



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>2.4</b>
	SECTION: COMMUNICATIONS	
	TOPIC: <u>Staffing Table</u>	
REPLACES: REVIEWED: 05-28-19		

**2.4 Staffing Table**

- A. A staffing table will be maintained by the Accounting Supervisor and shall include:
1. Total personnel strength as authorized by the County Legislature.
  2. Number of personnel, by rank or job title within each organizational component, including civilians.
- B. The Accounting Supervisor will notify the Sheriff of any and all changes to the staffing table.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>2.5</b>
	SECTION: ADMINISTRATION	
REPLACES: REVIEWED: 05-28-19	TOPIC: <b>Map of Patrol Areas</b>	

**2.5 Map of Patrol Areas**

The Sheriff's Office will maintain a map of patrol areas designating the service areas organized into identified patrol. The patrol areas will periodically be evaluated to determine if changes should occur.

# Use of Force

## Model Policy

*September 2020*



**Municipal Police  
Training Council**

New York State Division of Criminal Justice Services  
80 South Swan Street, Albany, New York 12210

[www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)



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## Use of Force Model Policy



STATE OF NEW YORK  
Division of Criminal Justice Services  
Office of Public Safety



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## **Use of Force Model Policy**

At the forefront of the national discussion involving policing in America is the way in which police use force. Agency policies regarding the use of force are facing increased scrutiny and agencies are seeking to ensure that their Use of Force policies are well-reasoned. Agencies are increasingly concerned with providing their officers with the best direction possible as they are tasked with making split-second judgements under circumstances that are tense, uncertain, and rapidly evolving.

The Council sought to address these concerns with the attached policy. The MPTC Use of Force model policy is firmly rooted in the 4<sup>th</sup> Amendment jurisprudence that governs police use of force, while remaining broad enough to serve as a framework for any agency in New York to build upon. This version of the policy has been promulgated pursuant to Executive Law §840(4)(d)(3) and adopted by the Municipal Police Training Council in September of 2020.

## **Acknowledgements**

The New York State Division of Criminal Justice Services (DCJS) acknowledges the extensive work done by the following associations and agencies:

District Attorney's Association of the State of New York

Law Enforcement Training Directors Association of New York State

New York State Association of Chiefs of Police

New York State Police

New York City Police Department

New York State Sheriff's Association

New York State University Police

New York State Department of Corrections and Community Supervision

# Use of Force - Model Policy

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## I. PURPOSE

Law enforcement officers around the country and here in New York State are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force. The policy is designed to provide guidance to individual agencies as they develop their own use of force policies in accordance with Executive Law §840(4)(d)(3).

This policy is not intended to endorse or prohibit any particular tactic, technique, or method of employing force. Separate policy guidance and training should be provided for each of the available force instrumentalities made available to officers.

## II. POLICY

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness.<sup>1</sup> 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 is intended to provide officers with guidelines for the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies "allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation."<sup>2</sup>

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

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<sup>1</sup> Force which is objectively reasonable is insulated from criminal liability through Article 35 of the NYS Penal Law and civil liability by the 4<sup>th</sup> Amendment standard of objective reasonableness.

<sup>2</sup> *Graham v. Connor*, 490 U.S. 386 at 396 (1989).

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## III. DEFINITIONS

- A. **Objectively Reasonable** – An objective standard used to judge an officer's actions. 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.<sup>3</sup>
- 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.<sup>4</sup>
- C. **Physical Injury** – Impairment of physical condition or substantial pain.<sup>5</sup>
- 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 or impairment of the function of any bodily organ.<sup>6</sup>

## IV. USE OF FORCE

- A. In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.<sup>7</sup>
- B. Under the 4<sup>th</sup> 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.<sup>8</sup>

## V. 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 the time of the event.

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<sup>3</sup> *Graham*, 490 U.S. 396 (1989)

<sup>4</sup> NY Penal Law § 10 (11) (McKinney 2013)

<sup>5</sup> NY Penal Law § 10 (9) (McKinney 2013)

<sup>6</sup> NY Penal Law § 10 (10) (McKinney 2013)

<sup>7</sup> NY Penal Law and § 35.30(1) (McKinney 2013)

<sup>8</sup> *Graham*, 490 U.S. at 396 (1989)

# Use of Force - Model Policy

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- B. Factors that may be used in determining the reasonableness of force include, but are not limited to:
1. The severity of the crime or circumstance;<sup>9</sup>
  2. The level and immediacy of threat or resistance posed by the suspect;<sup>10</sup>
  3. The potential for injury to citizens, officers, and suspects;<sup>11</sup>
  4. The risk or attempt of the suspect to escape;<sup>12</sup>
  5. The knowledge, training, and experience of the officer;<sup>13</sup>
  6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;<sup>14</sup>
  7. Other environmental conditions or exigent circumstances.<sup>15</sup>

### VI. DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. An officer who observes another officer use force that exceeds the degree of force as described in subdivision A of this section should promptly report these observations to a supervisor.

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<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Scott v. Harris*, 550 U.S. 372 (2007)

<sup>12</sup> *Graham*, 490 U.S. at 396 (1989)

<sup>13</sup> Analysis of cases under the 4<sup>th</sup> Amendment require the focus to be on the perspective of a reasonable officer on the scene which includes the training and experience of the officer. *Graham v. Connor*, 490 U.S. 386 (1989), *Terry v. Ohio*, 392 U.S. 1 (1968)

<sup>14</sup> *Sharrar v. Felsing*, 128 F. 3d 810 (3<sup>rd</sup> Cir. 1997) (numbers of officers or subjects)

<sup>15</sup> Courts have repeatedly declined to provide an exhaustive listing of factors. *Chew v. Gates*, 27 F. 3d 1432, 1475 n.5 9<sup>th</sup> Cir. (1994)

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## VII. USE OF DEADLY PHYSICAL FORCE

- A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.<sup>16</sup>
- B. Deadly physical force may be used to stop a fleeing suspect where:
  - 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
  - 2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
  - 3. Where feasible, some warning should be given prior to the use of deadly physical force.<sup>17</sup>
- C. Chokeholds and Obstruction of Breathing or Blood Circulation
  - 1. Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.<sup>18</sup>

## VIII. PROHIBITED USES OF FORCE

- A. Force shall not be used by an officer 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;

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<sup>16</sup> NY Penal Law and § 35.30(1)(c)(McKinney 2013)

<sup>17</sup> NY Penal Law and § 35.30(1), as restricted by *Tennessee v. Garner*, 471 U.S. 1 (1985) (restricting the use of deadly physical force as it relates to fleeing felons) In *Garner*, the Supreme Court uses "significant threat of serious physical harm, either to the officer or others" in describing the limited circumstances under which deadly force can be used to prevent the escape of a felon.

<sup>18</sup> NY Penal Law § 121.13-a establishes the crime of Aggravated Strangulation.

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3. To obtain blood, saliva, urine, or other bodily fluid or cells, 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.

### IX. REPORTING & REVIEWING THE USE OF FORCE

- A. A police or peace officer or other law enforcement entity who has custody of a person must provide attention to the medical and mental health needs of a person in their custody and obtain assistance and treatment of such needs, which are reasonable and provided in good faith.<sup>19</sup>
  1. This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
  2. The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.<sup>20</sup>
- B. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.
  1. Use of force that results in a physical injury.
  2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
  4. Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.

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<sup>19</sup> NY Civil Rights Law § 28

<sup>20</sup> NY Mental Hygiene Law § 9.41

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- 5. Incidents where a firearm was discharged at a subject.<sup>21</sup>
  - C. A standardized use of force form should be used to document any reportable use of force incident.<sup>22</sup>
  - D. Officers should document any requests for necessary medical or mental health treatment as well as efforts of police to arrange for such treatment.
- X. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS**
- A. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
  - B. A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
  - C. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
  - D. The [applicable person, unit, or bureau] will receive the supervisor's report and conduct an investigation.
  - E. Consistent with agency disciplinary protocols and any applicable collective bargaining agreements, agency policy should establish standards for addressing the failure to adhere to use of force guidelines.<sup>23</sup>
- XI. TRAINING**
- A. All officers should receive training and demonstrate their understanding on the proper application of force.
  - B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies,

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<sup>21</sup> NY EXC § 837-v requires that any discharge of a weapon, while either on duty or off duty, in the direction of a person be verbally reported to the involved officer's supervisor within six hours and a written report prepared within forty-eight hours of occurrence.

<sup>22</sup> Chiefs of police departments, County Sheriffs, and the Superintendent of State Police should consider utilizing these forms to ensure compliance with the administrative reporting requirement of EXC §837-t.

<sup>23</sup> NY EXC § 840(4)(d)(2)(vi)



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including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.<sup>24</sup>

- C. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.

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<sup>24</sup> EXC § 840(4)(d)(2)(vii)



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 07/15/19	NUMBER: <b>20.1</b>
	SECTION: ADMINISTRATION	
	TOPIC: <b>Use of Force</b>	
REPLACES: Order Issued 09/02/15 REVIEWED: 07/15/19		

### **20.1 Use of Force**

#### **A. Purpose**

Law Enforcement officers around the country and here in New York State are authorized to use reasonable and legitimate force in special circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards, but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force.

#### **B. Policy**

The federal and state standards by which 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 that is objectively reasonable under the circumstances for the officer or officers 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 is intended to provide officers with guidelines to the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies "allowance for the fact that police officers are often forced to make split-second judgements – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

C. Definitions

1. **Objectively Reasonable** - An objective standard used to judge an officer's actions. 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.
2. **Deadly Physical Force** – Physical Force which, under circumstances in which it is used, is readily capable of causing death or other serious physical injury.
3. **Physical Injury** – Impairment of physical condition or substantial pain.
4. **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 or impairment of the function of any bodily organ.

D. Use of Force

1. In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
2. Under the 4<sup>th</sup> 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.

**E. Determining the Objective Reasonableness of Force**

1. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
2. Factors that may be used in determining the reasonableness of force include, but are not limited to:
  - a. The severity of the crime of circumstances;
  - b. The level and immediacy of threat or resistance posed by the suspect;
  - c. The potential for injury to citizens, officers, and suspects;
  - d. The risk or attempt of the suspect to escape;
  - e. The knowledge, training, and experience of the officer;
  - f. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects involved;
  - g. Other environmental conditions or exigent circumstances.

**F. Duty to Intervene**

1. Any officer present and observing another officer using force that he/she reasonably believes to be *clearly* beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
2. In assessing the duty to intervene during what reasonably appears to be a clear violation of this policy, the paramount concern should always be the safety of all officers involved and the public.
3. An officer who observes another officer use force that *clearly* exceeds the degree of force as described in subdivision 1 of this section should promptly report these observations to a supervisor.

**G. Use of Deadly Physical Force**

1. Deadly Physical Force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.
2. Deadly Physical Force may be used to stop a fleeing suspect where:
  - a. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; AND,
  - b. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
  - c. When feasible, some warning should be given prior to the use of deadly physical force.

**H. Prohibited Uses of Force**

1. Force shall not be used by an officer for the following reasons:
  - a. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
  - b. To coerce a confession from a subject;
  - c. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required.
  - d. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

**I. Reporting and Reviewing the Use of Force**

1. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
2. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete an agency use of force report.
  - a. Use of Force that results in physical injury.
  - b. Use of Force incidents that a reasonable person would believe is likely to cause injury.
  - c. Incidents that result in a complaint of pain from the subject with the exception of complaints of minor discomfort from compliant handcuffing.
  - d. Where the officer displayed, used, or deployed a chemical agent (O.C. Spray) or a conducted energy device (Taser).
  - e. Where the officer brandished, used, or deployed a baton.
  - f. Where the officer used a chokehold.
  - g. Where the officer brandished, used or discharged a firearm at another person.
  - h. Where the officer engaged in any conduct which results in death or serious bodily injury to another person.
3. A standard Use of Force form should be used to document any reportable use of force incident along with the SD106 form for the incident that involved the use of force.

**J. Procedures For Investigating Use of Force Incidents**

1. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
2. A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
3. Photographs should be taken which sufficiently document any injuries or lack thereof to the officers or suspects.
4. A captain will review all use of force reports and make notification to the state where required by law.
5. Consistent with agency disciplinary protocols and any collective bargaining agreements, violations of this policy will be addressed.

**K. Training**

1. All officers should receive training and demonstrate their understanding on the proper application of force.
2. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.
3. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.

- L. **Survival Tactics** - This section reaffirms the officer's right to use any level of force or any tactic deemed necessary to protect the officer's life, or the life of another, when faced with a true life-threatening situation. When an officer implements these tactics, the following four conditions must be met:
1. The officer did not create the emergency situation.
  2. The officer was acting under an immediate and direct threat.
  3. The level and amount of force used was reasonable given the facts and circumstance at the time.
  4. A reasonable and prudent person might have been expected to react similarly under similar conditions.





## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 10/24/19	NUMBER: <b>20.3</b>
	SECTION: ADMINISTRATION	
REPLACES: Order Issued 07/15/05 REVIEWED: 10/24/19	TOPIC: <b>Use of Force – Dissemination of Policy</b>	

### **20.3 Use of Force – Dissemination of Policy**

All law enforcement and corrections officers of the Chautauqua County Sheriff's Office shall annually receive instruction/training concerning Article 35 of the New York State Penal Law and the policy of the Chautauqua County Sheriff's Office concerning the Use of Force. All members will acknowledge this training by signature.

- A. Upon completion of the annual training relative to the use of deadly physical force, Article 35 PL, all designated personnel will be tested on their knowledge of this article of the law. A person who fails to achieve a passing grade on the test that is given in conjunction with the instruction will receive immediate remedial training until a satisfactory grade is achieved.
- B. Members will have a working knowledge of the Article 35.00 of the New York State Penal Law in regards to justification of the use of force.

It is imperative that members take into account the following three variables when making a use of force decision:

1. The level of suspect resistance.
2. The level of control to be used by the officer to overcome the suspect's level of resistance.
3. The tactics and/or weapons to be used by the officer to overcome the suspect's resistance.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 10/24/19	NUMBER: <b>20.6.1A</b>
	SECTION: ADMINISTRATION	
	TOPIC: <b>Use of Chemical Sprays – Patrol</b>	
REPLACES: Order issued 07/12/12 REVIEWED: 10/24/19		

### **20.6.1A Use of Chemical Sprays - Patrol**

It shall be the policy of the Sheriff's Office to utilize an organic inflammatory agency, oleoresin capsicum (OC), as a mid-level force option to temporarily incapacitate violent or potentially violent subjects allowing agency members to bring them under physical control.

It is the intention of this agency that the use of OC will provide agency members a non-lethal, temporarily incapacitating, force option which will act to protect the safety of the violent or potentially violent subject, as well as the safety of the agency member. It is further the intention of this agency that the use of OC shall prevent the escalation of force for both the offender and the agency member.

The use of OC by agency members shall be only for the purposes identified above and in compliance with the agency's use of force procedures, the manufacturer's recommendations, and in the manner in which agency members are trained.

#### **A. Prohibitions**

1. Agency members shall not utilize OC without first having reasonable cause to do so.
2. Agency members shall not use OC in a punitive or retaliatory manner against a subject.
3. Agency members shall not discharge OC directly into the eyes of a subject at a distance of less than 2.5 feet unless circumstances are such that they are justified in the use of force that is capable of causing serious physical injury (i.e., officer in danger of losing his weapon).
4. Agency members shall not discharge OC in quantities grossly in excess (over contamination) of those necessary to temporarily incapacitate a violent or potentially violent subject and bring him/her under control.

5. Agency members shall not delay, without reasonable cause, the provision of decontamination of a subject who has been contaminated with OC.
6. Agency members shall not carry nor utilize any other type or brand of OC, which has not been approved by the Sheriff.

**B. Justification**

1. The use of OC shall be authorized for those situations in which a subject must be taken into custody and is either physically violent or potentially physically violent and will not submit to verbal commands to do so, and does not justify the use of deadly physical force. The goal of the officer shall be the use of the minimum force necessary to overcome the resistance presented.
2. Prior to using OC, the agency member shall consider the following:
  - a. The presence or imminence of physical violence to bystanders or the agency member.
  - b. The degree of physical threat to the subject, bystanders, and agency member.

**C. Use of OC**

1. OC shall be dispensed using the face area of the subject as the point of aim.
2. OC shall be dispensed, unless otherwise reasonably justified, from a distance of no less than 2.5 feet.
3. OC shall be dispensed with two (2) initial bursts. If this proves ineffective, the series of bursts shall be continued until the subject is incapacitated to the point that he/she can be brought under physical control safely.

**D. Procedures for Physical Control**

1. Once the subject is temporarily incapacitated from the effects of OC, the officers shall obtain physical control of the subject.
2. Officers shall ensure that the contaminated subject is prevented from injuring himself/herself or others. These individuals will be experiencing a sense of panic and physiological overload and must be brought under immediate control through the use of physical restraint and verbal calming techniques.
3. Officers shall handcuff the contaminated subject from the back to insure

maximum control of the subject and to insure that the subject does not rub his/her eyes causing damage to the eyes.

