
7. FIC LAB RESULT. Original with Evidence Log Sheet, Copy in case File.
8. CERTIFIED WEIGHT / MEASURES. Original with Evidence Log sheet, Copy in Case File.
9. EVIDENCE / PROPERTY SUBMISSION PACKAGE. Sealable plastic bag, submitted with Evidence / Property enclosed, and all information transcribed on the package. Similar bags are available in paper, and member will then have to apply provided evidence tape / sticker to seal the package. This seal will be signed, and dated, by submitting member, in such a manner, that the print will be on the evidence tape / sticker, and the paper. Top and bottom of the evidence bag needs to be sealed.
10. LAB 2. NYSP, EVIDENCE SUBMISSION FORM. Form to be

completed by member, for Evidence Submitted to the NYSP Forensic Investigation Center.

11. LAB 1. NYSP, BLOOD AND URINE SPECIMEN SUBMISSION FORM. Form to be submitted with Blood and Urine samples, brought or mailed, to the NYSP Forensic Investigation Center for analysis.

171.2.27 **Medical-Return Box**

- A. The GCSO has one Med-Return Box located in the Greene County Sheriff's Office lobby of 370 Mansion Street, West Coxsackie, N.Y.

The Med-Return box is to be used only by the general public for discarding unwanted and expired prescription medication.

- B. The Med-Return contains an access port for the removal of the storage bin in which deposited medications are collected. The access port must be locked at all times. GCSO Evidence Custodian or his/her designee is the only member of the agency that will possess the keys to retrieve the collection bin from the Med-Return box. All medications located within the Med-Return box will be bagged and properly marked as one item for destruction. The collected medications for destruction will be secured in the evidence vault until such time that the office conducts evidence destruction.
- C. The evidence custodian will ensure that the Med- Return box is emptied and inspected periodically for any damage or attempted security breach. Any member of this Office that finds the access port on the Med-Return box unsecured or discovers any damage to the Med-Return box, is to immediately notify their sergeant, who then must notify the Lieutenant.
- D. The evidence custodian will when necessary, arrange for the destruction of all drugs obtained through the Med-Return Box.
- E. Destruction Procedure:
 - a) Two (2) sworn personnel will be present for the entire destruction procedure.
 - b) The dangerous drugs/narcotics will be destroyed by one of the following means: An approved NYS DEC incendiary site or by being delivered to the State Police Forensic Investigation Center in Albany, NY. An appointment must be made with the Forensic center by contacting 518-457-9020.
 - c) A certificate of destruction will be returned to the evidence custodian for proof of destruction. This document will be retained by the Captain.

GREEN COUNTY SHERIFF'S OFFICE

Subject: AGENCY FIREARMS STORAGE / ASSIGNMENT	Policy 172									
Effective: January 1, 2020	Standard Number(s): 6.2									
Rescinded:	Amended: August 17th, 2020									
Sheriff: Peter Kusminsky										
Reviewed:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>									

Policy: The Greene County Sheriff's Office will provide for the safe and proper storage, control, inventory and safeguarding of Agency weapons and munitions.

I. Procedure

A. Firearms Supervisor:

The overall responsibility for Firearms Storage and Assignment will be assigned to a Firearms Supervisor. The Firearms Supervisor will be a Firearms Instructor. The Sheriff will designate the Firearms Supervisor.

2. The Firearms Supervisor will report to the Undersheriff.

B. Security and Storage of Weapons and Munitions:

1. All non-assigned Agency weapons will be stored in the Property/Storage area of the GCSO main office. With the exception of agency rifles and shotguns which will be kept in the weapons locker in the Patrol Sergeants Office. All agency Shotguns and Patrol Rifles assigned to the satellite offices will be stored in the long gun storage locker at their respective satellite office when not in use. All the storage locations described above will be locked at all times.
2. The evidence/storage area door will be locked at all times.
3. Keys to the evidence/storage room will be issued at the discretion of the Sheriff.

C. Control and Inventory of Weapons and Munitions:

1. An inventory will be maintained by the Firearms Supervisor of all Agency owned weapons and munitions with a copy forwarded to the Undersheriff January 1, of each year and upon request at any time.
2. Agency handguns will be issued at the direction of the Sheriff or Undersheriff.
3. Agency Shotguns and Patrol Rifles will be issued under the following conditions:
 - a. Upon the direction of the Sheriff or Undersheriff.
 - b. For training, qualification and familiarization.

- c. At the direction of the CGSSRT Commanders for CGSSRT training and activation.
 - d. At the direction of the on-duty Patrol Supervisor.
3. Weapons issued to personnel will be maintained on an inventory sheet noting to whom issued, make, model, caliber, serial number and the date of issuance.
 4. An inventory of munitions, by caliber and type, will be maintained by the Firearms Supervisor.

D. Ammunition:

1. Munitions in inventory are stored in a secure location. The Firearms Supervisor or his designee is responsible for maintaining an inventory of all ammunition and will maintain a log detailing ammunition on hand by caliber and type.
2. The Firearms Supervisor may set aside ammunition separate from the inventory for replacement as a result of a discharge of a firearms report.

Greene County Sheriff's Office

Subject: FIREARMS SURRENDER POLICY						Policy 173	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended: 04/07/2014		Sheriff, Gregory R. Seeley			
Reviewed:							

Purpose: In order to protect and best serve the interests of the residents of Greene County, the Greene County Sheriff's Office will hold weapons for safekeeping. Situations requiring surrender of weapons might include:

- A Legal acquisition of a weapon without the legal right to possess the weapon.
- B Court order to surrender weapon.
- C Possession of weapon is not in the best interest of the individual, family and/or community.
- D Weapon being confiscated by authorities.

I Policy

- A Weapons confiscated by the Greene County Sheriff's Office will be in accordance with provisions of New York State Penal Section 265.
- B Weapons deemed eligible for disposal by the GCSO will be destroyed in accordance with provisions of New York State Penal Law Section 400.05, sub-6.

II Procedure

- A The events where an individual has legally acquired a weapon but does not have the legal right to possess the weapon, the GCSO will hold the weapon for 60 days, giving the owner time to contact a licensed gun dealer to take possession of said weapon. At the end of the 60 days if no attempt has been made to legally claim or transfer the weapon, they will be classified as nuisance weapons per Section 400.05, sub 6, of the of the NYS Penal Law and disposed of.
 - 1) Licensed Gun Dealer must show that they hold a valid license in the State of New York to take possession of the weapon. The dealer must also show that the owner of the weapon has authorized them to take possession of the weapon.

- B Upon receipt of a court order to surrender weapons the GCSO will hold the weapons until the court orders them returned. If weapons are not claimed within one year following a court order to return them, they will be classified as nuisance weapons and disposed of per NYS PL Section 400.05, sub 6.
- C If an individual citizen believes possession of a weapon is not in the best interest of himself/herself, his/her family or the community, arrangements may be made with the GCSO to safely store, sell or transfer ownership of these weapons. Weapons not re-claimed within one year will be declared to be nuisance weapons and disposed of in accordance with NY PL 400.05, sub 6.
- D Weapons confiscated by the GCSO because they were used in the commission of an offense will be held until such time that the offense is adjudicated and the weapon declared to be a nuisance and disposed of in accordance with NYS PL sec 400.5, sub 1. Weapons seized in the course of investigating a crime will be processed in accordance with provisions of GCSO Rules and Regulation O6.
- E Whenever a firearm is taken into custody under provisions of the policy, it is the responsibility of the official who accepts the weapon to be certain the weapon is not loaded and safe. If this cannot be determined or there is a malfunction or problem with the weapon, Firearms Training Unit members will be contacted and they will make the weapon safe.
- F. Any firearm that is taken into custody as evidence will be secured into evidence with a Secondary locking system ensuring added security for the firearm.
- G. **Order of Protection with weapons removal;**
1. When serving an order of protection with weapons removal, three documents need to be turned in.
 2. A gun property receipt filled out neatly, with all pedigree and contact information, a copy of your SJS report, and a copy of the order of protection. A copy of the order of protection will be attached to the red report card for your convenience.
 3. Weapons must be file checked if they have a serial number. This should be indicated in your narrative.
 4. Each weapon must have a tag. Fill the tag out completely and neatly and secure it to the weapon.
 5. If possible, no accessories should be taken with the weapon such as magazines, scopes, slings, cases or ammunition.
 6. Notations should be made of any damage to the weapons.
 7. Most importantly, remember firearms safety.
 8. Ensure weapons are not loaded. Actions open if possible.
 9. If actions will not stay open, fold up a piece of paper and place it in the chamber area, sticking out so as to be seen and recognized as safe.

Greene County Sheriff's Office

Subject: SPECIAL PURPOSE VEHICLES						Policy 174	
Effective: January 1, 2020			Standard Number(s): 42.4				
Rescinded:		Amended: August 17th, 2020		Sheriff Peter Kusminsky			
Reviewed:							

In order that the Greene County Sheriff's Office can provide specialized police services, special purpose vehicles are required for use by the agency.

I Special Purpose Vehicles

- A Boats MB 1 – 2008 McKee Craft 24'
MB 2 – 1985 Blue Finn 16'
PWC 1- 2016 See Doo
PWC 2- 2016 See Doo

- B Command One 2007 Ford Georgetown Motorhome

- C Dive Truck 1999 Ford F550 Club Van

- D CGSSRT Armored Vehicle (SRT1) 2008 Ford F550 armored vehicle

- E Funny cars

- F Child Safety Seat Trailer

II Utilization

- A. Boats
Boats will be utilized by the Marine Patrol on Hudson River. MB 1 will be based at the River View Marina, Catskill Creek. MB 2 as well as the PWC's are kept in the Sheriff's garage in Catskill. The boats and assigned deputies will be supervised and scheduled by a Marine Patrol Commander under immediate command of the Lieutenant. Deputies assigned to the Marine Patrol will have completed 24 hours of instruction at Sheriff's Navigation Enforcement Training and continual Field Training unless otherwise determined by the Lieutenant.

- B. **Command Vehicle**
The command vehicle is utilized in emergency and non-emergency situations requiring a command post. The command trailer has radio and telecommunications capabilities, independent power source and an area where personnel can rest, be warmed or cooled and use lavatory facilities. The Sheriff, Undersheriff or Lieutenants may authorize command one use.

- C. **Dive Truck**
The dive truck is utilized in situations requiring use of agency Scuba Team. The dive truck provides divers with equipment storage, air compressor capability to refill air tanks, an independent power source and radio and telecommunication capability. The Sheriff, Undersheriff or Lieutenants may authorize dive truck use.

- D. **CGSSRT Vehicle(s)**
Utilized by The Special Response Team to transport personnel and equipment when deployed to an incident or while training. *Deputies assigned to operate the SRT vehicle must possess a valid NYS operator's license and be a member of SRT.*

- E. **Funny Cars**
Funny cars are defined as undercover cars that are used in covert investigations, drug cases and other investigations where it is essential that the operator of the vehicle not be identified as a police officer. Undercover vehicles are exempt from having permanently mounted police radios or other equipment commonly associated with regular police vehicles due to the nature of their use.

- F. **Child Safety Seat Restraint Trailer**
The Child Safety Seat Restraint Trailer is a completely enclosed trailer used to store child safety seats and related installation equipment and serve as a dispensing point for Agency child safety seat inspection points and clinics. The Child Safety Seat Restraint Trailer is utilized by a Deputy-Technician certified by the National Child Passenger Safety Program and is towed by a marked patrol unit with trailer hitch. Authorization for use is by the Sheriff, Undersheriff or Road Patrol Captain.

- G. **Incident Scene Investigation Unit**

III **Maintenance**

Maintenance, upkeep and storage of all special purpose vehicles is the responsibility of the Officer in Charge of the unit.

IV **Procedure**

- A Personnel assigned to use special purpose vehicles are responsible for assuring the vehicles are ready for use by conducting an inspection of the following as applicable upon taking and returning the vehicle:
 1. Tire pressure
 2. Oil levels
 3. Gasoline
 4. Battery charge

5. Lights
6. Brakes

B Personnel utilizing trailers are responsible for assuring the following:

1. Wiring harness is properly connected and brake lights and turn signals are operable.
2. Trailer hitch is properly engaged.
3. Safety chains are securely in place.
4. Equipment being transported is securely stowed and/or in place.
5. Return to designated storage place upon completion of use.

Greene County Sheriff's Office

Subject: MOBILE COMMAND CENTER						Policy 175	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: In the event a Mobile Command Center is required at a major incident, to include but not be limited to hazardous material spills, missing persons, drownings, homicides and barricaded persons, the GCSO Mobile Command will be utilized. The purpose of this policy is to indicate authorization of use of the Mobile Command Center, identify Agency personnel authorized to move the Center to and from incident scenes and provide a movement plan for arrival and departure to and from the incident scene.

I. Authorization

A. Authorized to deploy the Mobile Command Center are:

1. Sheriff
2. Undersheriff
3. Lieutenants

II. Movement Plan

- A. When not in use, the Mobile Command Center is stored at the Greene County 911, 25 Volunteer Drive, Cairo New York. Upon authorization for activation of the Mobile Command Center, person or persons authorized to move the Command Center will proceed to the Sheriff's Office and transport the Command Center to the incident scene. Upon arrival at the incident scene, the authorized driver will secure the Command Center as directed by command personnel or as accessible to the scene as terrain, space and safety permits. When direction is given to remove the Command Center from the incident scene, authorized driver personnel will return the Command Center to the Sheriff's Office after it has been cleaned inside and outside at the Greene County Sheriff's Office.
- B. Only personnel authorized operators will remove the Mobile Command Center from the Greene County 911 Center, set up the Command Center at the incident scene and return the Command Center to the Greene County 911 Center. Administrative Memorandum will identify current authorized personnel.

III. Command and Control

- A. Command and control of the Mobile Command Center will be the Sheriff, Undersheriff, or the Lieutenant of the Road Patrol, in their absence, ranking command officer.