**E. Decontamination**

1. Flush contaminated area with large amounts of cold water. Expose areas to fresh air.
2. Have contaminated subject remove contact lenses, if necessary.
3. Do not apply salves, creams, oils or lotions, which can trap the OC causing skin blisters.
4. Transport subject to medical facility if subject requests treatment or if it appears that the subject exhibits respiratory distress.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: 20.6.2
	SECTION: ADMINISTRATION	
	TOPIC: Use of the Police Baton	
REPLACES: REVIEWED: 6/21/19		

### 20.6.2 Use of the Police Baton

- A. **Purpose** – This general order establishes procedures for using the police baton in accordance with the proper use of force guidelines.
- B. **Justification** – The use of the intermediate weapon (collapsible baton or straight baton) is justified when closed hand control has failed or the officer believes that closed hand control will be insufficient to establish control and the use of deadly physical force is not justified (See General Order 20.1 - Use of Force). The baton will never be used with the intent to inflict permanent injury, only as a means to control an offender.
- C. **Training** – Each officer will attend annual in-service training in the proper use of the baton.
- D. **Use** – The police baton will primarily be used to strike the nerve motor points of the legs and arms:
1. Common Peroneal Nerve
  2. Femoral Nerve
  3. Tibial Nerve
  4. Radial Nerve
  5. Median Nerve
- *The use of the police baton to strike joints or areas of the head and neck can be classified as deadly physical force.*



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 10/24/19	NUMBER: 20.6.3
	SECTION: ADMINISTRATION	
	TOPIC: <u>Use of Force – TASER Deployment Policy</u>	
REPLACES: Order Issued 7/10/07 REVIEWED: 10/24/19		

### 20.6.3 TASER Deployment Policy

A. **Purpose:** This order sets forth the Chautauqua County Sheriff's Office policy regarding deployment of the TASER.

B. **Policy:**

1. The TASER is deployed as an additional law enforcement tool and is not intended to replace firearms or self-defense techniques. The TASER may be used:
  - a. To control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary;
  - b. When attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or
  - c. When there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.
  - d. When the suspect flees from custody and the TASER can be used to prevent their escape.
  - e. Any other situation(s) where the use of the TASER could prevent injuries to officers, the subject or others.

C. **Procedure:**

The following provisions are established:

1. TASERS shall be issued to and used only by officers who have completed the Sheriff's Office TASER training.
2. TASERS shall be issued to certified patrol officers assigned in each patrol zone and contract area, if available.

3. Only properly functioning and charged TASERS shall be issued for field use. (The battery status should only be checked after the cartridge is removed.)
4. All TASERS shall be worn on the belt on the patrol deputy during their tour of duty.
5. Each discharge, including accidental discharges, of a TASER shall be investigated and documented using a Chautauqua County Sheriff's Office Incident Report.

**D. Responsibilities:**

1. Captain
  - a. Training for the TASER will be conducted by a Sheriff's Office TASER instructor.
  - b. The Patrol Captain shall:
    - Ensure training on non-lethal devices is provided as needed.
    - Review each use of a TASER by a patrol officer within the command.
2. Patrol Lieutenants
  - a. Patrol Lieutenants, or Patrol Sergeants in the absence of a Patrol Lieutenant, shall be responsible for the following:
    - Ensure TASERS are only assigned to properly trained deputies..
    - Monitor the use of TASER and related tactics.
    - Respond expeditiously to "TASER" incidents.
    - Investigate EACH incident in which a TASER is fired. In the event of a TASER discharge, the supervisor will secure the unit so that a TASER deployment is properly downloaded and stored.
3. Certified Instructors
  - a. Certified Instructors shall:
    - Receive, inspect and ensure the maintenance and replacement

of TASER devices assigned to Field Operations.

- Establish and maintain systems to record issuance of equipment.
- Return defective or damaged TASERS and Cartridges to the supplier.
- Obtain service and/or replacement for defective or damaged TASER components from the supplier.

4. Field Officers

- a. Officers will secure the TASER in the assigned holster which will be worn on their duty belt.
- b. Officers deployed with a TASER shall:
  - Upon encountering a situation that may require the use of a TASER, if possible request the response of a supervisor.
  - Ensure at beginning of shift that TASER is fully charged. (Check battery status with the Cartridge REMOVED.)
  - It shall be the responsibility of the assigned officer to notify a supervisor if the TASER is not operational. The supervisor will notify a Certified Instructor with any questions or concerns in an attempt to have all TASERS functioning properly.

E. In-Field Use of TASER:

- 1. Officers not deployed with TASER shall:
  - a. Upon encountering a situation in which it is determined that a TASER may be required, broadcast a request for "TASER DEPLOYMENT". The broadcast of "TASER DEPLOYMENT" will be interpreted by Communications personnel as a request for supervisor and field units to respond to the location EXPEDITIOUSLY. If the field situation changes and a TASER is no longer needed at the scene, a cancellation of the "TASER DEPLOYMENT" shall be broadcast.
- 2. Officers discharging a TASER shall:
  - a. If a supervisor is not present or en route to the scene, request the



response of a supervisor.

- b. If a supervisor is not available, notify Communications by telephone as soon as practical and advise the Sheriff, Undersheriff, and Captain of the circumstances of the incident.
- c. Prior to the use of the TASER, if practical, request that Emergency Medical Personnel respond to the scene.
- d. Persons who have been subjected to the TASER or the probes shall be treated as follows:
  - Once in custody, the arresting officer shall advise EMS or the Emergency Room staff that the person has been subjected to the TASER and relate the approximate time the action occurred. If the probes penetrate the skin, the puncture sites shall be brought to the attention of the on-duty supervisor, paramedics or Emergency Room staff. Only Emergency Room staff may remove TASER probes that are imbedded in soft tissue areas such as the neck, face and groin. Removal for other areas will be at the discretion of the on-scene supervisor and EMS personnel.
  - After examining the affected person, the EMS will make the determination if the person should or should not be transported to the hospital. Transportation to a medical facility will be by police transport unless an ambulance is more appropriate.
  - The arresting officer shall obtain a medical release from the Emergency Room physician before transporting a subject exposed by a TASER to a court or Detention facility. This can be obtained from the physician if the subject has been treated in the Emergency Room.
  - Officers must be aware that one easily overlooked aspect of injury in subjecting a person to a TASER is that of falling from a standing position. A thorough physical examination with particular emphasis on injuries secondary to the fall should be performed.
  - A person who has been subjected to the TASER will be arraigned only after he or she has been examined by EMS or hospital personnel.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 08/25/09	NUMBER: 20.7
	SECTION: ADMINISTRATION	
	TOPIC: Use of Force – Reporting Requirements	
REPLACES: Order Issued 08/01/98 REVIEWED: 6/21/19		

**20.7 Use of Force – Reporting Requirements**

Whenever any officer of the Chautauqua County Sheriff's Office takes action that results in or is alleged to result in injury or death of another person or applies force to the person of another through the use of a lethal or non-lethal weapon, an Incident Report will be written detailing the circumstances of the incident. The report shall be forwarded to the officer's immediate supervisor and submitted through the chain of command.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 10/24/19	NUMBER: <b>20.9</b>
	SECTION: ADMINISTRATION	
REPLACES: Order Issued 09/02/15 REVIEWED: 10/24/19	TOPIC: <b>Post-Shooting Procedure – Life-Threatening Use of Force</b>	

**20.9 Post-Shooting Procedure – Life Threatening Use of Force**

In the event that an agency member is involved in the use of deadly physical force (shooting), the following procedure will be used:

- A. The Sheriff, Undersheriff, and Captains will be notified.
- B. The Criminal Investigation Division will commence an investigation and will investigate every use of deadly physical force incident and will request the cooperation of the District Attorney's Office to conduct an investigation by that office.
- C. The weapon used by the officer will be kept until it is determined it is not an item of evidence. All fired rounds (cases) will also be turned in or accounted for.
- D. The officer will be isolated from the scene as soon as possible after the initial investigation is completed and returned to the nearest station for debriefing and will remain in contact with another officer.
- E. The officer will be issued another weapon and remain on duty status unless there are reasons peculiar to the particular incident that indicate another course of action:
  1. Light duty,
  2. Leave at officer's request, or
  3. Suspension.
- F. The deputy involved will be kept apprised of the investigation and will be notified of the results/disposition of the incident.
- G. The deputy will be evaluated and cleared by a qualified mental health professional before they may return to active duty.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: 21.1
	SECTION: ADMINISTRATION	
	TOPIC: Review of Firearm Use	
REPLACES: 08/01/98 REVIEWED: 10/24/19		

### **21.1 Review of Firearm Use**

Any member of the Chautauqua County Sheriff's Office, who discharges an agency issued or authorized firearm for any purpose other than training, his, will submit an Incident Report Form SD 106, separate from any incident report filed for the incident which involved firing the weapon; e.g., motor vehicle accident involving an injured deer. The report will reflect details and how many rounds were discharged.

A. **Review of Report** – All reports involving the discharge of a firearm shall be reviewed by the Criminal or Patrol Lieutenants to insure:

1. The firearm was used correctly.
2. Evaluate need for further training.
3. Evaluate adequacy of the firearm and ammunition for the incident.

### **B. Post Shooting Procedure**

1. In the event that an agency member is involved in the use of deadly physical force (shooting), the following procedure will be used:
  - a. The Sheriff, or in his absence the Undersheriff, will be notified.
  - b. The Criminal Investigation Division will commence an investigation and will investigate every use of deadly physical force incident and will request the cooperation of the District Attorney's Office to conduct an investigation by that office.
  - c. The weapon used by the officer will be turned in to the evidence officer, tagged, and kept until it is determined it is not an item of evidence. All fired rounds (cases) will also be turned in or accounted for.
  - d. The officer will be isolated from the scene as soon as possible after the initial investigation is completed and returned to nearest station for debriefing and will remain in contact with another officer.

- e. The officer will be issued another weapon and remain on duty status unless there are reasons peculiar to the particular incident that indicates another course of action:
  - (1) Light duty
  - (2) Leave at officer's request
  - (3) Suspension
- f. The officer involved will be kept apprised of the investigation and notified of the results/disposition of the incident.
- g. In the event of injury or death, notification of officer's spouse or next of kin will be made to advise of officer's status and to provide any help necessary to the officer's family.
- h. In every event, the Sheriff's Office will provide psychological evaluation and counseling to the deputy by a qualified mental health professional.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 10/24/19	NUMBER: <b>21.2</b>
	SECTION: ADMINISTRATION	
REPLACES: Order Issued 07/31/09 REVIEWED: 10/24/19	TOPIC: <b>Review of Force Causing Injuries</b>	

**21.2 Review of Force Causing Injuries**

Whenever any member takes action such as described in General Order 20.7 of this Manual, the incident shall be reviewed by the first line supervisor and submitted through the chain of command to ensure:

- A. Rules and regulations of this agency were followed.
- B. Documentation is maintained in the event of future litigation.
- C. That all use of force incidents are properly evaluated.
- D. That potential training deficiencies and determine appropriate training corrections.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 03/01/04		NUMBER: <b>33.1.1</b>
	SECTION: TRAINING		
	TOPIC: <b>Less Than Lethal Substances and Devices</b>		
REPLACES: REVIEWED: 6/21/19			

**33.1.1 Less Than Lethal Substances and Devices**

**A. Policy**

It is the policy of the Chautauqua County Sheriff's Office to ensure the proper use of less than lethal substances and devices.

**B. Procedure**

All officers using less than lethal substances or devices such as pepper spray, batons (ASP) and Tasers will be trained in the proper use of these devices before they are issued. Officers who have not received prior training will be trained prior to their usage.

In-service training of these devices is to be done in accordance with current accreditation standards.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 04/30/03	NUMBER: 1.1
	SECTION: COMMUNICATIONS	
	TOPIC: <u>Mission Statement</u>	
REVIEWED:05/21/19		

### 1.1 Mission Statement

The members of the Chautauqua County Sheriff's Office, in partnership with our community, are dedicated to improving the quality of life by protecting lives and property, enforcing the laws of the State of New York and the United States Constitution, securing offenders, and responding to the needs of the people. This is our commitment to you and to ourselves.

**We hold ourselves accountable to the following principles:**

- A. Integrity - We will maintain the highest degree of moral and ethical standards by conducting ourselves in a manner beyond reproach in both our professional and personal lives.
- B. Fairness - We will be consistent in our treatment of each other and in our service to the community by exercising good judgment, objectivity, and impartiality in our actions.
- C. Compassion - We will have the courage to be patient, understanding, and sensitive to the needs of the community and each other, treating all with respect and dignity.
- D. Professionalism - We will take pride in providing the highest level of service by being cooperative, well-trained, disciplined, and dedicated to continuous improvement.





## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 04/09/14	NUMBER: <b>1.2</b>
	SECTION: COMMUNICATIONS	
REPLACES: Order Issued 03/07/03 REVIEWED 5-24- 19	TOPIC: <b>Goals and Objectives</b>	

### 1.2 Goals and Objectives

A. Goals/Annual Report - All organizations must have goals and objectives. It is important that all members of an organization be apprised of agency goals and how those goals will be accomplished. To establish a set of goals, an organization must have input from its members. It shall be the policy of this organization that the supervisors of the below-listed components submit to the Sheriff, through the chain of command, their goals for the forthcoming year. These goals shall be submitted along with the annual report.

B. Components affected by this order are:

Patrol Division  
Corrections Division  
Criminal Investigation Division  
Narcotics Division  
Aviation Division  
Civil Division  
Court Security  
Fire Investigation  
Hazardous Devices Unit  
Prisoner Transport Unit  
SWAT Team  
WET Team  
Crime Scene Division  
Training Division  
Canine Unit  
Hostage Negotiation Team  
Navigation/Snowmobile Division  
STOP-DWI Unit  
Welfare Fraud Investigation  
Communications  
Technical Services Unit  
Fiscal Management Unit  
Jail Chaplaincy Program  
Incarcerated Youth/GED Programs

- C. Evaluation of Goals - The supervisor of each component shall, through the chain of command, submit in their annual report to the Sheriff a review and evaluation of last year's goals.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 03/15/12	NUMBER: 14.1
	SECTION: COMMUNICATIONS	
	TOPIC: <u>Rules of Conduct</u>	
REPLACES: 04/30/03 REVIEWED: 06/21/19		

### 14.1 Rules of Conduct

- .01 Violation of Rules - Officers shall not commit any acts or omit any acts which constitute a violation of any of the rules, regulations, directives or orders of the Sheriff's Office.
- .02 Unbecoming Conduct - Officers shall conduct themselves at all times, both on and off duty in such manner as to reflect most favorably on the agency. Conduct unbecoming an officer shall include that which brings the Sheriff's Office into disrepute or reflects discredit upon the officer as a member of the agency, or that which impairs the operation or efficiency of the agency or officer.
- .03 Immoral Conduct - Officers shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Officers shall not participate in any incidents involving moral turpitude which impairs their ability to perform as law enforcement officers or causes the agency to be brought into disrepute.
- .04 Conformance to Laws
- A. Officers shall obey all laws of the United States and of any state and local jurisdiction in which the officers are present.
- B. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.
- .05 Discrimination – Officers shall not illegally discriminate against any individual based upon race, color, religion, sex, age or national origin.
- .06 Reporting for Duty - Officers shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order

GENERAL ORDER 14.1

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to report for duty under this section.

- .07 **Neglect of Duty** - Officers 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 any activities or personal business which would cause them to neglect or be inattentive to duty.
- .08 **Fictitious Illness or Injury Reports** - Officers shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Sheriff's Office as to the condition of their health.
- .09 **Sleeping on Duty** - Officers shall remain awake while on duty. If unable to do so, they shall so report to their superior officer, who shall determine the proper course of action.
- .10 **Leaving Duty Post** - Officers shall not leave their assigned duty posts during a tour of duty except when authorized by proper authority.
- .11 **Meals** - Officers 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.
- .12 **Unsatisfactory Performance** - Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the agency.
- .13 **Employment Outside of the Sheriff's Office**
  - A. **Definition:** Additional employment is employment other than by the Chautauqua County Office of the Sheriff including self-employment. Volunteer service to charitable organizations does not constitute additional employment. However, volunteer service will not take precedence over assigned duties.

B. **Policy:** It shall be the policy of the Chautauqua County Office of the Sheriff to permit outside employment contingent on the following conditions:

1. No such employment shall interfere with the proper, impartial, and effective performance of any member's official duties or affect their availability for regular or emergency duty. Employment that would be considered a conflict of interest, such as labor actions, is prohibited.
2. Personnel who carry a firearm on their "badge" do so as a condition of employment with the Chautauqua County Office of the Sheriff. Deputies are prohibited from using this authority in any outside employment.
3. Absence from scheduled work hours by means of sick time will be considered an unlawful absence if used in order to maintain outside employment.
4. No agency owned or issued equipment will be used during the additional employment.
5. A deputy sheriff will not represent the Chautauqua County Office of the Sheriff in any capacity, nor will (s)he at any time use the position of a deputy sheriff in relation to outside employment.
6. All employees must notify the Sheriff of any outside employment. Any change of outside employment will be reported to the Sheriff on the Outside Employment Notification form.
7. All information with respect to employers, address, telephone numbers, immediate supervisors, and hours of employment shall be kept current with the Sheriff or his designee.
8. Full-time employees are prohibited from working for another law enforcement agency.
9. This policy will apply to all present and future employment.