IV. Supplies and Equipment

The Mobile Command Center is maintained and inventoried by staffing at the Greene County 911 center.

Greene County Sheriff's Office

Subject: ALL TERRAIN VEHICLE OPERATION						Policy 176	
Effective: January 1, 2020			Standard Number(s): 33.3, 43.6				
Rescinded:		Amended:		Sheriff Peter Kusminsky			
Reviewed:							

Policy: The County of Greene has parklands, bicycle paths and other areas that are not easily accessible to ordinary police vehicles. These areas are used by the public for recreational purposes. The Greene County Sheriff's Office recognizes the need for mobility in patrolling these areas. It has been determined that the All Terrain Vehicle's will be applied to this task.

I. PURPOSE

This order establishes uniform guidelines for the:

- A. Safe use of the ATV's by officers;
- B. Areas in which the ATV's will be used;
- C. Training requirements of officers who will use the ATV's;
- D. Storage, maintenance and care of the ATV's.

II. POLICY

- A. It is the policy of the Greene County Sheriff's Office to provide proactive patrol services to all areas of the County of Greene to maintain a high quality of life for all people residing in, or visiting, the town.
- B. Patrol by the ATV's will be highly visible and targeted at the prevention of crime. The ATV's will be operated in a safe manner consistent with this order.
- C. An assigned Sergeant will be responsible for the ATV's.

III. TYPE OF USE PERMITTED

Due to limitations of the vehicle and the intent of its use, the following guidelines will be followed:

- A. The ATV's will be used in those areas as directed by a supervisor. The ATV's will be utilized when requested for emergency situations that require such equipment. Any request for usage of the ATV's in emergency situations will go through dispatch, the supervisor in charge, and or the lieutenant for approval.
- B. Areas targeted for the use of the ATV's will be parks and rural areas that are limited in access and predominantly recreational.
- C. Officers will operate at a slow speed that is reasonable and prudent, taking into consideration bicycle and pedestrian traffic, the nature of the terrain, ground surface and obstacles.
- D. Officers using the ATV's will make every effort to contact and talk with people using parks and recreational areas, so as to maintain high visibility and ensure positive police-community interaction.

IV. TRAINING AND QUALIFICATIONS

- A. Officers requesting training to operate the ATV's must have successfully completed a training course that is authorized by the Sheriff.

V. EQUIPMENT AND UNIFORMS

- A. Officers operating the ATV's will wear the prescribed police uniform, unless otherwise directed by a supervisor.
- B. The use of the ATV's by non-uniformed police personnel will only be allowed with the prior approval of the Sheriff or a supervisor.
- C. Protective gear such as helmets, gloves are to be utilized while operating the ATV's. Not utilizing the protective gear in certain situations may be authorized by a Sergeant or above.

VI. MAINTENANCE, STORAGE AND FUELING OF THE ATV'S

- A. The assigned Sergeant will be responsible for the overall maintenance of the department's ATV's.
- B. Officers operating the ATV's will be responsible for checking the oil before the operation of the vehicle.

- C. When not in use, the ATV's will be stored in an area that has been approved for that purpose and trickle chargers will be connected to the ATV's.
- D. An inventory check will be conducted twice a year by the supervisor or his designee.

Greene County Sheriff's Office

Subject: CANINE UNIT							Policy 177	
Effective: January 1, 2020				Standard Number(s): 33.3				
Rescinded:			Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:								

POLICY: The GCSO maintains trained police canine teams for use in the delivery of special services and the execution of police duties. These teams are for use in situations where the abilities of a canine team offer a distinct advantage over other available options. The purpose of this policy is to provide guidelines for the management of the department's canine units and the use of police canines in field operations.

1. TRAINING: Selected officers and their assigned canines will undergo training deemed appropriate in content and duration, prior to deployment in any police situation. This training will prepare the canine teams to achieve certification with the Division of Criminal Justice Services. No dog shall be deployed unless it achieves and maintains certification.

Single purpose canine teams will receive a minimum of eight hours per month of in-service training,. Dual purpose canine teams will receive a minimum of sixteen hours per month of in-service training. In-service training will be assigned and scheduled by the senior canine handler and approved by the Lieutenant.

2. ADMINISTRATION OF PROGRAM:

The Lieutenant is the administrative supervisor of the canine program. The senior canine handler is responsible for training and maintaining the canine teams for patrol operations. Shift supervisors are responsible for the line supervision of the canine teams.

All police canines assigned to the canine unit will remain the property of the Greene County Sheriff's Office throughout its career. A canine will be assigned to one handler. At the end of the animal's career, or in the event of injury or illness, the animal will be offered to the handler as a pet. In the event of a line of duty injury or duty related illness, the department is responsible for all medical procedures and medications, until the canine is deceased.

Each handler will ensure that the veterinary needs of his assigned canine are met. Any treatment, other than yearly physical, will be cleared with the Administrative supervisor. Any injury to a canine should be reported immediately. The decision to have the animal treated will be made by the Administrative supervisor, in consultation with the handler and attending veterinarian.

3. GUIDELINES FOR DEPLOYMENT:

The types of police functions that may be appropriate for police canine deployment includes;

- ❖ Searching for discarded evidence or lost property.
- ❖ Searching for lost or missing persons.
- ❖ Apprehending fleeing suspects.
- ❖ Stopping a direct attack on the handler, fellow officers, or other persons.
- ❖ Searching buildings and open areas for suspects.
- ❖ Promotion of the program and community relations.

The canine handler will provide the supervisor with input as to the capabilities of the canine. In any deployment, the handler will inform the supervisor if the assignment is beyond the capabilities and training of the canine. If so, the canine should not be used.

When an on duty canine team is requested by another agency, every attempt should be made to assist. The decision to deploy a canine team into another jurisdiction shall be made by the shift supervisor. The Lieutenant shall be notified when this occurs.

In the event of a high risk canine deployment the canine handler assigned to the deployment may request to the shift supervisor the assistance of a backup officer.

To call in an off duty canine team for Greene County Sheriff's Office use, shall be made by the shift supervisor and the Lieutenant will be notified when this occurs.

4. USE OF FORCE:

The deployment of a sheriff canine can result in the apprehension of a suspect, therefore becoming a use of force consideration. A canine apprehension may result in injury to suspect. Therefore, the release or use of a canine must be justified in light of the circumstances known to the handler at the time of the use and not information which is gathered later. In some instances the use of a canine may actually be an alternative to the use of deadly force.

Unless it would otherwise increase the risk of injury or escape, a verbal warning followed by a reasonable period of compliance shall precede the release of any police service dog.

A sheriff canine can be used to apprehend suspects when, based on circumstances known to the handler, the use of such force is reasonable, based on all applicable standards.

The sheriff canine may be utilized to search for, and apprehend, persons wanted for misdemeanors or motor vehicle offences, under certain circumstances.

In misdemeanor offenses in which the suspect inflicted physical injury to another person during the commission of the crime. To search for and apprehend, if necessary, the operator of vehicle that has been involved in an accident or pursuit, that has resulted in physical injury to an officer or another person.

To search for and apprehend a wanted suspect, that by his/her actions or statements demonstrates that he/she will cause physical injury to a third party. The handler shall take into consideration the seriousness of the crime, the extent of any injury and when available, any documented propensities the suspect has, when using the canine for apprehension. The risk caused by the suspect remaining at-large should be weighed against the risk to the public caused by canine deployment.

A sheriff canine may be utilized to apprehend persons who are emotionally disturbed or under the influence of drugs or alcohol, when officers or civilians are in imminent danger of physical injury from the subject.

A sheriff canine may be used to apprehend a person threatening harm to themselves, if death or serious physical injury is imminent, and use of the canine is the best available option to prevent the death or serious physical injury to that person.

It may be necessary to defend a sheriff canine from attack by another animal. In the event that a canine comes under attack by an animal, firearms may be used against the attacking animal, if the attacking animal is physically capable of inflicting serious physical injury and the sheriff canine or handler are in imminent danger of serious physical injury or death, Deputy's shall be cognizant of all department policies and regulations concerning the use of firearms.

5. POST- BITE PROCEDURE:

When a sheriff canine bites or injures anyone, on or off duty, the incident shall be reported immediately to the shift supervisor. A report shall be prepared by the handler indicating the circumstances of the injury. The report shall be reviewed by the shift supervisor and forwarded to the administrative supervisor.

When a sheriff canine injures a suspect, the shift supervisor shall respond to the scene. The shift supervisor shall ensure that the suspect is offered medical treatment for the bite.

After physical force is used, personnel will immediately evaluate the need for medical attention or treatment for the person upon whom the physical force was used and arrange for such treatment if that person is injured or complains of injury or discomfort.

In the case that medical assistance is dispatched for the person in need of medical attention or treatment, said person may refuse medical attention with the medical personnel which are dispatched to the scene.

In the case that the person in need of medical attention or treatment is intoxicated or is in any condition in which said person is unable to make a rational or reasonable decision regarding their care, the deputy shall arrange medical care for the person whether or not the person consents to medical care.

6. CROWD CONTROL:

Use of police canines is not permitted for crowd control except in defense of officers or civilians who are in imminent physical danger of attack or who are coming under direct attack from a crowd. Police canine may stand by, on the perimeter, in crowd control or riot situations.

7. GUIDELINES FOR NARCOTICS DETECTION CANINE TEAMS:

The narcotic detection canine may be used to assist in the search for narcotics during a search warrant service. Obtain a search warrant by using the narcotics detecting canine in support of probable cause. Search vehicles, buildings, bags and any other articles deemed necessary.

The narcotics detecting canine should not be used to search a person for narcotics.

The decision to use the canine rest solely with the canine's handler. He or she will asses each situation to determine if the use of canine is within current search and seizure standards and is technically feasible.

8. SUMMARY:

Patrol officers and supervisors are encouraged to learn as much as possible about the strengths and limitations of these teams, so that decision to deploy are informed and intelligent.

Reference; Tennessee v. Garner, 471 US 1, 85 L Ed 2nd 1, 105 Ct 1694(1985)
Robinette v. Barnes, 854 F. 2d 909(sixth cir.1988)
Graham v. Conner, 490 US 386 104 L Ed 2nd 443, 109 S ct 1865 (1989)

Greene County Sheriff's Office

Subject: MARINE PATROL							Policy 178	
Effective: January 1, 2020				Standard Number(s): 33.3, 42.4, 43.6				
Rescinded:		Amended:		Sheriff Peter Kusminsky				
Reviewed:								

POLICY: The following will be the requirements of the Marine Patrol of the Greene County Sheriff's Office.

The Marine Patrol work directly under, reports to and coordinates all issues through the Lieutenant.

2. The Marine Patrol will be supervised by a designated member selected by administration.
3. Responsibilities of the Marine Patrol Sergeant include:
 - A. Preparation of the Marine Patrol by April 1. And stand down of the equipment/boats in the fall.
 - B. Assure staffing and scheduling for the entire boating season.
 - C. Coordinate repairs to vessels and equipment and secure authorization.
 - E. Secure and maintain vessels, equipment and gear the entire year. Damage to equipment will require a written submission, by person responsible on an Agency letterhead, directed to the Marine Patrol Supervisor to be forwarded to the Sheriff. An equipment inventory will be conducted twice a year.
4. Qualifications:
 - A. All members selected for the Marine Patrol must complete an approved Marine Patrol Vessel Operator's Course, Marine Law Enforcement Training Program and a Personal Watercraft Patrol Operator's Course.
5. Deployment:
 - A. The supervisor in charge will set a schedule for normal marine patrol through the boating season. When the marine patrol is requested for an emergency situation, the supervisor in charge will be contacted for approval. In the event the supervisor is not available, the Lieutenant will be contacted for approval. When approval is granted, the supervisor in charge of the marine patrol or his/her designee will call in certified operators.
5. All reports generated by the Marine Patrol will be referred to the Lieutenant for review and submission to the Records Officer for processing.

6. Statistics, equipment inventory and activities will be recorded and maintained by the Marine Patrol Supervisor for inclusion in the Annual Report.

7. No policies will be set by the Marine Patrol without the expressed authorization of the Sheriff.

8. The Marine Patrol Supervisor will coordinate Safe Boater and Young Boater Safety Classes with the Lieutenant and provide instructors from the Marine Patrol when classes are scheduled.

9. The Marine Patrol will provide updates on Navigation Laws and Lake regulations for the Sheriff.

10. The Marine Patrol will build and nurture a positive working relationship with the general public. This will include, but not be limited to, brochures available for distribution to the public on vessels. The Marine Patrol will assist other boater's in their patrol area, enforce Navigation Law, communicate hazards on the waterways to the proper authorities and other boaters and assist in emergency situations.

Greene County Sheriff's Office

Subject: DIVE TEAM							Policy 179	
Effective: January 1, 2020				Standard Number(s): 33.3				
Rescinded:			Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:								

POLICY: To establish guidelines governing the activation and operations of the Sheriff Office Underwater Rescue/Recovery Dive Team.

PROCEDURES: The Dive Team specializes in underwater recovery of evidence, rescuer and recovery of drowning victims, and the recovery of any contraband that may be in any water within Greene County.

TRAINING: A Deputy selected for the Dive Team will be required to attend and successfully complete all necessary certifications to be classified and operate as a diver/ and or tender.

The Dive Team will train at minimum 8 hours a month.

I. Activation

(a) The Underwater Rescue Recovery Dive Team may be called when any of the following occur:

- (1) There is a report that person(s) have gone under a body of water and have not reappeared.
- (2) There is a drowning and the victim has not been located.
- (3) There is reason to believe that there may be fruits of a crime underwater which will be necessary for evidential purposes and prosecution.
- (4) As directed by the Sheriff

(b) The officer at the scene, upon confirming the need and after evaluating the situation, will request the Dive Team by contacting the Sheriff, Undersheriff, or a Lieutenant.

NOTE: Time is of essence, whenever there is reason to believe that a person is in the water the Team will be contacted. Keep in mind the Cold Water Resuscitation Theory.