CHAUTAUQUA COUNTY OFFICE OF THE SHERIFF

Outside Employment Notification

TO: James B. Quattrone, Sheriff

FROM:

DATE:

Employer \_\_\_\_\_

Address \_\_\_\_\_

Immediate Supervisor \_\_\_\_\_ Phone # \_\_\_\_\_

Your Position/Title \_\_\_\_\_

Hours of Employment \_\_\_\_\_

Additional Information \_\_\_\_\_

\_\_\_\_\_

I understand that I do not represent Chautauqua County Office of the Sheriff in any capacity; nor will I, at any time, use my position as an employee of the Sheriff's Office in relation to my outside employment.

\_\_\_\_\_

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Date

- .14 **Alcoholic Beverages and Drugs in Police Installations** - Officers shall not store or bring into any police facility or vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except alcoholic beverages, controlled substances, narcotics or hallucinogens which are held as evidence.
- .15 **Possession and Use of Drugs** - Officers shall not possess or use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment of officers by a physician, dentist, or other properly licensed and legally authorized health care provider. When controlled substances, narcotics, or hallucinogens are prescribed, officers shall notify their superior officer.
- .16 **Use of Alcohol on Duty or in Uniform**
- A. Officers 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. Officers shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.
  - C. Officers shall not engage in any activity which could be chargeable as an alcohol-related offense, including, but not limited to, driving while intoxicated.
- .17 **Use of Alcohol Off Duty** - Officers, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Sheriff's Office, or renders the officers unfit to report for their next regular duty. Officers, while off duty, shall not engage in any activity which could be chargeable as an alcohol-related offense, including, but not limited to, driving while intoxicated.
- .18 **Use of Tobacco** - Officers, when in uniform, may use tobacco as long as (1) they are not in a formation, (2) they do not have to leave their assignment or post for the sole purpose of doing so, and (3) they are not engaged in traffic direction and control. When they are in direct contact with the public, officers must obtain permission to use tobacco from the public with whom they are in direct contact. County Local Law prohibits smoking on county property and vehicles and will be adhered to as part of our policy.
- .19 **Insubordination** - Officers shall promptly obey any lawful order of a superior officer. This will include orders relayed from a superior officer by an officer of same or lesser rank.

- A. Officers who are given an otherwise proper order which 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. Officers shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
  - B. Officers shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt to the legality of an order, officers shall request the issuing officer to clarify the order or to confer with higher authority.
- .20 **Gifts, Gratuities, Bribes or Rewards** - Officers shall not solicit or accept from any person, business, or organization, any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the officers or the Sheriff's Office, if it may reasonably be inferred, or there is an appearance, that the person, business or organization:
- A. seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty, or
  - B. has an interest which may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.
- .21 **Abuse of Position**
- A. **Use of Official Position or Identification** - Officers shall not use their official position, official 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, or (3) for avoiding consequences of illegal acts. Officers shall not lend to another person their identification or badges or permit them to be photographed or reproduced without the approval of the Sheriff.
  - B. **Use of Name, Photograph or Title** - Officers shall not authorize the use of their names, photographs, or official titles which identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Sheriff.
- .22 **Endorsements and Referrals** - Officers shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman,



mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, officers shall proceed in accordance with established agency procedures.

- .23 **Identification** - Officers shall carry their badges or identification cards on their persons at all times except when impractical or dangerous to their safety or to an investigation. They 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 an official capacity, except when the withholding of such information is authorized by proper authority.
- .24 **Citizen Complaints** - Officers shall courteously and promptly record in writing any complaint made by a citizen against any officer or the Sheriff's Office. Officers may attempt to resolve the complaint but shall never attempt to dissuade any citizen from lodging a complaint against any officer or the Sheriff's Office. Officers shall follow established agency procedures for processing complaints.
- .25 **Courtesy** - Officers shall be courteous to the public. Officers shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, officers shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, sex, lifestyle or similar personal characteristics.
- .26 **Requests for Assistance** - 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 established agency procedures.
- .27 **Associations** - Officers shall avoid regular or continuous association 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 Sheriff's Office for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officers.
- .28 **Visiting Prohibited Establishments** - Officers shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the State or the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a superior officer.

.29 **Gambling** - Officers shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer.

.30 **Public Statements and Appearances**

A. Officers shall not publicly criticize or ridicule the Sheriff's Office, its policies, or other officers by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the agency, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

B. Officers shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondent to a newspaper or periodical, release or divulge investigative information, or any other matters of the Sheriff's Office while holding themselves out as representing the agency in such matters without proper authority. Officers may lecture on "police" or other related subjects only with the prior approval of the Sheriff.

.31 **Personal Appearance** - Officers on duty shall wear uniforms or other clothing in accordance with established agency procedures. Non-uniformed personnel will be dressed neatly in clothing appropriate to their assignment. Under no circumstances will uniformed officers report to work unless they are in compliance with Paragraph A and B of this section.

A. Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat, well-groomed appearance and shall style their hair according to the following guidelines:

1. Male Officers

a. Hair must be clean, neat, and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear.

b. Wigs or hairpieces are permitted if they conform to the above standards for natural hair.

c. Sideburns shall be neatly trimmed and rectangular in shape and in no case longer than the bottom of the wearer's ear.

- d. Officers shall be clean-shaven except that they may have mustaches, which do not extend below the upper lip line and do not extend beyond the corners of the mouth.

2. Female Officers

- a. Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear.
- b. Wigs or hairpieces are permitted if they conform to the above standards for normal hair.

B. Uniformed Personnel

- 1. Uniforms will be clean and pressed at all times.
- 2. Uniforms will be in good repair and, if repair is not practical, will be replaced.
- 3. Shoes, leather gear and brass will be kept clean and polished at all times.
- 4. Appropriate headgear will be worn when out of patrol vehicles. This includes whether you are in a restaurant, making a contact with an individual for an interview, directing traffic, covering an accident or other incident.

C. Uniform Requirements

- 1. For all uniformed law enforcement personnel, Class A uniforms are the normal uniform of the day. Class A uniforms will be either short sleeved with black T-shirt or V-neck or long sleeved with neckties as indicated by seasonal special orders. Class A uniforms also include appropriate headgear and, if necessary, issued patrol uniform jackets.
- 2. General exemptions from wearing Class A uniforms will exist for deputies assigned to special assignments such as K-9, Navigation/Snowmobile Patrols and Crime Scene. Temporary exemptions will exist, when necessary, for special assignments such as special teams training and deployments, searches and other field work. Permanent and temporary exemptions permit the wearing of jump suits, BDUs and other types of Class B uniforms and head

gear, as authorized by CCSO administration.

3. Regardless of other exemptions, Class A uniforms are required for formal details such as funerals, superior court appearances and other special assignments or public appearances and functions to be determined when they occur.
4. No unauthorized patches, insignia, badges, pins, emblems, jewelry or adornment are permitted to be displayed on any CCSO uniform.
5. Authorized insignia include an issued shirt badge that is to be worn on the left chest above the pocket. Appropriate collar brass is to be affixed to each collar tab. An issued tie clasp is to be worn when ties are required as part of the Class A uniform. Name tags, years of service bars, accreditation bars, commendation bars, and authorized special assignment and special unit insignia are to be worn above the right shirt pocket flap in ascending order.
6. For daily Class A uniform, a badge, name tag, collar brass and tie clasp, if appropriate, are required. All other insignia may be worn at the option of the deputy. All insignia and awards should be worn for special occasions.
7. Sidearms and other equipment items will be issued along with the appropriate leather gear to carry and utilize them. Deviations from standard issue must be approved.
8. Uniform accessories such as headgear covers, raincoats and high visibility traffic vests will be issued and worn as conditions or related specific orders dictate. Non-issue personal items, such as winter gloves, will be black.
9. Ballistic body armor will be issued to all deputy sheriffs along with appropriate carriers for their use. Individual deputies are responsible for the proper maintenance and daily wear of their body armor.
10. Rank insignia will be worn by all supervisory personnel as follows:

a. Sheriff	SHERIFF
b. Undersheriff	Gold Eagles
c. Captain or Warden	Double Gold Bars
d. Lieutenant	Single Gold Bars
e. Law Enforcement Sergeant	Chevrons with 3 Stripes and Two Rockers
f. Technical Sergeant	Chevron with 3 Stripes and Open T

g. Corrections Sergeant

Chevron with 3 Stripes

D. Body Ornaments, Tattoos and Decals

Sheriff Deputies and Correction Officers are visible representatives of government and the Chautauqua County Sheriff's Office. Therefore, professional appearance is extremely important. This agency recognizes that there are standards on acceptable and professional appearance within our community. Except as exempted by the Sheriff, uniformed Deputy Sheriffs and Correction Officers shall conform to the following standards relating to body ornaments, tattoos and decals.

1. Body Ornament – While on duty or in uniform, female Deputy Sheriffs and Correction Officers are permitted to wear only one (1) ear ornament per earlobe. The ear ornament must be of the style normally called a “stud”. No other visible body ornaments or facial jewelry is permitted. While on duty or in uniform, male Deputy Sheriffs and Correction Officers are prohibited from wearing any visible body ornaments or facial jewelry. No visible jewelry will be worn except a wedding ring(s) and/or wristwatch.
2. Tattoos, Decals – Deputy Sheriffs and Correction Officers may not appear on duty or in uniform with any visible facial, head or body tattoo, or decal.

.32 **Political Activity** - This subsection establishes guidelines relative to any political activity by sworn law enforcement and corrections officers including part time, seasonal and court security officers.

A. **Policy** - It shall be the policy of the Chautauqua County Office of the Sheriff to permit sworn law enforcement and corrections officers to engage in political activity.

B. **Procedure** - The following procedures will be followed when sworn officers are involved in political activity.

1. Officers shall be permitted to:
  - a. Register and vote in any election,
  - b. Express opinions as individuals privately and publicly on political issues and candidates,
  - c. Attend political conventions, rallies, fund-raising functions and similar political gatherings,
  - d. Actively engage in any nonpartisan political function,
  - e. Sign political petitions as individuals,
  - f. Serve as election judges or clerks or in a similar position to

- perform nonpartisan duties as prescribed by state or local laws,
- g. Hold membership in a political party and participate in its functions to the extent consistent with law and consistent with this order,
- h. Become a candidate for a partisan elective public office.

2. Officers are prohibited from:

- a. Using their official capacity to influence, interfere with or affect the results of an election;
- b. Using their official capacity to endorse or oppose a partisan candidate for public office in a political advertisement, broadcast, or campaign literature;
- c. Utilizing any agency resources in any political activity, which shall include, not be limited to, their official title, vehicle, letterhead, copy machine, telephone, postage, uniform or insignia; or
- d. Any involvement with a political activity while on duty or in uniform, or under the auspices of the Chautauqua County Office of the Sheriff.

**.33 Labor Activity**

- A. Officers shall have the right to join labor organizations, but nothing shall compel the Sheriff's Office to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.
- B. Officers shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's 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 conditions, compensation, rights, privileges, or obligations of employment.

**.34 Residence** - Deputy Sheriffs shall reside within the jurisdiction served by Sheriff's Office. New officers shall reside within the jurisdiction within one year of their appointment.

**.35 Telephone** - Officers shall have telephones in their residences and shall immediately report any changes of telephone number or addresses to their superior officers and to such other persons as may be appropriate.

**.36 Dissemination of Information** - Officers shall treat the official business of the Sheriff's Office as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with

established agency procedures. Officers may remove or copy official records or reports from a police installation only in accordance with established agency procedures. Officers shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

**.37 Intervention**

- A. Officers shall not interfere with cases being handled by other officers of the Sheriff's Office or by any other governmental agency unless:
  - 1. Ordered to intervene by a superior officer, or
  - 2. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.
- B. Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate police action.

**.38 Sheriff's Office Reports** - Officers shall submit all necessary reports on time and in accordance with established agency procedures. Reports submitted by officers shall be truthful and complete, and no officer shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

**.39 Processing Property and Evidence** - Property or evidence which has been discovered, gathered or received in connection with agency responsibilities will be processed in accordance with established agency procedures. Officers shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established agency procedures.

**.40 Abuse of Process** - Officers shall not make false accusations of a criminal or traffic charge.

**.41 Use of Agency Equipment** - Officers shall utilize equipment only for its intended purpose, in accordance with established agency procedures, and shall not negligently or deliberately abuse, damage or lose agency equipment. All agency equipment issued to officer shall be maintained in proper order.

**.42 Operating Vehicles** - Officers shall operate official vehicles in a careful and prudent manner and shall obey all laws and all agency orders pertaining to such operation.

- A. Loss or suspension of any driving license shall be reported to the Sheriff's Office immediately.
  - B. Personnel travelling in agency vehicles will fasten their seat belts.
  - C. Any safety equipment such as helmets specified for particular types of vehicles will be worn by personnel operating such agency vehicle, i.e., ATV, snowmobile, etc.
- .43 **Carrying Firearms** - Officers shall carry firearms in accordance with law and established agency procedures per Section 20.5.
- .44 **Truthfulness** - Upon the order of the Sheriff, the Sheriff's designee or a superior officer, officers 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.
- .45 **Treatment of Persons in Custody** - Officers shall not mistreat persons who are in their custody. Officer shall handle such persons in accordance with law and agency procedures.
- .46 **Use of Force** - Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with law and agency procedures.
- .47 **Use of Weapons** - Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with law and Sheriff's Office procedures.
- .48 **Arrest, Search and Seizure** - Officers shall not make any arrest, search or seizure which they know, or should know, is not in accordance with law and agency procedures.
- .49 **Guilty of Criminal Conduct** - Any member of this agency who is contacted directly or indirectly by any person or persons who alleges the agency member has been guilty of any criminal conduct shall report such contact to his superior officer as near immediately as possible.
- .50 **Criminal Charges** - Any member of this agency who is charged with any violation of the law will report the violation to the Sheriff immediately. Report will include date, time, place of occurrence and circumstances.





## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 07/16/07	NUMBER: 14.4
	SECTION: ADMINISTRATION	
	TOPIC: Corrective Action/Disciplinary Procedures	
REPLACES: Order Issued 08/01/98 REVIEWED: 06/21/19		

### **14.4 Corrective Action/Disciplinary Procedures**

- A. **Objective:** To establish procedures for corrective actions and disciplinary measures involving employees of the Chautauqua County Sheriff's Office who violate the policy of the agency, federal, state, or local laws, or whose actions require corrective measures and/or the filing of formal charges.
- B. **Remedial Training:** After evaluation of the incident in question, remedial training may be the best course of action when it appears that the employee's actions were a result of a training deficiency. Supervisors may direct the employee to undergo additional training to ensure that their course of conduct is not related to a lack of understanding of policy or practice. The type of training, its duration and curriculum will be determined by the individual needs of the employee.
- C. **Verbal Warnings and Counseling Memoranda:** Supervisors may use verbal warnings and/or counseling memoranda in an effort to correct the actions of an employee when it is deemed appropriate. A counseling memorandum is not considered a disciplinary action according to the Courts in New York State. An employee is not entitled to a hearing before a letter critical of the worker's performance is placed in his/her official personnel file, where no punishment is involved. (Hoffman v Village of Sidney, 652 N.Y.S.2d 346 (3d Dept.1997))

Employees will be offered the opportunity to provide a written explanation of their actions in response to a written Counseling Memorandum. Any such statement will be attached to the Counseling Memorandum and be included in the employee's official personnel file at the employee's request.

Supervisors should document all verbal warnings. This documentation should include the date, time, location and nature of the warning.

**D. Discipline**

**Procedure**

- A. Whenever a violation of law, ordinance, rule, regulation or general order has been witnessed , reported or discovered, that agency member shall:
1. Report such violation to the commanding officer of such member's division as soon as practical.
  2. A written report shall be made as soon as possible.
  3. A thorough investigation will be conducted by one or more officers assigned by the Sheriff, Undersheriff or Captain.

- E. **Maintenance of Disciplinary Records:** Records of all disciplinary investigations shall be maintained by the Undersheriff in a secure file storage system. Records of the disciplinary actions will be maintained in the employee's personnel file. Such records will be kept as a permanent part of the personnel file unless agreed as part of a settlement. Counseling memorandums and documental verbal warnings shall be maintained in the employee's personnel file for a period of 18 months unless otherwise agreed to as part of a negotiated settlement.