II. **Notifications of Dive Team:**

- (a) Communications will notify ALL DIVE PERSONNEL, Police Radio or Telephone.
- (b) The Dive rescue van will be driven to the site of the incident by assigned personnel, Dive Team personnel will respond as notified.
- (c) The Assistant Dive Team Leader will prepare and forward to the Dive Team Leader all prescribed reports relative the operation.
- (d) Whenever the Dive Team is activated, the on call Investigator will also be notified of the situation and determine if an investigator is to respond to the scene.

III. **Command At The Scene**

- (a) Command at the scene will remain with the initial ranking officer until that officer is relieved by a superior officer.
- (b) The Dive Team Leader will coordinate the efforts of the Dive Team at the scene. He shall be responsible for deciding the type of search and the method to be employed by members of the Team.
- (c) The supervisor on the scene will arrange for the protection of the land area near the scene for evidence and for the protections of the dive equipment.
- (d) ALL bystanders will be excluded from the dive scene.

IV. **Standard Operating Procedures:**

- (a) A minimum of three divers (3) or two (2) divers and one (1) tender is needed when:
 - (1) Assisting another agency (minimum of two (2) divers and one (1) tender are needed.
 - (2) Every attempt shall be made to identify "Eyewitnesses" and request they remain at the scene until arrival of the dive team.
 - (3) The investigation officer will report all information of the incident to the dive team.

- (4) All evidence located on land will be left in place until the Dive Team arrives or its location is clearly marked and protected. (scuff marks, clothing, ect.)
- (5) At no time will drag hooks be used in the same area as SCUBA Divers.
- (6) After viewing all the existing circumstances the Dive Team may or may not be used at the discretion of the Sheriff.

Greene County Sheriff's Office

Subject: Evidence Technicians						Policy 180	
Effective: January 1, 2020			Standard Number(s): 33.3, 51.1, 51.2				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

POLICY: To establish guidelines governing the activation and operations of the Sheriff's Office Evidence Technicians.

PROCEDURES: The evidence technicians specialize in the recovery of evidence from crime scenes, accident scenes and any other incident where specially trained evidence recovery personnel are required. The evidence technicians also document the scenes through photography. The evidence technician will properly collect, preserve and photograph evidence. The evidence technician will complete a photo log sheet for all scenes photographed. The evidence technician will also complete an evidence technician report. This report may be an SJS entry including all pertinent information from the scene. An evidence log sheet will be filed for any evidence collected.

ACTIVATION: The evidence technicians may be called when any of the following occur:

- 1 There has been a major incident and a specialized unit is needed to recover evidence or to document the scene/evidence.
- 2 Anytime a member is requesting the assistance of an evidence technician.
- 3 As directed by the Sheriff/Undersheriff/Lieutenants.

COMMAND AT THE SCENE: Evidence technicians will fall under the command of the incident commander at the scene or his designee.

STANDARD EQUIPMENT CARRIED: The following equipment will be carried by any evidence technician.

1. Fingerprinting kit
2. DNA kit
3. Evidence collecting kits/bags
4. UV light/kit
5. Casting kits
6. Photographic Equipment
7. Sketch supplies

TRAINING: At a minimum every Evidence Technician will complete the New York State Municipal Training Council Police Crime Scene and Evidence Specialist Course, and the Crime Scene Photography Course.

Greene County Sheriff's Office

Subject: Special Response Team						Policy 181	
Effective: January 1, 2020			Standard Number(s): 33.3, 42.4				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: To establish a policy and procedure governing the activation and operation of the Columbia Greene Shared Services Response Team.

I Definition

Columbia Greene Shared Services Response Team (CGSSRT): A volunteer group of selected officers from Greene County Sheriff's Office, Columbia County Sheriff's Office and the City of Hudson Police Department. who are specially trained to deal with unique, high risk, law enforcement situations. These situations include hostage incidents, barricaded suspect, high risk warrant service, protection of dignitaries, and any other situations as determined by the Sheriff or Undersheriff or their designee.

In order to best serve both the Agency and the community, members of the Special Response Team will strictly adhere to the prescribed standard for physical fitness performance and overall conduct.

II Policy

- A Human life is of immeasurable value. The CGSSRT shall take all reasonable measures to protect and preserve human life.
- B The CGSSRT shall be utilized in those situations where conventional, standard law enforcement tactics and equipment may be insufficient or pose a pronounced risk to both the community and its police officers.
- C Whenever possible Memorandums of Understanding will be completed with neighboring agencies in order to assist one another with CGSSRT personnel and resources.
- D When requested by a Police Chief, the CGSSRT will deploy to that Village/Town, follow policies and procedures of the GCSO and keep the Sheriff or his designee informed of their activities.

III Procedures

A Staffing

- 1 The CGSSRT shall consist of a selected group of members who meet and maintain the established performance standards. Whenever possible a Memorandum of Understanding will be completed with Sheriff.
- 2 CGSSRT- Commander shall report directly to the Lieutenant of the LED.
- 3 The Team leaders of the CGSSRT team shall ensure that a sufficient number of CGSSRT members are available at all times.

B Structure

The authorized strength of the CGSSRT team is fifteen (15) members. The CGSSRT leaders are responsible for the coordination of all CGSSRT training, maintenance of all team training records, establishment of all training objectives, and maintaining all CGSSRT members and equipment in a state of operation readiness at all times. The CGSSRT Team Leaders report directly to the Commander, who in turn reports to the Law Enforcement Lieutenant.

C Selection Criteria

- 1 CGSSRT assignment is voluntary. Personnel may request assignment when a posting is announced by submitting a request letter to the CGSSRT.
- 2 Candidates must participate in a selection process to include:
 - a firearms proficiency test
 - b physical agility test
 - c personal interview
 - d other procedures deemed appropriate.
- 3 Assignment to the CGSSRT will be based upon:
 - a firearms and physical agility test scores
 - b law enforcement experience
 - c ability to take direction and work in a team atmosphere
 - d overall judgment ability
 - e personal history folder
 - f personnel complaint history
 - g interview of supervisor
 - h other factors deemed appropriate.

D Standards

ALL members of the Special Weapons and Tactics will meet the following performance standards.

- 1 **Firearms** – all members must achieve a minimum score of 85% with all CGSSRT weapons.
- 2 **Physical Fitness** – CGSSRT members are expected to maintain a level of physical fitness consistent with MPTC Medical and Physical Fitness Standards and Procedures for Police Officer Candidates.

E Training Requirements

- 1 Newly appointed CGSSRT members must successfully complete a basic SWAT school as directed by the CGSSRT Team Leaders. Failure to complete this course will result in removal from the CGSSRT.
- 2 CGSSRT personnel will train on a regular basis in order to maintain skills and develop additional abilities related to unit responsibilities. CGSSRT personnel are required to attend all training, unless excused, and must maintain tactical abilities.
- 4 Specialty training, e.g. grenadier, rappelling, less than lethal, distraction devices, etc., will be conducted at the discretion of the CGSSRT Team Leaders.
- 5 CGSSRT personnel will demonstrate proficiency, semi-annually, by qualifying with all weapons systems they are authorized to use.