**F. New York State Civil Service Law – Section 75**

- A. All disciplinary actions will be performed in accordance with Section 75 of the New York State Civil Service Law and applicable labor agreements.
- B. Disciplinary and administrative actions may include (but are not limited to) the following:
1. Written reprimand
  2. Suspension with/without pay
  3. Loss of leave credits or other privileges
  4. Demotion in grade or title
  5. Denial of salary increments
  6. Discharge from duty
  7. Criminal charges
- G. **Settlement:** Nothing contained in this policy shall preclude the settlement of a disciplinary matter at any time following the service of notification of charges. Any charged employee shall have the right to meet with the Sheriff or his designee, and the right to union representation to discuss and effect a settlement if it is agreed to by all parties. The terms of any agreed upon settlement shall be reduced to writing with copies to the employee and the respective union representative. A copy of such settlement shall be place in the employee's personnel file.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 10/24/19	NUMBER: <b>14.5</b>
	SECTION: ADMINISTRATION	
REPLACES: REVIEWED: 06/21/19 Revised: 10/24/19	TOPIC: <b>Relief from Duty</b>	

**14.5 Relief from Duty**

Any supervisor may relieve any subordinate from duty with pay when in the supervisor's judgment the subordinate is incapable of performing his or her assigned duty for any reason, specifically including, but not limited to, intoxication, impairment, exhaustion, emotional condition, and arrest for any reason.

The supervisor will immediately contact the Sheriff, Undersheriff, or a Captain for further investigation.

The incident may result in disciplinary action in accordance with Article 75 of the Civil Service Law.

At the direction of higher level supervision, suspension without pay will be confirmed upon the service of notice of charges as provided by Article #75 of the Civil Service Law.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: 14.6
	SECTION: ADMINISTRATION	
REPLACES: REVIEWED: 06/21/19	TOPIC: <b>Role of Command Staff – Disciplinary Process</b>	

**14.6 Role of Command Staff – Disciplinary Process**

The role of supervisory and command staff in the disciplinary process is as follows:

- A. All disciplinary actions will be Article #75 proceeding.
- B. Line supervisors will provide the Sheriff with a written report of facts relating to the incident or behavior resulting in the action.
- C. The Sheriff will have the Undersheriff or Captain assign appropriate personnel to conduct an investigation. Captain may delegate the assignment to Patrol Lieutenants or Criminal Investigation Lieutenant. The Lieutenant may conduct the investigation or assign it to a Sergeant.
- D. The report will be provided using a "Facts of Investigation" format to the Sheriff.
- E. The Undersheriff or Captain will be responsible in conjunction with the Department of Personnel and Law Department to propose and serve specifications and charges.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 10/24/19	NUMBER: <b>25.1</b>
	SECTION: ADMINISTRATION	
REPLACES: Order Issued 07/15/05 REVIEWED: 10/24/19	TOPIC: <b>Internal Affairs Function</b>	

### **25.1 Internal Affairs Function**

Complaints received by this agency that allege a Sheriff's Office member has used inappropriate behavior, is accused of misconduct, or has committed a violation of the law will be treated as a personnel complaint. A prompt and impartial investigation of these complaints protects the reputation of the Sheriff's Office and equally that of the accused officer.

- A. **Registering Complaint** – The member receiving a complaint of this type will immediately inform his superior who will then advise the Captain of the complaint. In the event that an immediate supervisor is not on duty at the time of the incident, an off-duty supervisor will be contacted.
- B. **Supervision and Control of Investigation** – The Sheriff or his designee will determine if an investigation is needed and assign the necessary qualified personnel to conduct the investigation. The investigation will be assigned to an officer of higher rank than the person being investigated.
1. The officer assigned to investigate complaints of an internal nature is acting with the full authority of the Sheriff and will be extended every cooperation by all agency members.
  2. When an investigation has been initiated, the subject of the investigation shall be notified by the Sheriff or the investigating officers of the nature of the complaint. In cases where such notification would jeopardize the investigation, the notification may be given immediately prior to the interview of the subject. The member will be advised of the charges or allegations and of his/her rights and responsibilities relative to the investigation.
  3. Interviews will be conducted in a confidential manner. The results shall become part of the file. All such files shall be kept locked and confidential. These files are not subject to "Freedom of Information" Law.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>25.2</b>
	SECTION: ADMINISTRATION	
REPLACES: REVIEWED: 6/21/19	TOPIC: <b>Investigating Personnel Complaints</b>	

### **25.2 Investigating Personnel Complaints**

Personnel complaints may range from a complaint that a Sheriff's Office member was rude, uncooperative, late responding to a call, or handled a call in an inappropriate manner, to allegations of criminal activity. Every complaint will be investigated promptly. In this agency, the initial investigation will follow the same format regardless of the allegation.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 07/18/17	NUMBER: <b>25.3</b>
	SECTION: ADMINISTRATION	
REPLACES: Order Issued 08/01/98 REVIEWED: 6/21/19	TOPIC: <b>Responsibility for Investigation of Personnel Complaint</b>	

**25.3 Responsibility for Investigation of Personnel Complaint**

- A. **Receipt of Complaint and Notification** – Anyone receiving a personnel complaint will report it immediately to their immediate supervisor who will be responsible for the prompt transition of the allegation to the Sheriff, or in his absence, the Undersheriff or Captain in that order.
- B. **Assignment of Investigation** – The Sheriff will assign the investigation to the Criminal Investigation Division Lieutenant who may further assign to a Sergeant Investigator he designates. Should the complaint include a supervisor or person with rank above Deputy Sheriff or Correction Officer, a person of equal or superior rank will be assigned to conduct the investigation and report to the Criminal Investigation Division Lieutenant. The Lieutenant and the Sergeant Investigator will jointly report their findings to the Sheriff.
- C. Depending upon the severity of the accusation, the supervisor of the accused deputy may investigate the complaint at an administrative level. More severe accusations including corruption, brutality, death or serious injury, criminal misconduct, and breach of civil rights, will be handled as a formal Internal Affairs investigation.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>25.4</b>
	SECTION: ADMINISTRATION	
	TOPIC: <b>Dissemination of Directives – Internal Affairs</b>	
REPLACES: Reviewed 6/21/19		

**25.4 Dissemination of Directives – Internal Affairs**

Procedures for handling complaints against Sheriff's Office personnel will be distributed as general orders. These will be available to personnel either on agency computers, on computer disk, or as hard copies.





**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 07/15/05	NUMBER: <b>25.5</b>
	SECTION: ADMINISTRATION	
	TOPIC: <b>Personnel Complaint Record Maintenance</b>	
REPLACES: Order Issued 08/01/98 REVIEWED: 6/21/19		

**25.5 Personnel Complaint Record Maintenance**

The Sheriff's Office shall investigate and maintain a record of all complaints against the agency or its employees.

- A. **Complaint File** – A file will be made by the investigating officer(s) and it will be assigned an incident number. Upon completion of the investigation, the file will be turned over to the Sheriff, or in his absence the Undersheriff, who will review the file to determine whether the allegations are founded or unfounded.
- B. **Disciplinary Action** – If the allegations are founded, the Sheriff will take the action he deems appropriate for the allegations. All reprimands, Article 75 charges, or criminal charges will be made part of the file. Final disposition of any charges, if founded, may become part of the member's personnel file.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>25.6</b>
	SECTION: ADMINISTRATION	
REPLACES: REVIEWED: 6/21/19	TOPIC: <b>Notification of Disposition – Personnel Complaints</b>	

**25.6 Notification of Disposition – Personnel Complaints**

- A. **Complainants of Personnel Complaints**, when known, will be notified in writing of the fact that their complaint "**is being handled**" (Section 50A Civil Rights Law). This notification will be on Sheriff's Office letterhead stationery signed by the Sheriff only.
- B. **Subject** – The subject of the investigation shall be notified in writing as to the results of the investigation. Personnel investigations may be closed as follows:
1. **Founded** – The allegation is supported by sufficient evidence.
  2. **Unfounded** – The allegation was demonstrably false, there is no credible evidence to support the charge, and/or incident occurred but the member's action was lawful and proper.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>25.8</b>
	SECTION: ADMINISTRATION	
REPLACES: REVIEWED: 6/21/19	TOPIC: <b>Liaison with Prosecutor's Office</b>	

**25.8 Liaison with Prosecutor's Office**

Any personnel complaint that alleges conduct, action, or association that could be construed to be a violation of law by a member of the Sheriff's Office will result, if apparently founded, in immediate contact with the Office of the District Attorney. The District Attorney will be kept informed of the progress and results of the investigation. The District Attorney will make the decisions as to the filing of appropriate criminal charges.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>11.0</b>
	SECTION: ADMINISTRATION	
REPLACES: REVIEWED: 06/21/19	TOPIC: <b>Personnel Hiring Criteria and Selection</b>	

### **11.0 Personnel Hiring Criteria and Selection**

- A. Purpose** - It is the purpose of General Orders 11 and 12 to set forth the hiring criteria and the steps for selection of personnel for entry level positions in the Chautauqua County Office of the Sheriff.
- B. Policy** - It is the policy of the Chautauqua County Office of the Sheriff to enhance its law enforcement capabilities by establishing a hiring procedure that will conform with all applicable regulations and laws.
- C. Procedure** - General Orders 11 and 12 include the following criteria and procedures:
1. Recruitment, Job Announcement, Testing, and Equal Opportunity Hiring Practice
  2. Selection Procedures
  3. Appointment Authority
  4. Selection Process
  5. Records Retention
  6. Probationary Period
  7. Oath of Office\*
- \* Law enforcement deputies, special deputies, corrections officers, and court officers.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 07/15/05		NUMBER: 11.1
	SECTION: ADMINISTRATION		
	TOPIC: <b>Job Announcement and Testing</b>		
REPLACES: Order Issued 08/01/98 REVIEWED: 06/21/19			

### 11.1 Job Announcement and Testing

- A. **Responsibility for Job Announcement and Testing** – Chautauqua County Sheriff's Office is a Civil Service agency and, as a result, the Chautauqua County Human Resources Department has the responsibility of establishing job announcements for civil service positions in the agency. The Chautauqua County Human Resources Department is also responsible for the administration of civil service examinations as required by New York State Civil Service.
- B. **Qualifications for Non-Civil Service** positions such as pilot and pilot/mechanic will be within the realm of the Federal Aviation Administration requirements for licensing and medical certificates. Pilots will be approved by the named insurance carrier.
- C. **Job Announcements** – The public job/examination announcement shall specify the application fee, the title, salary range, residence requirements, minimum qualifications, duties, subject of examination, examination date, final filing date and any other pertinent data as prescribed by regulations or law.
- D. **Equal Employment Opportunity** – It is the policy of the Chautauqua County Office of the Sheriff to provide equal employment opportunity to all people without regard to race, color, sex, religion, age, national origin, or disability. The Office of the Sheriff, in cooperation with the Chautauqua County Human Resources Department, will act affirmatively to develop avenues of entry and mobility for minorities and women. The mission of this agency is to increase the overall effectiveness and vitality of the criminal justice system. Affirmative action considerations will be an integral part of the office activities performed in the furtherance of our mission and meeting our responsibilities to the citizens of Chautauqua County and the State of New York.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 03/27/15	NUMBER: 11.2
	SECTION: ADMINISTRATION	
	TOPIC: <u><b>Selection Procedures</b></u>	
REPLACES: Order Issued 07/17/07 REVIEWED: 06/21/19		

### 11.2 **Selection Procedures**

A. **Law Enforcement and Corrections Officers** – The selection procedure for entry level law enforcement and corrections officer candidates shall be completed in the following order:

1. An **eligibility list** is supplied to the Sheriff as required by Civil Service Law.
2. A **canvass** of eligible candidates. Return date required.
3. A **Physical Agility Test** will be given to all full-time deputy sheriff candidates who respond favorably to the canvass.
4. **Background Questionnaire** – All candidates who successfully complete the Physical Fitness Test will be provided with a background questionnaire. Return date required. If a background questionnaire is already on file with the Sheriff's Office or Academy, only an update may be required.
5. The **background investigation** will commence at this time. Records checks or any questions relating to age, medical, criminal/driving history, etc. will not be investigated at this stage.
6. **Oral Interview Board** – All eligible candidates who successfully complete the Physical Fitness Test will be required to appear before an Oral Interview Board.
7. **Personal Interview** – Full-time deputy sheriff candidates will be required to submit to a personal interview with the Sheriff or his designee.
8. **Psychological, Medical, and Drug Screening** – Finalist Candidates will submit to a Psychological Profiling, Medical Examination, and Drug Screening.
9. **Conditional Offer of Employment** – Finalist Candidates will be given a

**GENERAL ORDER 11.2**

**Page 1 of 2**

"Conditional Offer of Employment."

10. **Criminal History** and other pertinent record inquiries will be completed.
11. **Final selection** of candidates will occur.
12. **Criminal History Fingerprint Check** will be completed.

**B. Other Personnel Positions – Emergency/Police Dispatcher, Pilots, Cooks, Clerical Personnel**

1. An **eligibility list** is supplied to the Sheriff as required by Civil Service Law.
2. A **canvass** of eligible candidates. Return date required.
3. **Personal Interview** – All candidates will be required to submit to a personal interview with the Sheriff and/or other members of the organization as directed by the Sheriff.
4. **Background Questionnaire** – All candidates will be provided with a background questionnaire. Return date required.
5. **Criminal History** and other pertinent record inquiries will be completed.
6. **Final selection** of candidates will occur and letters will be sent notifying candidates as to hiring status.

**C. Deputy Sheriff Part-time – Non-Competitive**

1. An **eligibility list** is supplied to the Sheriff from Human Resources. This list is based upon applications on file for the position.
2. **Personal Interview** – Candidates may be required to submit to a personal interview with the Sheriff and/or other members of the organization as directed by the Sheriff.
3. **Background Questionnaire** – All candidates will be provided with a background questionnaire. Return date required. If a background questionnaire is already on file with the Sheriff's Office or Academy, only an update may be required.
4. **Criminal History** and other pertinent record inquiries will be completed, if required.
5. **Final selection** of candidates will occur and notifications will be made as

to hiring status.

- D. **Selection Process Administrator** – The Undersheriff will be responsible for administrating the selection process.
- E. **Appointment** – The Sheriff is the appointing officer for the Office of the Sheriff.





**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 07/15/05		NUMBER: <b>11.3</b>
	SECTION: ADMINISTRATION		
	TOPIC: <b>Personnel Selection – Testing</b>		
REPLACES: Order Issued 08/01/98 REVIEWED: 06/21/19			

**11.3 Personnel Selection – Testing**

- A. **Written Civil Service Examination** – All candidates for entry level positions including full-time deputy sheriffs, all correction officers, emergency & police dispatchers, radio service employees or clerical positions are required to pass a written examination as prescribed by New York State Civil Service Commission.
- B. **Non-civil service** positions of pilot and pilot/mechanic will be within the realm of the Federal Aviation Administration test procedures for licensing and medical certificates. Pilots will be approved by the named insurance carrier.
- C. **Non-Discrimination** – All written and verbal tests used in the selection process will be administered, scored, evaluated and interpreted in a non-discriminatory manner.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 07/17/00	NUMBER: <b>12.0</b>
	SECTION: ADMINISTRATION	
REPLACES: Order issued 08/01/98 REVIEWED: 06/21/19	TOPIC: <b>Personnel</b>	

### **12.0 Selection Process**

Applicable selection requirements will be followed for each particular position.

#### **12.01**

##### **Physical Requirements for Deputy Sheriffs and Correction Officers**

Candidates selected for entry-level law enforcement and corrections officer positions in the Chautauqua County Sheriff's Office must conform with established Physical Fitness requirements as established by the Municipal Police Training Council and/or current applicable law.

#### **12.02**

##### **Age Requirements for Deputy Sheriffs and Correction Officers**

Candidates for selection for entry level law enforcement or corrections officer positions must conform with established age requirements as set forth in Section 58 Civil Service Law and/or current applicable law.

#### **12.03**

##### **Physical Exams - Deputy Sheriffs and Correction Officers**

Candidates selected for entry level law enforcement and corrections officer positions in the Chautauqua County Sheriff's Office must conform with the medical standards as prescribed by Municipal Police Training Council and the examination procedures will be supervised by the Chautauqua County Personnel.

#### **12.04**

##### **Psychological Screening for Deputy Sheriffs and Correction Officers**

Candidates selected for entry-level (full or part-time) law enforcement and corrections officer positions must submit to an emotional stability and psychological fitness screening.

12.05

**Background Investigation - All Personnel**

Candidates selected for any entry-level position (full or part-time) in the Chautauqua County Sheriff's Office must submit to a background investigation. A background investigator manual will be provided to deputies who are responsible for investigations. Manuals will be available at the Training Academy.

12.06

**Interviews**

**Personal Interview - All Employees** - Candidates for selection for entry-level positions must submit to an interview with the Sheriff and/or other members of the organization as directed by the Sheriff.

12.07

**Records**

- A. **Law Enforcement Candidate Files** - The selection files of law enforcement candidates who are selected will be maintained at the Training Academy for a period of not less than six years beyond the duration of their employment at the Chautauqua County Sheriff's Office.
- B. **Corrections Officer Candidate Files** - The selection files of corrections officer candidates who are selected will be maintained in the Jail Warden's office for a period of not less than six years beyond the duration of their employment at the Chautauqua County Sheriff's Office.
- C. **Civilians** - The selection files of civilians including but not limited to dispatchers, pilots, court officers, cooks, clerical staff will be maintained in the Undersheriff's Office in the Personnel Files.

12.08

**Probationary Period - All Personnel**

- A. All candidates selected for full-time entry level positions must successfully complete a period of probation lasting at least one year from the date of appointment or otherwise as provided by collective bargaining agreements or applicable law.
- B. New York State Civil Service Law does not provide probation for entry-level positions that are classified as "lateral transfers."
- C. All candidates must complete any training mandated by New York State

Law prior to permanent Civil Service status.


**12.09**

**Oath of Office**

All candidates selected for entry level (Full/Part-time) law enforcement deputy, special deputy, corrections officer, or court officer positions will take and sign an oath of office to enforce the law and uphold the Constitution of the United States, and the Constitution of New York State. The original oath will be filed with the Chautauqua County Clerk.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/02/11	NUMBER: 13.1
	SECTION: ADMINISTRATION	
	TOPIC: <b>Performance Evaluations</b>	
REPLACES: Order issued 06/04/10 REVIEWED: 06/21/19	 Double Click Here for Form	

### 13.1 Performance Evaluations

- A. **Purpose** – It is the purpose of this order to establish the policy and procedures for an employee evaluation program. The Sheriff's Office Standard is the efficient operation of its functions. A person is employed with the expectation that they will perform properly and efficiently. Efficiency is affected by the manner and level at which individuals conduct themselves while in the process of performing their related job functions.
- B. **Policy** – The Chautauqua County Office of the Sheriff shall have an employee evaluation program. Evaluations will be completed on all employees on an annual basis. Evaluations will be completed every six months for newly hired, promoted or transferred employees, with the final evaluation occurring prior to the end of the probationary period. An evaluation shall be completed prior to transfer or promotion if an evaluation has not been completed within 120 days of such transfer or promotion.
- C. **Procedures** – The normal rating period will be one year. Evaluations will be completed no later than March 31 each year. Rating period assignments will be reviewed annually to assure that the number of employees assigned does not become unbalanced as a result of hiring, retirements or assignment changes. Evaluations will be completed as soon as practical after the end of the rating period.
1. **Rating Procedures** – The evaluation process will be completed using the following procedures:
- The supervisor must review each category of evaluation separately and conduct a fair and objective appraisal of the employee's performance during the rating period. Comments are required in the narrative of each rating category.
  - The supervisor and the employee being evaluated will discuss the evaluation and arrive at an understanding of specific goals for improvement. It should be noted that this is an evaluation of the employee's performance.

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- c. All sections of the completed evaluation will be forwarded to the next level above the rater for a second line supervisory review.
- d. Specific goals for improvement shall be reviewed by the rater and the individual after 90 days following the evaluation. Lack of progress shall be noted and filed with the original rating form.

**3. Rater's Responsibilities:**

- a. A rater is defined as that staff member assigned supervisory responsibility and designated to perform that function. The rater shall, at all times, be the immediate supervisor at the time of the evaluation. If the employee shall have had more than one immediate supervisor during the rating period, the rater shall confer with the other supervisor(s) and they shall jointly complete the evaluation. Both supervisors must agree on the ratings given and comments made regarding the evaluation of the employee
- b. No rater shall undertake an evaluation without instruction in rating procedures, rater responsibilities and a thorough understanding of the criteria being utilized. The review by superior officers of completed evaluations shall be utilized as a means of on-going training to identify and correct any deficiencies that may emerge as a result of rater bias or improper interpretation of criteria.
- c. First-line supervisors will maintain a file folder for each department member that they are responsible to evaluate. Supervisors shall review statistics regularly and review performance with any person that is not maintaining a satisfactory level of performance. Every supervisor shall keep information as to the number of days member is available for duty and cause for time not on duty. Example: abuse of sick leave compensation, compensation time, personal leave, military leave, vacation, schools, and special assignments. These items will be used in calculating productivity.
- d. Rate each individual fairly and objectively on performance for the entire rating period.
- e. Utilize all administrative tools (reports, time books, letters of commendations, counseling memorandums, memorandums of records, administrative notes, etc.) available as references when reviewing performance.

**4. Evaluation Criteria:**

- a. Employees will be evaluated according to their overall adherence to established standards of performance and conduct traditionally recognized and accepted by the Chautauqua County Sheriff's Office. These standards are generally identified in five core areas, each of which is divided into four specific components as indicated below.

1. Accountability/Reliability
  - Attendance and Punctuality
  - Responsibility for Actions
  - Care of Agency Property
  - Performs in Absence of Supervision
2. Competence
  - Knowledge of Assigned Duties
  - Productivity and Initiative
  - Accuracy of work
  - Exercise of Judgment
3. Attitude
  - Confidence in Abilities
  - Positive Influence on Others
  - Displays Leadership Qualities
  - Pride in Self and Organization
4. Interactive Skills
  - Courteous to Public and Clients
  - Positive Co-worker Relationships
  - Cooperates with Other Agencies
  - Respectful of Authority
5. Commitment/Dedication to Duty
  - Maintains Physical/Mental Fitness
  - Places Collective Good Above Self
  - Loyal to Oath of Office
  - Possesses Personal Courage

**5. Evaluation Review:**

Step 1: Upon completion, the rater and the employee shall review the evaluation form together. The rater shall utilize this session to review and reinforce expectations for the upcoming rating period. The employee's responsibilities and duties will be reviewed, especially if any tasks are changing. The rater shall clearly state what is

expected of the employee in the new rating period and shall reinforce the evaluation criteria currently utilized by the department. The employee shall have the right to request a copy of the completed evaluation at any step in the review process.

Step 2: The signature of the employee is required on the evaluation. The employee's signature indicates that (s)he has reviewed the evaluation. The signature does NOT signify agreement or disagreement with the evaluation.

Step 3: The evaluation will be forwarded to the 2<sup>nd</sup> line supervisor for review and signatures. Any additions or changes to the original evaluation will require a second review of the evaluation by the rater and employee.

Step 4: If the employee disagrees with any areas(s) of the evaluation and cannot resolve the issue, the employee may sign the evaluation followed by the words "Signed Under Protest" and waive appeal or request an appeal of the evaluation. See Section 6 for the appeal process.

Step 5: A copy of the signed evaluation shall be placed in the employee's evaluation file.

6. **Appeal:** The appeal must be made within three (3) working days from the date the final evaluation review was completed. If the employee indicates (states) that s)he wishes to appeal the evaluation or a specific portion, then the rater will provide a copy of the evaluation to him/her for that purpose. The individual may appeal the evaluation in the following manner:

Step 1: Employee requests an appeal of the evaluation in writing stating reason for the appeal.

Step 2: Rater forwards the appeal request to the next higher ranking officer above that of the supervisors involved in the initial evaluation and review. The appeal should contain the employee's appeal request and a copy of the original evaluation.

Step 3: The reviewing command officer may modify or accept the original evaluation. Appropriate reasons for the modification or acceptance must be stated in writing and attached to the evaluation appeal papers.



- Step 4: The reviewing command officer forwards the results of the review to the employee with a copy to the original rater.
- Step 5: The employee confirms his/her acceptance or rejection in writing. If rejected:
- Step 6: The employee appeals to the next higher command officer.
- Step 7: As in Step 3.
- Step 8: The second review officer may modify or accept the original evaluation. Appropriate reasons for modification or acceptance must be stated in writing. The second review officer will forward the form to the employee with a copy to the previous raters.
- Step 9: No further appeal is permitted. The entire package may, at the employee's request, be reviewed by the Sheriff.
- Step 10: After all appeals have been exhausted, the Employee Rating Form with all appeal correspondence will be placed in the employee's evaluation file.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 07/15/05	NUMBER: <b>15.1</b>
	SECTION: ADMINISTRATION	
	TOPIC: <b>Promotion Process</b>	
REPLACES: Order Issued 08/01/98 REVIEWED: 06/21/19		

**15.1 Promotion Process**

Promotions within the Chautauqua County Office of the Sheriff must comply with New York State Civil Service Law. The Chautauqua County Human Resources Office is responsible for the establishment of a certified promotional eligibility list. In this event, if a position requires a promotion, the Sheriff shall request a current, certified eligibility list from the Chautauqua County Human Resources Office. The Sheriff or his designee shall be responsible for the administration of the promotion selection process.

- A. The Sheriff shall cause all eligible candidates, if they so choose to do so, to be considered for promotion and enter the selection process.
- B. The selection process for promotion will be fair and involves the following four criteria for screening and evaluation of candidates:
- Personnel Evaluations from the previous three years
  - Test Scores (Civil Service Eligible List)
  - Review of the candidates Training and Personnel File
  - Personal Interview with the Sheriff and/or his designee's



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 07/15/05	NUMBER: <b>15.2</b>
	SECTION: ADMINISTRATION	
REPLACES: Order Issued 08/01/98 REVIEWED: 06/21/19	TOPIC: <b>Eligibility Lists for Promotion</b>	

**15.2 Eligibility Lists for Promotion**

- A. **Eligibility Lists** – Eligibility lists for promotion shall be maintained by Chautauqua County Human Resources and are subject to requirements of the New York State Civil Service Law.
- B. **Examination Notice** – Whenever a promotional examination is requested or scheduled by Human Resources, a written announcement will be posted and include the following items:
- A description of the positions or job classifications for which the vacancies exist
  - Schedule of dates and times for filing applications and dates of examinations
  - A description of eligibility requirements



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 06/24/02	NUMBER: <b>32.5</b>
	SECTION: TRAINING	
	TOPIC: <b>Field Training and Evaluation Program</b>	
REVIEWED: 05-26-19		

**32.5 Field Training and Evaluation Program**

The Field Training and Evaluation Program is designed to provide the new probationary deputies with an environment in which to transfer the training received in the academy to the practical needs of that patrol deputy. The Field Training Officer (FTO) is provided to assist the probationary deputy in this transfer.

The Field Training and Evaluation Program is divided into three phases.

- A. **Phase I** – is the academic training segment of the program. Successful completion of the academy training automatically passes the probationary deputy on the Phase II.
- B. **Phase II** – covers the period after the academy in which the probationary deputy puts the skills obtained in the academy into use with the assistance of a Field Training Officer. The probationary deputy will complete a comprehensive checklist of tasks to assure the FTO that the probationary deputy has mastered the basic police skills. The probationary deputy will be evaluated via a Daily Observation Report on a daily basis on how these skills are utilized in his/her job performance. Upon completion of this phase of the program and when the probationary deputy has reached an acceptable level of competence, the probationary deputy will be advanced to Phase III and is now prepared for assignment to the patrol without an FTO. If the probationary deputy fails to reach this acceptable level of performance, Phase II Training time may be extended or employment may be terminated.
- C. **Phase III** – covers the period from end of Phase II to the completion of the Civil Service Probationary Period, the maximum time permitted. The probationary deputy will be assigned to one or more sergeants. During this period, the road sergeant will prepare monthly observation summaries on the probationary deputy's performance. If the probationary deputy's performance during this phase is not satisfactory in the opinion of the road sergeant and patrol lieutenant, the probationary deputy may be retained in Phase II for closer supervision and more personal assistance. Failure of the probationary deputy to satisfactorily complete Phase III during the probationary period will be cause for termination. This will occur only after the probationary deputy has been

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exposed to the FTO Program and the command staff of the Sheriff's Office.

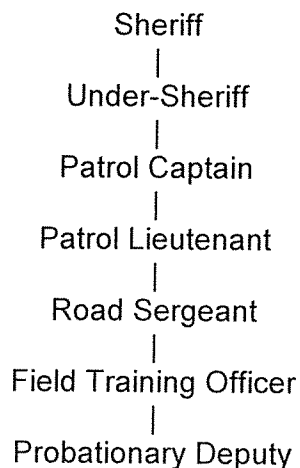
- D. **Duration** – The Field Training and Evaluation Program will be in effect from the time the probationary deputy is appointed until the State Civil Service probationary period has been completed.

1. Phase I is the successful completion of the academic training.
2. Phase II will consist of assignment to a Field Training Officer until approved to move to Phase III.
3. Phase III will commence at the completion of Phase II and terminate after the state-mandated period of probation.

- E. **Written evaluation** is the most important part of the program. See Field Training Manual for forms.

1. **Daily** - Prepared by the FTO.
2. **Weekly** – A summarized report by the FTO.
3. **Bi-weekly** – Written by the road sergeants. This report will be submitted during Phase II.
4. **End of Phase II** – The road sergeant will prepare a written report advising the patrol lieutenant if he feels the probationary deputy has progressed to the point where he can be placed in Phase III. The patrol lieutenant must also concur with this written evaluation.
5. During **Phase III**, the first line supervisor will submit a monthly evaluation on each probationary deputy assigned to him to the patrol lieutenant, who will submit them to the training director for retention in the deputy's training file.
6. **Final Evaluation** – Will be conducted two weeks prior to the end of the mandated Civil Service Probationary Period. The written evaluation will be conducted by the patrol captain, patrol lieutenant, and road sergeant to whom the probationary deputy is assigned.

- F. The Chain of Command for the Field Training and Evaluation Program will be as listed. All evaluation will follow the Chain of Command to the patrol lieutenant who will keep files on the probationary deputies until the Field Training is complete.



- G. Informational Packet – Each probationary deputy will receive an informational packet. It will have all the necessary information and documents required by this program.
1. The packet will remain in possession of the probationary deputy and will be made available to the Field Training Officer and supervisors as required.
  2. All evaluation reports will be numbered sequentially to facilitate administrative control.
  3. All evaluations will be routed through the Chain of Command to the patrol lieutenant.
  4. All reports on each probationary deputy will be secured in an individual file. These files will be available to FTO's, patrol lieutenant and command staff of the Sheriff's Office.
  5. Upon completion of the program, the files will be forwarded to the Sheriff's Academy and will be placed in the individual training files of the deputy.

- H. **Selection of Field Training Officers** will be made by the Sheriff and command staff of the agency.
1. Deputies selected will receive training as the Sheriff directs.
  2. During the time a Field Training Officer is assigned to the probationary deputy, he will receive compensation for extra time he must spend at evaluations and reports writing at the rate of one hour per eight hour shift.
- I. **Road Sergeant Duties** – Duties of the road sergeant in the Training Program are outlined in the Field Training Manual.
- J. **Field Training Officer Duties** – Duties of the Field Training Officers are outlined in the Field Training Manual.
- K. **Application of Policy** – This policy will apply to all new members of the patrol division (deputy sheriffs). Lateral transfer deputies will, depending on their experience, be placed in the FTO Program at the discretion of the Sheriff.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>33.1</b>
	SECTION: TRAINING	
REPLACES: Reviewed 6/21/19	TOPIC: <b>In-Service Training - Length and Content</b>	

**33.1 In-Service Training – Length and Content**

Law enforcement members of the Chautauqua County Sheriff's Office shall be required to attend at least twenty-one hours of in-service training annually. This training will include, but not be limited to, Firearms Training, Legal Updates, Review of Use of Force, and Use of Deadly Physical Force.





## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 9/11/09	NUMBER: <b>43.4</b>
	SECTION: OPERATIONS	
REPLACES: REVIEWED: 6/23/19	TOPIC: <b>Vehicular Pursuit</b>	

### **43.4 Vehicular Pursuit**

**A. Purpose:**

The purpose of this policy is to establish guidelines for vehicular pursuit.

**B. Policy:**

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers and suspects involved in the pursuit. This policy is intended to regulate the manner in which vehicular pursuits are undertaken and performed.

**C. Definitions:**

1. Vehicular Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect, operating a mechanized or motorized vehicle, who is actively attempting to elude the police.
2. Authorized Emergency Vehicle: An agency vehicle equipped with operable emergency equipment as defined by the New York State Vehicle and Traffic Law.
3. Primary Unit: The police unit which initiates a pursuit or any unit which assumes control of the pursuit.
4. Secondary Unit: Any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
5. Channeling: Technique used in conjunction with roadblocks where stationary objects are placed in the anticipated path of a pursued vehicle(s), deliberately directing its path of travel. Examples include, but are not limited to, barricades, flares, pylons or vehicles.
6. Hollow Spike Strips: Device designed to be physically placed across roadways, directly in the path of a fleeing vehicle(s). As vehicles pass over the device, hollow spikes pierce the tires and cause controlled deflation.

**D. Procedures:**

**1. Initiation of Pursuit:**

- a. Police vehicular pursuits are normally considered when, in the officer's judgment, an individual clearly exhibits intent to avoid arrest by using a vehicle to flee. The responsibility for the decision to pursue rests with the individual officer. Pursuits shall be terminated when, in the opinion of the officer or a supervisor, the risks of pursuit outweigh the duty to apprehend.
- b. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit also may be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
- c. In deciding whether or not to initiate pursuit, the officer will take into consideration:
  - 1) Road, weather and environmental conditions;
  - 2) Population density and vehicular and pedestrian traffic;
  - 3) The relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
  - 4) The seriousness of the offense;
  - 5) The presence of other persons in the police vehicle; and
  - 6) Whether the operator can be identified and apprehended at a later time.