F CGSSRT Activation Procedures

- 1 **The Sheriff, Undersheriff and Lieutenants will be immediately notified whenever there is an activation of the CGSSRT.**
- 2 Consideration should be given to activating the CGSSRT team in the following situations, when a normal uniform response may not be sufficient:
 - a Hostage Situations – in any hostage situation where the Hostage Negotiation Team has been summoned, the suspect is armed, and there is an imminent threat of deadly physical force.
 - b Barricaded Suspect – believed to be armed with a firearm or other weapon where extraordinary threat is present or presumed.
 - c Search or arrest warrants that meet the following criteria:
 - i The suspect(s) are believed to be armed
NOTE: *This shall mean either weapons on their person or in the immediate proximity, or if intelligence indicated that automatic weapons are present.*
 - ii The suspect(s) may resort to the use of weapons when confronted with arrest or warrant service, or place innocent third parties in jeopardy.
 - iii Entry to the location may be hazardous or impeded because of warning systems, reinforced doors, or other obstacles.

NOTE: *As many narcotics locations involve fortified locations, CGSSRT shall be notified where entry by use of routine forcible entry tools would be unreasonably delayed. In any questionable circumstance, the officer in command of the warrant shall notify and consult with the Commanders of the CGSSRT who shall assist in determining the need for any CGSSRT assistance.*

- d Dignity protection – at the direction of the Sheriff, the Undersheriff or their designee.
 - e Sniper activity which has been verified by field personnel.
 - f As directed by the Sheriff, Undersheriff or Lieutenants.
- 3 The Sheriff, Undersheriff or Lieutenants may activate CGSSRT.
- 4 CGSSRT may be activated to respond to a request for assistance outside of Greene County only by authorization of the Sheriff or Undersheriff.

F Notification Procedures

- 1 On-Call Personnel:
- a The Commander(s) of CGSSRT and all CGSSRT members shall be contacted for any CGSSRT activation via the “I AM RESPONDING” application.
 - b In the event of an activation, on-duty CGSSRT personnel shall be notified by Communications, per Section 3 below. All on-duty personnel shall notify the dispatcher of their on-duty status.
 - c The Commander(s) of CGSSRT shall determine the number of on-duty CGSSRT personnel responding. He shall then direct the notification of off-duty personnel.
- 2 Off-Duty CGSSRT Personnel:
- a Upon being notified of an activation, CGSSRT personnel shall contact and advise them of their status and that they are responding to the staging area using an entry route as directed by Communications through information supplied by the command post.
- 3 Communications Responsibilities: Upon being notified of an CGSSRT activation, Communications shall
- a Notify the CGSSRT Commander(s) and at his direction Communications will notify the designated team members to respond to the staging area.
 - b Record the names, numerical designations, and estimated response time of CGSSRT personnel as they notify communications.
 - c Notify, via the paging system or telephone, those CGSSRT personnel as directed by the CGSSRT Commanding officer or his designee. The notifications shall state that there is a CGSSRT activation, the location of the staging area, the safest route to respond, and the time of notification.
 - d CGSSRT Commander(s) will pre designate CGSSRT personnel to respond to retrieve any special equipment and transport equipment and personnel via the CGSSRT truck.

G General Responsibilities and Duties

- 1 The CGSSRT Commander or their designee shall maintain all training objectives, curriculum, and training attendance records, and forward copies to the Sheriff, Undersheriff, Lieutenant, and training officer.
- 2 The CGSSRT Commander(s) or their designee shall complete after-action reports. The Commander(s) and the training officer shall maintain copies.
- 3 Training days shall be provided for all CGSSRT members at the direction of the Sheriff, Undersheriff or Lieutenants.
CGSSRT Team Leader(s) will notify Hostage Negotiations when training is conducted, providing an opportunity to observe CGSSRT tactics.
- 4 All CGSSRT members shall report to the CGSSRT Team Leader(s) any physical or physiological problems that might compromise their ability to perform as an CGSSRT member.
- 5 Departmental members shall be permitted to maintain their active CGSSRT status only if all other regularly assigned duties are completed in an acceptable manner as determined and reviewed by the Sheriff and Undersheriff.
- 6 The CGSSRT Commander(s) are responsible for ensuring that the CGSSRT roster and call status, etc. is current and available to Communications, Sheriff, Undersheriff and Lieutenants.
- 7 Only the Sheriff, Undersheriff, Lieutenants or designee will release all information relative to an CGSSRT operation to the media.
- 8 Personnel and employees of this agency are prohibited from releasing any information relative to the identification of CGSSRT personnel, CGSSRT tactical operation methods or equipment.

H Tactical Weapons Options

- 1 Chemical Munitions: The use of chemical munitions should be considered an alternative use of force action. Chemical munitions should not be used indiscriminately or in anticipation against mere threats of violence or resistance.
 - a Use of chemical agents must be approved by the Sheriff, Undersheriff or Lieutenants.
 - b Agents authorized are OC and CS.
 - c CGSSRT Team Leader(s) shall provide the commanding officer with a deployment plan prior to use of munitions.
 - d Grenadier shall determine the amount and type of munitions to use. The CGSSRT Team Leader(s) or their designee shall check these amounts and types.
 - e Munitions shall only be deployed at the directions of the CGSSRT Team Leader(s).

- f Only trained CGSSRT personnel shall deploy munitions.
 - g Appropriate protective gear shall be worn at all times when utilizing chemical munitions.
 - h Appropriate inventory of munitions issued, used, and recovered during the incident shall be submitted in an after action report.
 - i Proper medical and fire personnel shall be notified and stages prior to deployment of munitions.
 - j Decontamination and cleanup shall commence at the end of the incident.
- 2 Less than Lethal Munitions: Less than Lethal munitions should be considered an alternative use of force and utilized in accordance with the established use of force policies.
- a Use of less than lethal munitions must be approved by the Sheriff, Undersheriff, or Lieutenants.
 - b CGSSRT Team Leader(s) shall provide the commanding officer with a deployment plan prior to use of munitions.
 - c Less than lethal munitions shall only be deployed at the direction of CGSSRT Team Leader(s). Amounts and types will be dictated by operations plan.
 - d Only trained CGSSRT personnel shall deploy less than lethal munitions.
 - e Appropriate protective gear shall be worn at all times when deploying less than lethal munitions.
 - f Accurate inventory of munitions issued, used and recovered during deployment shall be submitted in the after action report.
- 3 Distraction Devices: The use of the Distraction Device should be considered a less than lethal use of force and used in connection with high-risk tactical entries. It is used as an aid to the safety and protection of officers involved in a high-risk package. Distraction devices should not be used indiscriminately or against mere threats of violence or resistance.
- a Use of Use of Noise/Light distraction devices must be approved by the Sheriff, Undersheriff or Lieutenant.
 - b CGSSRT Team Leader(s) shall provide the commanding officer with a deployment plan prior to use of devices.
 - c Distraction devices shall only be deployed at the direction of the CGSSRT Team Leader(s).
 - e Proper medical and fire personnel shall notified and staged prior to deployment of devices.
 - f Distraction devices are to be deployed only by trained CGSSRT personnel

- g An accurate inventory of devices issued, used and recovered shall be submitted in an after action report.
- h After incident, CGSSRT members shall commence the following:
 - Pick up spent devices.
 - Ventilate if deployed in a structure.
 - Protect area of any failed devices.
 - Document point of deployment with regards to structure and suspects.
 - Check for any potential fire hazards caused by distraction device.
 - Render safe any failed devices utilizing proper safe rendering Procedures.