**2. Pursuit Operations:**

- a. Upon engaging in a pursuit, the pursuing police vehicle will activate appropriate warning equipment.
- b. Upon engaging in pursuit, the officer will notify communications of the location and direction; the description of the pursued vehicle; and the initial purpose of the stop. The officer will keep communications updated on the pursuit. Communications personnel will notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic and relay necessary information to other officers and jurisdictions.
- c. When engaged in pursuit, officers will not drive with reckless disregard for the safety of themselves or of other road users.
- d. Police "caravans" should be avoided as they increase the risk of serious crashes and contribute little to the apprehension of the violator. Active

pursuits normally should not consist of more than two units. Units not directly involved in the pursuit may position themselves at strategic locations along the anticipated route in order to be available, if necessary.

- e. The primary pursuit unit will become secondary when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibility.
- f. Weapons/firearms shall be used only as a last resort during pursuits and in accordance with the agency's Use of Force policy.
- g. Caution and sound judgment shall be utilized when initiating pursuits in unmarked vehicles, SUV's, 4-wheel drive and undercover vehicles that are equipped with emergency lights and sirens. In the event that a pursuit is unavoidable, officers in these vehicles shall permit officers in marked units to conduct pursuits as primary units when that assistance is available.
- h. Any patrol unit sustaining damage to, or failure of, essential equipment during a pursuit shall not be permitted to continue in the pursuit. The unit shall notify the communications desk personnel immediately so that another unit may be assigned to the pursuit, if necessary.
- i. Roadblocks and/or other means to stop fleeing vehicles may be utilized after all other reasonable means of apprehension have been considered and there is reason to believe the continued movement of the fleeing vehicle would place others in imminent danger of serious bodily injury or death.

3. Supervisory Responsibilities/Deputy-in-Charge (DIC) Responsibilities:

- a. When made aware of a vehicular pursuit, the appropriate supervisor will monitor incoming information, will coordinate and direct activities as needed to ensure that proper procedures are followed and will have the discretion to terminate the pursuit.
- b. Where possible, a supervisory officer will respond to the location where a vehicle has been stopped following a pursuit.

4. Communications Responsibilities

- a. Immediately notify a supervisor of the pursuit and all essential information;
- b. Immediately notify the primary unit if a supervisor is unavailable;
- c. Restrict radio communications to critical traffic only;

- d. Advise pursuit unit(s) to switch to a common radio channel or, if necessary, to relay pertinent information;
  - e. Provide pursuit information; e.g., description, location and direction of travel;
  - f. Notify the supervisor of the pursuing officer's request to establish a roadblock;
  - g. Coordinate communications internally as well as with other affected agencies and make all appropriate notifications, as necessary;
  - h. Coordinate and dispatch assistance under the direction of the supervisor;
  - i. Advise other jurisdictions of the approach of the pursuit and determine what local law enforcement/emergency medical service is available if needed for assistance
5. Aviation Responsibilities:
- a. Weather and conditions permitting, respond to in-progress pursuits.
  - b. Keep pursued vehicle/suspect(s) under surveillance until termination of pursuit.
  - c. Assist and advise ground units, supervisor and communications personnel of matters which may affect public safety; e.g., traffic/road conditions, upcoming hazards.
  - d. Immediately notify the ground unit(s), supervisor and communications personnel if a decision to terminate or discontinue involvement in the pursuit is made for any reason and receive acknowledgment from same.

*NOTE: Only one aircraft should be used for each pursuit. No other aircraft shall join the pursuit unless directed to do so by the pilot of the primary aircraft. If an additional aircraft is requested or the primary role is relinquished to another aircraft, confirmation of the acceptance of that mission shall be obtained and acknowledged by the pilot of the primary aircraft.*

6. Pursuit Tactics:

- a. Officers will not normally follow the pursuit on parallel roadways and streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
- b. When feasible, available patrol units having the most prominent markings and emergency lights will be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit (i.e., unmarked vehicle, SUV, four-wheel drive), such unit will disengage when a marked unit becomes available.
- c. All intervention tactics short of deadly force, such as tire deflation devices and low speed channeling (with appropriate advance warning), will be used when it is possible to do so in safety and when the officers utilizing them have received appropriate training in their use.
- d. Decisions to discharge firearms at or from a moving vehicle – or to use roadblocks – will be governed by the agency's use of force policy and are prohibited if they present an unreasonable risk to others. They will, whenever possible, be authorized by a supervisor.
- e. Once the pursued vehicle is stopped, officers will utilize appropriate officer safety tactics and will be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.
- f. Stop Stick/Hollow Spike Strips: Hollow spike strips may be utilized to stop motor vehicles after other reasonable means of termination have been considered and officers have reason to believe the risks involved in continuing the pursuit outweigh the risks associated with the use of hollow spike strips.
  - 1) Officers may deploy hollow spike strips to terminate pursuits. Whenever possible, a supervisor's permission should be obtained prior to deployment.
  - 2) Unless the continued movement of the pursued vehicle would result in a significant and unusual hazard to others, the hollow spike strip should not be deployed to stop the following vehicles:
    - a) School buses transporting students
    - b) Passenger buses transporting passengers
    - c) Vehicles carrying hazardous loads, fuel, etc.
    - d) Motorcycles, mopeds or similar two-wheeled vehicles
  - 3) Radio communication and close coordination shall be maintained between the pursuing unit(s) and the officer(s) deploying a hollow spike strip.
  - 4) Officers shall exercise extreme care when deploying hollow spike

strips to reduce the possibility of damage or injuries to uninvolved vehicles and pedestrians. After deploying the hollow spike strip, deploying officers should immediately seek an area of protection.

- 5) Consideration should be given to locations where geographic configurations reduce the risk of injury.
- 6) Officers carrying hollow spike strips in their patrol units shall not attempt to overtake and pass a high-speed pursuit in order to deploy the hollow spike strip.
- 7) Officers deploying hollow spike strips should be in a position at a predetermined location to allow sufficient time for deployment.
- 8) After deploying the hollow spike strip, deploying officers shall attempt to promptly remove it from the roadway once the suspect vehicle crosses it.

7. Termination of the Pursuit:

- a. The primary pursuit unit will continually re-evaluate and assess the pursuit situation, including all of the initiating factors and will terminate the pursuit whenever s/he reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
- b. The pursuit may be terminated by the primary pursuit unit at any time.
- c. A supervisor may order the termination of a pursuit at any time.
- d. A pursuit will be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers and apprehension at a later date is feasible.

8. Inter-Jurisdictional Pursuits:

- a. The pursuing officer will notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line
- b. When a pursuit enters this jurisdiction, the action of officers will be governed by this policy and applicable law.
- c. Communications personnel shall immediately notify the appropriate law enforcement agency having jurisdiction in the area of the pursuit and provide all available information.
- d. If the pursuit continues into another state and the appropriate agency from that state has joined the pursuit, the pursuing officer(s) shall reduce their role to that of a secondary unit or a support role, as conditions permit.

9. Pursuits Initiated by Another Law Enforcement Agency:

When another law enforcement agency informs the Chautauqua County Sheriff's Office of a pursuit, deputies will provide assistance to apprehend the suspect(s) in accordance with provisions of this policy.

10. After-Action Reporting:

- a. Whenever an officer engages in a pursuit, the officer will complete a separate 106, detailing the circumstances. This report will be critiqued by the Patrol Captain or his designee to determine policy compliance
- b. The agency will periodically analyze police pursuit activity and identify any additions, deletions, or modifications warranted in agency pursuit procedures.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 03/01/04	NUMBER: <b>43.14</b>
	SECTION: OPERATIONS	
	TOPIC: <b>Traffic Checkpoints</b>	
REPLACES: Order issued 08/01/98 REVIEWED: 6/23/19		

**43.14 Traffic Checkpoints**

Recognizing the inherent dangers of traffic checkpoints, the following guidelines have been established to insure the safety of deputies as well as the public.

- A. Traffic checkpoints will be set up only after authorization by a supervisor who will insure compliance with this directive.
- B. Consideration shall be given to safety; non-arbitrary vehicle selection; motorist inconvenience.
- C. Vehicle and Traffic Law violation checkpoints shall have a minimum of two (2) officers assigned.
- D. Areas chosen for V&T checkpoints shall have sufficient visibility from either direction to allow vehicles to stop safely.
- E. At V&T checkpoints, marked and unmarked units shall display emergency lights.
- F. Agency members will wear their yellow safety vests at any V&T checkpoint.
- G. At V&T checkpoints, an area shall be provided for the violator's vehicle to be safely removed from the roadway.
- H. V&T checkpoints will be held during the daytime only unless approved by the supervisor. Supervisor will ensure that proper safety measures are utilized.
- I. V&T checkpoints are to be set up so as not to interfere with business exits or entrances. Example: In front of restaurant doing lunch business.
- J. An incident number shall be assigned and a report filed indicating the dates, times, weather conditions, etc. The names of the participants and the supervisor authorizing the checkpoint shall be included in the report.





## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 11/15/19	NUMBER: <b>46.1</b>
	SECTION: OPERATIONS	
REPLACES: 08/01/98 REVIEWED: 11/15/19	TOPIC: <b>Canine Unit</b>	

### 46.1 Canine Unit

#### A. OBJECTIVE

It is the policy of the Chautauqua County Sheriff's Office to utilize trained canine teams (Sheriff's K-9 Deputy and K-9) to assist in investigations, to conduct regular patrol activities, and to establish guidelines and standards to insure proper utilization, supervision, and control of the canine team.

#### B. INSTRUCTION, CONDITIONS, AND AUTHORIZATION OF USAGE

##### 1. Tracking of Criminal Suspects and Lost Persons

a. The search of an area within a perimetered scope can be enhanced by the use of a canine team. This is especially useful when in close pursuit of fleeing suspects, when their physical presence has been recent, when the immediate area has not been contaminated by the presence of other persons or vehicles, and when the weather conditions do not otherwise impair wind scent.

b. Ground-scent trailing is useful for tracking when the suspect(s) or lost person(s) are believed to have recently left a known area. Again, preventing the area from unnecessary contamination by other scents will enhance chances of successful tracking.

##### 2. Building or Area Search

a. Sheriff's canines may be used to effectively search buildings or confined areas for hidden suspects through the use of the canine's heightened sense of smell. Evidence or items in an area may also be located by this use of scent.

b. A verbal warning or announcement must be given prior to the release of a Sheriff's canine for the purpose of conducting a building search. This warning or announcement shall identify the Sheriff's

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Office and announce the intent of the Canine Deputy to release the canine into the building or area if the persons inside the building do not surrender immediately.

3. **Narcotics and Explosives Searches** – Sheriff's canines which are specially trained in the detection and location of narcotics or explosives may be used to assist other units within the agency in the performance of their duties.
4. **Pursuit/Apprehension of Fleeing Felons** – The canine's speed and agility, when linked with proper training and conditioning, makes the use of canines in the apprehension of fleeing felons ideal. These suspects may be apprehended in this way without the use of deadly force and with limited danger to Patrol or Canine Deputies.
5. **Crowd Control** – Sheriff's Canine Teams may be used to control or disperse crowds or maintain security of large areas after having cleared them.
6. **Guarding/Personal Protection** – Sheriff's canines provide protection capabilities to Canine Deputies and can guard prisoners while canine deputies search, question, or secure suspects/prisoners. Their unique capabilities often allow the Canine Team to function as a two-man unit.

While a canine is thoroughly trained and will function on command, he can never be expected to use human judgment, reasoning, or decision-making processes.

7. **Public Relations/Exhibitions** – Demonstrations by Canine Teams have proven to be extremely effective public relations tools when properly handled and efficiently presented.

*\*Dogs shall not be entered in any show, trial, or exhibition without prior approval of the Sheriff.*

#### Operations Procedures

1. The deployment of the Sheriff's Canine Teams shall be established in such a manner so as to provide optimal response throughout the Chautauqua County.
2. Any on-duty Sheriff's Canine Team shall respond to crimes in progress within their assigned patrol area without specific dispatch and shall assist patrols in potentially violent situations.

3. The tactical use and application of the Sheriff's canine shall be at the discretion of the individual Canine Deputy acting within the guidelines of this directive.
4. Requests from outside agencies for the services of Sheriff's Canine Team shall be handled as follows:
  - a. Non-emergency requests shall be forwarded to the Patrol Captain for consideration.
  - b. Emergency requests shall be evaluated by the shift supervisor and approved/disapproved.

**C. QUALIFICATIONS:**

1. All Canine Teams, Deputy and Canine, shall meet or exceed all training standards set by the New York State Municipal Police Training Council.
2. Total control, dual personality, and proficiency in obedience, agility, search, apprehension, and training shall be demonstrated prior to official assignment of the Canine Team.
3. No agitation work shall be done with a Sheriff's canine by anyone other than a member of this agency or another canine police officer from an outside agency.

**D. DESIGNATION OF SUPERVISION AND RESPONSIBILITY**

The Sheriff's Canine Unit shall be commanded by a Canine Deputy so appointed by the Sheriff. The unit shall be an organizational unit of the Specialized Units.

The Canine Deputy, who is appointed to command the Canine Unit, shall be thoroughly familiar with and certified in the theories and operations of canine law enforcement operations and shall be responsible for:

1. Deployment, training, discipline and performance of canine teams.
2. Maintaining performance records, certifications and an inventory of all equipment assigned to canine as well as a list of all personnel and contact information of such personnel.

3. General supervision of canine teams when on duty and available.
4. When the Canine Unit or a Canine Team is assigned to a special detail or function, the unit or team shall be under the direct supervision and control of the supervisor in charge of the detail to which they are assigned.
5. The Canine Deputy will be responsible for maintaining an updated list of personnel assigned to their unit. They will also ensure that the communications division will have an updated call out roster with contact information for each member.

**E. Responsibilities of Deputies and Supervisors at the scene**

1. It shall be the responsibility of the first deputy arriving at the scene to determine the relative need for the immediate use of Canine Team, evaluating existing hazards and opportunity for immediate apprehension of criminals at or near the scene.
2. After requesting canine, the first-arriving patrol deputy shall initiate a crime scene perimeter and attempt to prevent contamination of air or ground scent unless precluded by the need for medical assistance by victims, immediate apprehension possibility, or other urgent factors.
3. Whenever a Canine Team attempts to track a suspect, another Patrol Deputy may be assigned to follow the Canine Team at a distance, taking care not to contaminate the track path in the event the Canine Team finds it necessary to double back.
4. The use of the canine in the apprehension of a suspect falls within the purview of "Use of Force" and, therefore, it is incumbent upon the Canine Deputy to exercise good judgment when the possibility exists that an injury will be sustained by the suspect.

The Canine Deputy will not use the canine in a bite situation for any non-violent, non-aggravated misdemeanor. This does not include incidents of assault upon a police officer such as during resisting arrest or those incidents where the canine itself is the focus of an attack and is defending itself.

5. Whenever a Sheriff's canine apprehends and bites a suspect, the following procedures shall be followed:
  - a. All injuries shall be examined by the Canine Deputy. The Patrol Supervisor and Patrol Captain shall be notified.

- b. All bites and injuries shall be photographed prior to the release of the suspect/prisoner.
- c. A completed Incident Report will be written clearly documenting the circumstances surrounding the use of the canine and shall be submitted promptly to the supervisor.
- d. All appropriate health documents and certificates shall be maintained by the Canine Deputy appointed by the Sheriff.

F. **Reserve Canine Deputies/Reserve Canines** – The Sheriff, in his sole discretion, may appoint reserve canine deputies/canines. These reserve canine teams shall be activated when necessary by the Patrol Supervisor, Patrol Captain, or Sheriff.

G. **Breeding** – No dog shall be used for breeding purposes without prior approval of the Sheriff.

H. **Definitions**

- 1. **Canine (K-9)** – A working-class dog which has been specifically trained to execute any number of individual tasks which make use of the animal's innate speed, agility and/or sense of smell. For the purposes of this agency, canines shall be either purebred German shepherds or bloodhounds. Exceptions to this rule are at the sole discretion of the Sheriff.
- 2. **Canine (K-9) Deputy(s)** – Any deputy specially trained and regularly certified in the care, handling and training of a dog which is used for law enforcement purposes.
- 3. **Canine (K-9) Team** – Any Sheriff's Canine Deputy(s) and his/her assigned Sheriff's canine.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 02/05/03	NUMBER: 47.1.1
	SECTION: ADMINISTRATION	
	TOPIC: Traffic Enforcement (Warning Tickets)	
REPLACES:		
REVIEWED: 11/12/19		

**47.1.1 Traffic Enforcement (Warning Tickets)**

**A. Purpose**

To establish guidelines to ensure that enforcement actions are commensurate with applicable statutes and ordinances, and take into account the degree and severity of the violation committed.

**B. Discussion**

The enforcement of traffic laws and ordinances is a basic responsibility of the Sheriff's Office. Uniform enforcement procedures support the ultimate goal of traffic law enforcement, which is to achieve voluntary compliance with the laws by all motorists and pedestrians.

The role of the officer is to observe, detect and prevent violations of traffic laws and to take appropriate enforcement action when violations are observed. Enforcement policies cannot and should not supplant the individual officer's discretion, based upon professional judgment and a combination of training and experience.

**C. Policy**

All sworn officers shall take appropriate enforcement action for each violation of the law witnessed or reported to them. Enforcement action does not provide the officer a privilege to scold, belittle, berate or otherwise verbally abuse a traffic violator. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner using one of the following four methods:

1. verbal warning
2. written warning
3. citation (notice to appear)
4. physical arrest

The officer's action should demonstrate a professional attitude and serve to improve the relationship between the public and the Office of the Sheriff.

#### **D. Procedures**

1. Verbal Warning – A verbal warning is appropriate when a violator commits an act which may be due to ignorance of a local ordinance which may be unique or a violation of which the driver may not be aware. (Example: wearing of a seat belt, when the driver is from a state that does not mandate it, or having a tail light out and not knowing it.)
2. Written Warning – A written warning is a proper alternative in response to a minor traffic infraction when committed without danger to others. (Examples: speeding in excess of posted speed limit, but less than a speed for which a citation or arrest would result, or running a stop sign at a speed similar to walking (California Stop) where traffic is not a factor. (Refer to General Orders 47.1 and 47.2) Written warning may be issued at the discretion of the deputy. Warning citation should be completed fully and the tag copy will be forwarded to Records for entry into the police records computer system.
3. Citation (Notice to Appear) – The issuance of a traffic citation is applicable in the majority of cases for those who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.
4. Physical Arrest – Officers will effect the arrest of any person in violation of those traffic laws pertaining to driving while intoxicated or driving under the influence of intoxicants; reckless driving (when willful and wanton intent of the driver are elements of the offense); and traffic offenses committed in commission of other crimes (game laws, transporting contraband, etc.).

There may be other incidents in which a violator should be physically arrested. The decision to effect a physical arrest should be based upon sound legal principals as opposed to peripheral issues such as the violator's "attitude".



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 03/31/04	NUMBER: 47.2
	SECTION: OPERATIONS	
	TOPIC: <b>Stopping Violators</b>	
REPLACES: Order issued 08/01/98 REVIEWED: 11/12/19		

### 47.2 Stopping Violators

A. Traffic Law Enforcement Practices General – Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.

1. Patrol involves traffic enforcement within the officer's assigned area of responsibility.
2. Patrol involves traffic enforcement with concentration on a particular section of roadway.
3. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

B. Objectives of Traffic Stops – There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officers' ability to evaluate the violator's mental and physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures should minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives, which are:

1. To take proper and appropriate enforcement action.
2. To favorably alter the violator's future driving behavior.



**C. Traffic Violator/Officer Relations**

1. Follow in all traffic stops:
  - a. Be alert at all times for the unexpected.
  - b. Be absolutely certain the observations of the traffic violation were accurate.
  - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
  - d. Be prepared for the contact by having the necessary equipment and forms if they are to be used, immediately available.
  - e. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out-of-state driver committing a violation that would not be a violation in his jurisdiction, such as right turn on red light. The officer may then decide to issue a warning rather than a citation.
2. Before Making a Vehicle Stop
  - a. Maintain a reasonable distance between the vehicle and the police unit.
  - b. Locate a safe spot to stop the vehicle.
  - c. Activate the emergency red lights and, when necessary, siren to signal the vehicle to stop.
  - d. Advise the dispatcher of intention to stop the particular vehicle, giving location of stop and vehicle's license number and/or other description when necessary.
  - e. Officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic.
3. When stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, in addition to the above:

- a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop.
  - b. Train the unit's auxiliary lights (spotlight and take down lights) on the occupant(s) of the vehicle when applicable.
- 4. Hazards
  - a. On multi-lane roadways, the officer should insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
  - b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him to move to a safer location. Officers should use oral directions and gestures to instruct violators to move to a safer location. If these directions are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.
- 5. Approaching the Violator – The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver,) and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible:
  - a. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
  - b. The officer shall approach from the rear of the violator's vehicle, looking into the rear seat and stop behind the trailing edge of the left front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keeping all occupants of the vehicle in view.
  - c. In cases where the violator's car has occupants in both the front and rear seats, the officer should approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants, and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.

- d. In traffic stops made by two-man patrol vehicles, the passenger officer shall handle all radio communication, write all notes and messages relayed from the communications center, and during the traffic stop shall leave the vehicle and act as an observer and cover for his fellow officer. At no time shall the two officers approach the violator together.
  - e. At night, officer shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator (the spotlight should not be used except in what officers perceive a dangerous situation,) and positioning the police vehicle. After the stop, the head lights shall be on low beam for the safety of on-coming traffic, and emergency bar lights and emergency flashers in use on the patrol vehicle (as well as during the day.)
6. Communicating with the Violator – In transacting his business with the violator, the officer shall:
- a. Greet the violator courteously with an appropriate title.
  - b. Inform the violator what traffic law he has violated and the intended enforcement action; the violator should not be kept in suspense.
  - c. Ask for the violator's driver license and vehicle registration, and insurance card.
  - d. If the driver has no driver's license, obtain another document of identification.
  - e. Allow the driver to discuss the violation. Do not argue berate, belittle, or otherwise orally abuse violator.
  - f. Complete the forms required for the enforcement action taken or exercise an oral warning, if appropriate.
  - g. Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him.
  - h. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
  - i. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

- j. Upon taking the appropriate enforcement action, circumstances present will determine whether the violator is released or taken into custody. If released, assist the violator in safely re-entering the traffic flow.

- D. **Stopping a Known or Suspected Felon** – Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by an officer he will notify the dispatcher immediately of his location and give a thorough description of the vehicle and its occupants. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop.

The officer will keep support units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle will not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop.

The following procedures will be used in effecting the stop;

1. The officer will plan to stop the suspect vehicle in a location which presents minimal danger to other citizens.
2. When conditions are appropriate and support units available, the officer will move into position to the rear of the suspect vehicle.
3. The officer will signal the violator to stop, using all emergency equipment to warn other traffic.
4. The violator will be stopped on the extreme right side of the road.
5. If the violator is known to be armed and dangerous, the officer will have his weapon easily accessible and ready for immediate use.
6. When the suspect vehicle begins to stop, the officer will turn off the siren.
7. The officer will park the police vehicle so that it provides maximum protection and cover.
8. At night, the officer shall focus all lights on the interior of the suspect vehicle.
9. The officer will leave the police vehicle quickly but remain behind the door.
10. First, once suspects are stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside his door. The

officer making the stop is in command and will direct each occupant, using loud and firm commands to get out of the vehicle and into the appropriate search position. Next, the officer shall order the occupants to place their hands, palms up, on the ceiling of the vehicle. Officers shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants will then be ordered to lie face down on the ground.

11. To reduce confusion, the officer will instruct support officers as appropriate, and will be the only officer to direct the suspects.
  12. The support officers will cover the arresting officers and remain on the curb side of the vehicle until all occupants are in the search position.
  13. Officers will exercise extreme caution not to get within each other's line of fire.
  14. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the persons are searched.
  15. Arrestees will be searched and handcuffed before transportation.
- E. Out of State Operators – Due to the proximity of Chautauqua County to Pennsylvania and the major interstate access, out of state residents drive within the County frequently.



# CHAUTAUQUA COUNTY SHERIFF'S OFFICE

## GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 03/31/05	NUMBER: <b>50.2</b>
	SECTION: OPERATIONS	
	TOPIC: <b>Constitutional Requirements</b>	
REPLACES: Order Issued 08/01/98 REVIEWED: 6/23/19		

### **50.2 Constitutional Requirements**

The United States Constitution guarantees every citizen certain rights, such as the right to legal counsel, the right against self-incrimination (Miranda Warnings), and rights against unlawful search and seizure. Every member of this agency who conducts a criminal investigation will comply with these safeguards and stay current with any court decisions that affect these rights. (Also see General Order 14.1, Rules of Conduct, of this Manual.)



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE**  
**GENERAL ORDER**

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 08/01/98	NUMBER: <b>52.1</b>
	SECTION: OPERATIONS	
	TOPIC: <b>Authority to Arrest</b>	
REPLACES: REVIEWED: 11/12/19		

**52.1 Authority to Arrest** – A police officer may arrest a person for:

- A. "Any offense when he has reasonable cause to believe such person has committed such offense in his presence."  
(CPL Section 140.10, Sub. A)
- B. "A crime when he has reasonable cause to believe that such person has committed such crime, whether in his presence or otherwise." (CPL Section 140.10, Sub. B).



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 03/31/05	NUMBER: 52.2
	SECTION: OPERATIONS	
	TOPIC: Procedures for Arrest	
REPLACES: Order issued 08/01/98 REVIEWED: 11/12/19		

### 52.2 Procedures for Arrest

These procedures are to establish policy and procedure in making arrests in order that officers may comply with Criminal Procedure Law and Sheriff's Office orders.

#### A. Felony Arrests

1. The arresting deputy will notify his/her immediate supervisor and provide details of the arrest.
2. The immediate supervisor will determine if an investigator should be notified to either coordinate the investigation (major crime) or assist the arresting deputy in conducting the investigation.
3. An arresting deputy who is preparing his/her own case file will submit the entire completed package to his/her supervisor for review prior to the submission to the Criminal Investigation Division.
4. The supervisor of the deputy will be responsible for the accurate, timely submission of the arrest information to the Criminal Investigation Division for processing.

#### B. Misdemeanor Arrests – In misdemeanor arrests of an unusual or questionable nature, the arresting deputy through his/her immediate supervisor shall determine if an investigator should be notified.

1. If it is determined that an investigator is needed, then relevant paragraph in 52.2-A "Felony Arrests" will be followed.
2. If it is determined that an investigator is not needed at the scene, the arresting deputy will either process the individual at the scene or transport the subject to the appropriate Sheriff's Office facility.
3. Whenever a misdemeanor arrest is made and an investigator does not become involved, the deputy shall prior to release, cause a check to be



made of the arrestee's name to ascertain if any warrants are outstanding.

4. An arresting deputy who is preparing his/her own case file will submit the entire completed package to his/her supervisor for review prior to the submission to the Criminal Investigation Division

C. **Violation Arrests** – In cases of violations (disorderly conduct, local laws, etc.), the arresting deputy:

1. Need not notify the Communication Desk when he/she intends to release the arrested person on an appearance ticket or uniform traffic ticket.
2. Will notify the Communication Desk when he/she intends to take the arrested person for arraignment at Centralized Arraignment.

D. **Appearance Tickets** – In all misdemeanor, violation, and felony cases when appropriate, the deputy has the discretion to issue an appearance ticket in place of presenting the individual before a local criminal court justice for arraignment. (CPL Article 150)

1. The determination to issue an appearance ticket shall be based on such considerations as the charge, the circumstances of the alleged incident, and the individual's roots in the community. A supervisor may be consulted to make this determination.
2. In any case where a misdemeanor arrest is made and the decision is made to arraign the individual, the deputy must take to Centralized Arraignment or utilize pre-arraignment bail as outlined in G.O. 52.5.
3. Issuance of Appearance Tickets – Write Incident Report Number on the top right hand corner of appearance ticket in addition to information requested on the form.
  - a. Original to defendant (white)
  - b. Copy to the Court (canary)
  - c. Police Agency Copy (pink) to be returned with disposition to Records Section by the court
  - d. Officer Copy (goldenrod) to be attached to Incident Report 106 or Supplemental 106-1
4. In cases where a misdemeanor DWI arrest is made and in the absence of any unusual circumstances which would prevent the release on recognizance, the arrested individual will be issued a traffic ticket with an appropriate appearance date imposed thereon and released to a responsible individual (i.e., family, friend).

5. Where unusual circumstances prevail and the services of a judge or magistrate are required for immediate arraignment, such unusual circumstances are to be related to the judge upon contact.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 08/01/98	NUMBER: <b>52.3</b>
	SECTION: OPERATIONS	
REPLACES: REVIEWED: 11/12/19	TOPIC: <b>Arrest Without a Warrant, by Any Person, Third Party or Turnover Arrest</b>	

**52.3 Arrest Without a Warrant, by Any Person, Third Party or Turnover Arrest**

- A. Any person can arrest another person:
1. For a felony when the latter has, in fact, committed such felony.
  2. For any offense when the latter has, in fact, committed such offense in his presence.
- B. A person may arrest another person for an offense as stated above at any time, day or night. Such person making the arrest must inform the person whom he/she is arresting of the reason for such arrest unless physical resistance, flight or other factors render such procedure impractical. (CPL 140.35)
- C. In order to effect an arrest, such person may use such physical force as is justifiable, pursuant to Penal Law Section 35, Sub. 4.
- D. A person making an arrest must, without unnecessary delay, deliver the arrested person to the custody of an appropriate police officer and the arresting person must, without unnecessary delay, file appropriate accusatory instruments. (CPL 140.409, Sub. 1)
- E. In all third party felony cases, the procedure outlined in paragraph 52.2-A will be followed.
- F. In all cases of third party misdemeanor or violations, the procedure outlined in paragraph 52.2-D will be followed.
- G. A police officer is not required to take an arrested person into custody or take any other further action on behalf of the third party if he/she has reasonable cause to believe the arrested person did not commit the alleged offense or that the arrest was unauthorized. (CPL 140.40-4)

NOTE: The arresting person, third party, should be given an explanation or be advised as to other courses of action in solution of his/her complaint. Deputy will also summarize the details of the investigation where an arrest was refused when submitting the prescribed report.

**GENERAL ORDER 52.3**

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## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 08/01/98		NUMBER: 52.4
	SECTION: OPERATIONS		
	TOPIC: Procedures Following An Arrest		
REPLACES: REVIEWED: 11/12/19			

### **52.4 Procedures Following An Arrest**

#### **A. Fingerprinting**

1. As required in CPL Section 160.10, all cases of arrest will be followed by fingerprints taken from the arrested party. The process of fingerprinting will take place at the Sheriff's Office in Mayville.
2. In cases where fingerprints are immediately impossible to obtain, it is the arresting deputy's responsibility to arrange a future date for processing (Tuesday through Sunday [no Mondays] 9 a.m. - 12 noon, 1 p.m. - 5 p.m., 6 p.m. - 8 p.m.). Under such circumstances the arresting deputy will complete a "Fingerprint Appearance Ticket." One copy goes to the defendant, one copy goes to the court with the accusatory and other related paperwork and one goes to the Booking Room at the Jail.

**B. Photographs** – Whenever fingerprints are required in CPL Section 160.10-1 and 2, the photograph and palm prints may also be taken. (CPL 160.10-3)

#### **C. Arrest Report Procedures**

1. In all cases of arrest, the arresting deputy is required to complete the suspect description and information section of the Incident Report Form 106 and indicate "arrest" in the proper box. Be sure to include date of birth and Social Security number.
2. If original 106 has been filed with Records Section with no suspect or no arrest indicated, subsequent arrest information should be submitted on an Incident Supplemental Form 106-1 with all required suspect data.

#### **D. Informations and Depositions**

1. In all cases where an appearance ticket has been issued, it will be the arresting deputy's responsibility to make certain that the accusatory instrument and all other supporting documents are completed prior to the time set for the appearance of the defendant.

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2. It is also the arresting deputy's obligation to assist in preparing an accusatory instrument for a third party arrest. All statutory language constituting the offense should be included in the complaint as well as the factual information stating what the arrested person did. The arresting person, third party, should sign the accusatory instrument under the penalty of perjury (CPL 100.15).
3. Where supporting depositions are obtained, be certain that they are made out properly and also signed under penalty of perjury (CPL 100.20).
4. Accusatory instruments, information, and supporting depositions may be verified in any of the following manners:
  - a. Sworn to before the court with which it is filed.
  - b. Sworn to before another designated public servant, who by law is authorized to administer such oath (Notary Public, Commissioner of Deeds, etc.)
  - c. Such instruments may bear a form notice that false statements made therein are punishable as a class "A" misdemeanor pursuant to Section 210.45 of the Penal Law. Such notice, together with the subscription of the deponent, constitute a verification (CPL 100.30).



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 01/31/12	NUMBER: 52.5
	SECTION: ADMINISTRATION	
	TOPIC: <u>Pre-Arraignment Bail</u>	
REPLACES: REVIEWED: 11/12/19		

### **52.5 Pre-Arraignment Bail**

**A. Purpose:** To establish uniform guidelines for setting of bail and posting of bail for pre-arraignment arrestees for the Chautauqua County Sheriff's Office.

**B. Policy:** It is the policy of the Chautauqua County Sheriff's Office to arraign certain arrestees when local magistrates are not available.