I Patrol Responsibilities

- 1 It is the responsibility of the Team Leader(s) at the scene to evaluate conditions and, if necessary, request CGSSRT through the prescribed chain of command.
- 2 Until the arrival of CGSSRT, it will be the duty of the Commanding Officer at the scene to establish and maintain an inner perimeter, and safely direct the response of other responding personnel.
- 3 All witnesses and/or "persons with knowledge" shall be kept in close proximity to the command post so that CGSSRT personnel may interview them.
- 4 All possible intelligence information regarding wither suspect(s) and/or locations shall be gathered and provided to the CGSSRT Team Leader(s) upon his arrival. The Commanding Officer of the scene shall utilize either on-duty or first arriving CGSSRT members to assist with this process, if possible.

J SWAT Vehicle

- 1 The CGSSRT armored vehicle "SRT1" is to be parked in an assigned parking area at the Greene County 911 Center.
- 2 The CGSSRT armored vehicle will be activated when the CGSSRT is activated. The vehicle will be used for training and emergency use only. CGSSRT personnel will operate it only, unless otherwise directed by the Sheriff or his designee.
- 3 CGSSRT personnel who have Agency vehicles assigned them on a permanent basis will store all their assigned gear in their assigned vehicle. Personnel without an assigned vehicle will store their assigned gear in a readily accessible location that is both secure, and able to be quickly accessed for deployment.
- 4 All other equipment utilized by the CGSSRT will be stored in the CGSSRT vehicle unless otherwise directed by the CGSSRT Commander(s) or the Sheriff.
- 5 All CGSSRT equipment that is not stored on the CGSSRT vehicle will be stored in the CGSSRT Designated storage.

- 6 The CGSSRT vehicle will be secured at all times unless utilized by authorized personnel.

Greene County Sheriff's Office

Subject: SHERIFF'S OFFICE EDUCATIONAL DISPLAY DETAILS						Policy 182	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: To provide a uniform method of fulfilling requests for educational displays.

I. Procedure

- A. Any request or need for such displays will first be directed to a Lieutenant. A determination will be made of the number of personnel needed to staff the display and assignment of personnel will be made.
- B. The completed display detail will be submitted to the Lieutenant for review, recommendations and approval prior to presentation.

Greene County Sheriff's Office

Subject: AGENCY CHAPLAIN						Policy 183	
Effective: January 1, 2016			Standard Number(s):				
Rescinded:		Amended:		Sheriff, Gregory R. Seeley			
Reviewed:							

POLICY: It is the policy of the GCSO to have an effective and meaningful chaplaincy program to effectively and humanely deal with life situations, stressful times and routine criminal justice challenges.

The GCSO Chaplain will be an ordained clergyman, clergywoman or layperson.

I. Procedure

- A. The law enforcement chaplain is, first and foremost, a person of God, duly appointed as an approved and experienced denominational representative. The departmental chaplain will be a person appointed by the Sheriff and will be issued proper Agency identification. The person/persons selected will receive a complete orientation in all departmental divisions and will receive all training that is deemed necessary to properly complete the chaplain's mission.

- B. The office chaplain program is established to assist deputies in the line of sometimes difficult situations and life situations. The program is also to assist the public we serve during traumatic time as well as through the trials and tribulations of life. The departmental chaplain will be welcome within all parts of the Agency anytime. The chaplain is a valued member of this Agency.

- C. The office chaplain should be considered for use to:
 - 1. Assist the dispatched deputies with death notifications.
 - 2. Assist the dispatched deputies through the maze of difficult duties.
 - 3. Be available to assist deputies and citizens in dealing with domestic dispute situations.
 - 4. Be available in assisting deputies and citizens with abuse situations.
 - 5. Be available for our citizens during times of disaster such as fire, weather related and other traumatic events.
 - 6. Be available to assist departmental personnel with their life problems, situations and difficult times.
 - 7. Be notified or assist with any other situation as deemed necessary by command personnel on a 24 hour basis.

8. Be part of the Agency's official and social functions.
9. Visit departmental divisions, substations, etc., anytime day or night.
10. The departmental chaplain will provide the Sheriff with a year end report outlining the chaplain's activities for the preceding year.

Greene County Sheriff's Office

Subject: CHOKEHOLDS AND SIMILAR RESTRAINTS						Policy 184	
Effective: June 16th, 2020			Standard Number(s):				
Rescinded:		Amended: 11/23/2020				Sheriff Peter Kusminsky	
Reviewed:							

DEFINITION:

Chokeholds or similar restraints: A chokehold shall include, but is not limited to, any intentional direct pressure to the throat or windpipe which may prevent, obstruct or hinder breathing or blood flow.

POLICY:

- A chokehold or similar restraint is prohibited for use solely for the purpose of gaining compliance.
- A chokehold or a similar restraint shall be considered deadly physical force as defined by Article 10 of the New York State Penal Law. In any situation where a Deputy is otherwise acting lawfully, the use of deadly physical force is justified in the defense of a Deputy's life or a citizen's life whenever the Deputy reasonably believes that deadly physical force is necessary to prevent or terminate deadly physical force towards that Deputy or another person. A chokehold or similar restraint is prohibited for use solely for the purpose of gaining compliance.
- Every Deputy, who under color of authority and without lawful necessity, intentionally or recklessly provides pressure to the throat or windpipe, which may prevent, obstruct or hinder breathing or blood flow of any person, may be guilty of a felony as provided by law.
- Any GCSO member that violates this policy may be subject to discipline as set forth in the GCSO Policy & Procedure.

Greene County Sheriff's Office

UAV PROCEDURE							185	
January 1st, 2020				Standard Numbers 33.3, 43.6				
Revised			Amended August 17, 2020		Sheriff Peter Kusminsky			

PURPOSE

This policy is intended to provide personnel who are assigned responsibilities associated with the development and use of a small unmanned aerial system (sUAS), with instructions on when and how this technology, and the information it provides, may be used for law enforcement and public safety purposes, in accordance with law.

Policy

It is the policy of the office of the Sheriff that duly trained and authorized agency personnel may operate the sUAS when such use is appropriate in the performance of their official duties, and where development and use, and the collection and use of any audio/visual recordings or other data originating from or generated on the sUAS, comply with the policy provisions provided herein and applicable law.

Definitions

- A. Small Unmanned Aerial System (sUAS) – unmanned aircraft weighing less than 55lbs
- B. Unmanned Aerial System (UAS), and all Unmanned Aerial Systems (UAS) include
 - a. Unmanned Aerial Vehicle (UAV) – An aircraft that is intended to navigate in the air without an onboard pilot. Also alternatively called Remotely Piloted Aircraft (RPA)
 - b. Remote Controller(s)
 - c. Payload/Camera or other sensors
 - d. Network – transmit live images
- C. Remotely Operated Vehicle (ROV) or drone.
 - 1. Unmanned Aircraft Pilot (UAP) – person exercising control over a sUAS during flight.
 - 2. Unmanned Aircraft Operator (UAO) – person that oversees the flight and assists the pilot.

III Administration

All deployments of the sUAS must be specifically authorized by the Sheriff or other authorized personnel as designated by the Sheriff. The office of the Sheriff has adopted the use of sUAS to provide an aerial visual perspective in responding to emergency situations and urgent circumstances, and for the following objectives:

- A. Situational Awareness to assist decision makers (e.g., incident commander and staff) first responders, city, county, and state officials in understanding the nature, scale, and scope of an incident—and for planning and coordinating an effective response.
- B. Search and rescue to assist missing persons investigations, AMBER Alerts, Silver Alerts, and other search and rescue missions.
- C. Tactical Deployment to support the tactical deployment of officers and equipment in emergency situations (e.g., incidents involving hostages and barricades, support for large scale tactical operations, and other terrorist/counter terrorism security situations).
- D. Visual Perspective to provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, special circumstances, and terrorist/counter terrorism security.
- E. Scene Documentation to document a crime scene, accident scene, or other major incident scene (e.g., disaster management, incident response, large scale forensic scene investigation).

IV Procedure

- A. The office of the Sheriff must obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the sUAS, and these authorizations, permits, and certificates shall be maintained and current.
- B. The sUAS will be operated only by personnel pilots and crew members who have been trained in the operation of the system.
- C. The sUAS operating personnel shall inspect and test sUAS equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device.
- D. The sUAS equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the Lieutenant as soon as possible so that an appropriate repair can be made or a replacement unit can be procured.
- E. The sUAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the office of the Sheriff of Greene County.
- F. All flights will be documented on a form designed for that purpose, and all flight time shall be accurately recorded. In addition, each deployment of the sUAS shall include information regarding the reason for the flight, the time, date, and location of the flight, the name of the supervisor authorizing the deployment and the staff assigned, and a summary of the activities covered, actions taken, and outcomes from the deployment.
- G. Except for those instances where officer safety or investigation could be jeopardized and where reasonable, possible and practical, the office of the Sheriff is not required to notify the public regarding the use of sUAS.

- . Where there are specific and articulable grounds to believe that the sUA will collect evidence of criminal wrongdoing and/or if the sUA will be used in a manner that may intrude upon reasonable expectations of privacy, a search warrant will be obtained prior to conducting the flight.

V □ Restrictions on Use of sUAS

- A. The sUA shall be deployed and used only to support official law enforcement and public safety missions.
- . The sUA shall not be operated in an unsafe manner or in violation of FAA rules.
- C. The sUA shall not be equipped with weapons of any kind.

V □ Digital Media Retention and Management

- A. All digital Media shall be securely downloaded at the completion of each mission. The sUA operators will record information for each file that shall include the date, time, location, and case reference numbers or other mission identifiers and identify the sUA personnel involved in mission.
- . Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner sUA digital media without prior written authorization and approval of the Sheriff or his or her designee.
- C. All access to sUA digital Media must be specifically authorized by the Sheriff or his or her designee, and all access is to be limited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- . Files should be securely stored on the server.
- . Any digital media collected for a Greene County Sheriff's Office Incident or Investigation, will be copied to a CD/DVD, and submitted with the case file. Training mission digital media, and digital media made for other agencies will not be submitted with a case file.

V □ sUAS Supervision

- A. The Lieutenant shall manage and supervise the Greene County Sheriff's Office sUA program. He shall manage all deployments and uses of sUA to ensure that sUAs are utilized in accordance with policies and procedures defined herein.

V □ Training

- A. Greene County Sheriff's Office personnel who are assigned to operate sUAs must complete an agency-approved training program to ensure proper use and operations and any additional training as deemed necessary.
- . All agency personnel with sUA responsibilities, including supervising officers, shall also be trained in the local and federal laws and regulations, as well as policies and procedures governing the deployment and use of the sUA.

☐☐ **Audits**

- A. The Lieutenant or his designee will audit flight documentation at regular intervals. The results of the audit will be documented. Any changes to the flight time counter will be documented.
- B. Documentation for all maintenance, training, and missions will be made in the [UAV Use Book](#), and this form will be maintained with the sUAS for FAA logging purposes.

Greene County Sheriff's Office

Subject: PROJECT LIFESAVER	Policy 186
Effective: December 1st, 2020	Standard Number(s): 33.3, 43.6
Rescinded:	Amended: Sheriff Peter Kusminsky
Reviewed:	

POLICY: The following will be the requirements of the Project Lifesaver for the Greene County Sheriff's Office.

Project Lifesaver is an invaluable tool to aid families in locating their missing/vulnerable family member. A person responsible for the vulnerable individual must notify the Sheriff's Office of a candidate who may be eligible. The program is designed for "at risk" individuals who are prone to the life-threatening behavior of wandering. The mission of Project Lifesaver is to provide timely response to save lives and reduce potential injury for adults and children with the propensity to wander due to a cognitive condition.

1. Project Lifesaver will be supervised by a designated member selected by administration.

2. The member in charge will work directly under, reports to and coordinates all issues through the Lieutenant.

3. Responsibilities of the member in charge include:
 - A. Maintain all equipment associated with the program.
 - Bi-annually perform an inventory inspection and maintain records.
 - Order consumable items, and needed equipment through the Lieutenant.
 - Coordinate any necessary repairs of equipment.
 - Update client binder information.

 - B. Meet with new candidates and their family members to advise them of the program.
 - Sign up new candidates.
 - Supply the family with necessary equipment and assist with installing.
 - Fill out all necessary paperwork associated with a new client.
 - Notify dispatch.

4. Qualifications:

- A. The member in charge of Project Lifesaver must complete an approved Project Lifesaver course.
- The member in charge will train road patrol in the usage of the equipment through in-service training.

5. Deployment:

- A. When a client goes missing, the road patrol member assigned will notify his immediate supervisor of the incident. The supervisor will advise the road patrol Deputy to either (1) retrieve the tracking equipment, (2) continue to the scene, (3) retrieve the equipment himself/ herself, (4) contact the member in charge of Project Lifesaver, or (5) do all of the above.
- B. The client information binder will be located at the GCSO main office, the Greenville satellite and Greene County Dispatch. The client information will include a picture of the client, the frequency for the tracking device as well as pedigree information. The road patrol deputy or supervisor will gather this information.
- C. Once the equipment is on scene, the member using the tracking equipment, will coordinate with members on scene. The vehicle antennae will be used first to attempt to locate a signal using the client's specific frequency. Once a signal has been located. The member will switch to the handheld tracking device and begin to attempt to pinpoint the client's location.

6. Documentation

Any incident involving Project Lifesaver will have an SJS incident report filled out and submitted to their supervisor for review. A copy of the closed incident report will be forwarded to the member in charge. The member in charge will keep record of the number of usages of Project Lifesaver.