### **C. Procedural Guidelines**

Patrol Deputies may process arrestees through the pre-arraignment bail under the following conditions:

1. The following offenses are eligible for pre-arraignment bail per this policy.
  - Certain E Felony
  - Any and all Misdemeanors (A, B and Unclassified)
  - Any and all Petty Offenses (excluding Unlawful Possession of Marihuana in which the defendant can not be committed to jail)
  - DWI and DWI related Offenses (excluding D – Felony DWI offenses)
2. The following specific Class "E" Felonies will require arraignment by a magistrate and are not eligible for this pre-arraignment policy.
  - Rape 3<sup>rd</sup> Degree – 130.25 of NYS Penal Law
  - Criminal Sexual Act 3<sup>rd</sup> Degree – 130.40 of NYS Penal Law
  - Escape 2<sup>nd</sup> Degree – 205.10 of NYS Penal Law
  - Absconding from Temporary Release 1<sup>st</sup> Degree – 205.17 of NYS Penal Law
  - Absconding from Community Treatment Facility – 205.19 of NYS Penal Law
  - Bail Jumping 2<sup>nd</sup> Degree – 215.56 of NYS Penal Law
3. In the following situations, pre-arraignment bail will **NOT** be applicable:
  - Warrant arrests (Arrest or Bench Warrants) will require magistrate arraignment.
  - Any arrests for A, B, C or D Felonies of any kind

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4. Patrol deputies will transport arrestees to the Chautauqua County Jail for pre-arraignment bail. It will be the responsibility of the arresting deputy to have the following documentation when the arrestee is brought to the jail:
  - Original Information / Accusatory Instrument
  - Completed Appearance Ticket
5. The Chautauqua County Jail on-duty supervisor is responsible for setting the bail for the arrestee. The following bail chart will be used as the bail schedule:
  - Certain Class "E" Felonies – \$750.00
  - Class "A" Misdemeanor – \$500.00
  - Class "B" Misdemeanor – \$250.00
  - Unclassified Misdemeanor – \$250.00
  - Violation – \$100.00
  - DWI/DWAI – \$500.00
6. If the arrestee can post the proper amount of bail, the arresting deputy will issue to the arrestee the appearance ticket with the appropriate return court date and pre-arraignment bail amount. The arresting deputy will deliver the accusatory, appearance tickets and other supporting documents to the court as in any arrest.
7. The intake Corrections Officer will complete the booking process of the arrestee before they collect any bail. The Correction Officer will issue a CCJ Bail Receipt to the arrestee and release them from custody.
8. If the arrestee can not produce the bail requested, they will be booked in the jail. Jail intake officers will arrange for an arraignment utilizing Centralized Arraignment. The original accusatory instrument must be kept with the defendant's court papers (appearance ticket, supporting depositions etc.) and subsequently presented to the judge with the defendant.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: Sheriff James B. Quattrone	EFFECTIVE DATE: 09/08/15	NUMBER: 58.11
	SECTION: OPERATIONS	
	TOPIC: <b>Bias Crime Incidents</b>	
REPLACES Order issued 08/01/98 REVIEWED: 11/12/19		

### 58.11 Bias Crime Incidents

A bias crime incident is any incident or crime apparently directed toward or against any particular racial, ethnic, religious, or particular social grouping of individuals. The Chautauqua County Sheriff's Office recognizes that such crimes have a serious impact not only on the victim but the community as a whole. This agency is committed to use its resources to protect the rights of all citizens regardless of race, color, creed, or religion. The following is this agency's policy when dealing with any such incident or crime:

- A. Patrol Officer – When a patrol officer arrives at the scene and determines the incident may be racially or religiously targeted, he/she will:
1. Apprehend the perpetrator if this is applicable.
  2. Request a patrol supervisor.
  3. Protect the crime scene.
  4. Stabilize the victim.
  5. Conduct a preliminary investigation.
  6. Provide assistance to the victim and/or referral to the appropriate legal or service agency.
  7. Prepare a field report.
  8. Conduct a speedy follow-up investigation of any incident that he/she initially responds to.
- B. Patrol Supervisor – Upon arriving at the scene of a possibly racially or religiously targeted incident, he/she will:
1. Interview the patrol officer.



2. Determine whether additional personnel such as a Crime Scene Search Officer are needed.
3. Ascertain if the occurrence is religiously or racially targeted.
4. Take steps to insure the incident does not escalate.
5. Assist in the stabilization of the victim.
6. Supervise the preliminary investigation.
7. Notify the Sheriff, Undersheriff, Captain, or Criminal Lieutenant (Criminal Investigation Division - CID) of specific facts of this particular incident.
8. Be sure that all reports are properly completed and submitted prior to the end of that tour of duty.
9. The supervisor will review any news release before being release to the press.

**C. Criminal Investigation Division (CID)**

1. Will receive copies of all reports of racially or religiously targeted incidents.
2. Establish a file or cross reference file system for the reports.
3. Canvass the community to identify the community and to identify and interview witnesses.
4. Coordinate the investigation with the Crime Scene Search Officer or appropriate unit.
5. Conduct surveillance and other appropriate activity to ferret out suspects and/or evidence.
6. Coordinate victim assistance as provided in agency policies.
7. Notify other relative agencies or networks.
8. Maintain liaison with other units of this agency.
9. Coordinate the investigation with other law enforcement agencies where appropriate.

10. Prepare cases for prosecution in court and provide testimony.
11. Keep the reporting/arresting officer informed of the status of the case.
12. Keep the victim informed of the status of the case.
13. Provide updates for the Sheriff.
14. Develop factual information for dissemination to the public as required by procedures and media relations for this agency.

**D. Community Relations**

1. In the event that it is necessary, the investigator in charge of the incident investigation will meet with neighborhood groups, residents in target communities, and other groups as is necessary to allay fears, reduce the potential for counter-violence, and provide safety and protection information.
2. This individual will also keep the Sheriff advised so that if the incident appears to be escalating this problem, the Sheriff can meet with above-mentioned groups.
3. He will assist victims and their families as needed.
4. If necessary, and with the agreement of the Sheriff, will conduct public meetings on racial/religious threats and violence in general as it relates to specific incidents.
5. Establish a liaison with formal minority organizations and leaders as required.
6. Expand existing preventive programs such as anti-hate seminars for school children if this appears to be the appropriate step to take.

**E. Gathering of Intelligence**

1. All personnel of the Sheriff's Office will be responsible to assist in the investigation by providing any information relative to one of these incidents that they happen to become aware of.
2. All investigators and uniformed personnel will take particular pains to develop any sources of information that may be available and to report any actual information or rumors relative to one of these incidents to the officer in charge of the case.

3. The officer in charge of the case will, as necessary, maintain liaison with Federal, State, and other local agencies for the exchange of intelligence information.
4. He will keep the Sheriff advised of any pattern or anticipated movement of known hate groups that might be in the area.

**F. Training Division**

1. Include human relation training in recruit and in-service training programs.
2. Include courses on minority cultures and recruit training and solicit input from minority officers and community leaders for this training.
3. Review and revise training programs to reflect the changes in the community and society.
4. Provide training and victim assistance.
5. Assure that investigators receive specialized training as directed by the Sheriff.

**G. Dissemination of Information**

1. The above information will be disseminated to all personnel presently a member of the Chautauqua County Sheriff's Office during scheduled in-service training dates.
2. New recruits will deal with this matter in basic training.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 04/03/12	NUMBER: 70.0
	SECTION: OPERATIONS	
	TOPIC: Domestic Violence	
REPLACES: Order Issued 08/01/98 REVIEWED: 06/21/19		

### **70.0 Domestic Violence**

- A. **Purpose** – The Chautauqua County Office of the Sheriff recognizes that domestic violence is a complex social problem affecting families, households and social relationships from all cultures and economic backgrounds. The scope of behavior may range from violence toward children to abuse of the elderly; it may involve spouses, or other family members, or intimate partners. It often results in profound physical and emotional damage to victims. The procedures set forth in this Order are intended to afford these victims the greatest protection available.

Offenses committed between family, social or household members are serious events. This is true regardless of the relationships, or social status, or living arrangements of the persons involved. The purpose of this policy and the accompanying procedures is to direct action of Sheriff's Office members in response to domestic incidents and to offenses committed in domestic incidents. These actions are intended to protect victims, enforce the law, and prevent future violence.

- B. **Policy** – The policy of the Chautauqua County Office of the Sheriff is to arrest when there is reasonable cause to believe that an offense has been committed or that an Order of Protection has been violated. Officers will NOT attempt to mediate domestic violence cases in lieu of court proceedings. Reasonable cause will be determined in the same way as it is for all other offenses; it will not be influenced by the domestic relationships of the parties involved.

Experience and research indicate that lawful arrest is an intervention that is effective in preventing or breaking the cycle of violence in the domestic setting. Failure to arrest may increase physical and emotional risk to victims. Therefore, the agency's objective is to protect victims of domestic violence or domestic abuse by enforcing the law.

#### **This Policy Is Intended To**

1. Break the cycle of domestic violence and abuse,

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2. Protect victims of domestic violence and provide them with support through a combination of law enforcement and community services, and
3. Promote officer safety by ensuring that officers are properly prepared to deal with domestic violence incidents.

**C. Definitions**

1. Domestic Incidents – This term includes any dispute, violence, or report of an offense between individuals within a domestic relationship, whether the relationship is current or past. A domestic incident may or may not involve a violation of law. Domestic incidents include cases of child or elderly abuse and/or neglect involving household members.
2. Domestic Relationships – As used in this policy, the term domestic relationship shall include persons who either have a certain family or social relationship as indicated below:
  - a. Family/Household – These are domestic relationships specifically defined by the Family Court Act. Persons in such relationships have the option of having family offenses and violations of Family Court Orders of Protection handled by the Family Court, the Criminal Court, or both. Family/Household relationships include persons who:
    - (1) Are legally married to each other,
    - (2) Were legally married to each other,
    - (3) Are related by blood (consanguinity),
    - (4) Are related by marriage (affinity), or
    - (5) Have a child in common.
    - (6) Live together in an intimate relationship and who do not have a child in common or
    - (7) Have a current or former dating relationship or
3. Family Offenses – (FCA §812.1, CPL §530.11) consist of the following offenses which are committed between members of the same family/household:
  - a. Harassment First and Second Degree,
  - b. Assault Second and Third Degree,
  - c. Attempted Assault (any degree)
  - d. Disorderly Conduct (including disorderly conduct which does **not** occur in a public place),
  - e. Reckless Endangerment First and Second Degree
  - f. Menacing Second and Third Degree, or

- g. Aggravated Harassment in the Second Degree.
- h. Sexual Misconduct.
- i. Forcible Touching.
- j. Sex Abuse in the Second and Third Degree.
- k. Stalking in the First, Second, Third and Fourth Degree.
- l. Criminal Mischief.
- m. Strangulation in the First and Second Degree.
- n. Criminal Obstruction of Breathing or Blood Circulation.
- o. Coercion 2<sup>nd</sup>
- p. Coercion 3<sup>rd</sup>, sub 1,2,3
- q. Grand Larceny 3<sup>rd</sup>, 4<sup>th</sup>
- r. Identity Theft 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>

NOTE: With regard to family offenses, it is important to be aware of the following:

- \* If the offender is less than sixteen (16) years of age, the Family Court has exclusive jurisdiction and the victim may not choose to proceed in Criminal Court. The offender must be petitioned to Family Court for these offenses.
  - \* Domestic incidents may involve offenses other than those listed above. Such other offenses are not family offenses under the law and may not be prosecuted in the Family Court. The Criminal Court has exclusive jurisdiction over these types of offenses. (Example: Assault First Degree, Rape, Kidnapping, Unlawful Imprisonment, Attempted Murder, Burglary, Larceny, Grand Larceny)
  - \* The violation of an Order of Protection is not a family offense, but the Family Court can have jurisdiction over the matter if the order was issued by the Family Court.
4. Unlawful Coercive or Controlling Behavior – When investigating domestic incidents, members shall be acutely aware of the potential for unlawful coercive or controlling behavior as a method of abuse. The term "coercive controlling behavior" is intended to convey the fact that domestic abuse may take many forms in addition to the use or threatened use of force. The abuser may employ other means to manipulate or control the victim. Officers should attempt to determine if a pattern of such abuse exists. Such a pattern may involve berating behavior, physical or verbal threats, or damage to jointly held property. These actions have as their purpose the abuse or coercive control of the victim. Such acts may appear minor if viewed out of context. When these acts, viewed in context, violate the law, arrest is the appropriate police action.

EXAMPLE: Harassment Second Degree often includes conduct which constitutes coercive or controlling behavior. Refer to Penal Law Section

240.26 Subd. 3, which makes it illegal for a person to engage in a course of conduct or repeatedly commit acts which alarm or seriously annoy another person and which serve no legitimate purpose. In addition, acts which instill fear of physical injury may constitute Harassment First Degree (B/Misd) or Menacing First, Second, or Third Degree, Coercion.

5. Federal Offenses For Certain Domestic Incidents – It shall be a Federal Offense for a person to cross a State line or enter or leave an Indian Reservation with intent to injure, harass, or intimidate that person's spouse or intimate partner, and, in the course of that travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner. (Title 18 §2261 Subd. 1 U.S.C.A.)

It shall also be a Federal Offense for a person to cause their spouse or intimate partner to cross a State line or enter or leave an Indian Reservation by force, coercion, duress, or fraud and, as a result of such conduct, commits a crime of violence and thereby causes bodily injury to the person's spouse or intimate partner. (Title 18 §2261 Subd. 2 U.S.C.A.)

- D. **General Arrest Policy** – In all domestic incidents in which the law is violated, the police objective is to protect the victim by making an arrest. When the officer can make a lawful arrest, the offender will be arrested as specified in this policy. Officers will provide victims with information and assistance to cause and facilitate a lawful arrest. **The victim shall not be requested to make a civilian arrest when a police arrest can be made.** The intention of this policy is to remove the burden of an arrest decision from victims who are often unable or unwilling to make that decision due to social, psychological, economic, or other conditions. Therefore, officers shall make lawful arrests based on **reasonable cause**,\* in accordance with the guidelines set forth in this policy. In this regard, this policy also includes provisions for those circumstances where the victim is unwilling or unable to be a complainant.

- \* (CPL §70.10 Subd. 2) "REASONABLE CAUSE to believe that a person has committed an offense" exists when evidence or information which appears reliable discloses facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment, and experience that it is reasonably likely that such offense was committed and that such person committed it. Except as otherwise provided in this chapter, such apparently reliable evidence may include or consist of hearsay.

**NOTE: Effective July 1, 1995, Section 140.10 Subd. 4(c) of the Criminal Procedure Law prohibits police officers from inquiring as to whether the victim seeks an arrest of the offender in misdemeanor and felony cases constituting a family offense.**

- \* The State Legislature's intent regarding this section is that the term "REASONABLE CAUSE" is synonymous with the term "PROBABLE CAUSE." For the purpose of this policy, all arrests should be based on "PROBABLE CAUSE."

1. Police Arrest

- a. In accordance with Section 140.10 of the Criminal Procedure Law, this policy regarding arrests for offenses committed in a domestic incident among persons related by consanguinity or affinity, who are legally married to one another, who have been formerly married to one another regardless of whether they still reside in the same household, who have a child in common, or who have been in an intimate relationship:

- (1) Felonies/Misdemeanors – When an officer has reasonable cause to believe that a crime has been committed in a domestic incident, the officer will arrest the offender. If the offender has left the scene, a follow-up investigation will be conducted to apprehend and arrest the offender.
- (2) Petty Offenses – When a petty offense is committed during a domestic incident, in the presence of the officer, the officer will arrest the offender.
- (3) Orders of Protection – When an officer has reasonable cause to believe that the terms of an Order of Protection has been violated, the officer will arrest the offender. If the offender has left the scene, a follow-up investigation will be conducted to apprehend and arrest the offender. The arrest will be made even though the victim may be unwilling to proceed further in court. A credible description by victim of the manner in which the order was violated, without facts to the contrary, is sufficient to establish reasonable cause to make an arrest. Officers will evaluate the facts present to determine whether reasonable cause exists, pursuant to Section 70.10 of the Criminal Procedure Law.

NOTE: Further policy regarding Orders of Protection will be outlined in Section IX of this policy.

- b. The officer should emphasize to the victim and offender that the criminal action is being initiated by the State, and not the victim.
- c. In regards to evaluating reasonable cause in domestic incidents, the following situations are not valid reasons for not arresting an



offender:

- (1) The suspect lives with the victim;
- (2) The parties have a certain marital status;
- (3) The parties have a certain ownership or tenancy rights;
- (4) There are verbal assurances by the batterer or the victim that the violence will stop;
- (5) There is no Order of Protection in effect;
- (6) There may be financial consequences caused by an arrest;
- (7) The victim and suspect are "family/household members;"
- (8) The complainant has made prior calls or is a "chronic complainer";
- (9) The suspect gives verbal assurance not to harm the complainant/victim;
- (10) The alleged injury is minor or not immediately visible;
- (11) The victim may not be a willing participant in subsequent proceedings;
- (12) Prosecution and conviction may not occur, even though there exists reasonable cause to arrest;
- (13) The victim and suspect are, or formerly were, involved in a same-sex relationship;
- (14) The batterer or victim is a prominent citizen, public official, police officer or other public employee;
- (15) There is no longer any disturbance or violence at the scene, and the immediate situation appears resolved;
- (16) Speculation that the victim will not follow through or cooperate with the criminal prosecution, whether based on prior incidents involving the said victim or the victim's hesitancy about pursuing prosecution.

## 2. Non-Police Arrests

- a. A victim shall be afforded an opportunity to make a civilian arrest, pursuant to Section 140.30 of the Criminal Procedure Law. The victim should be informed out of the presence of the offender, where feasible, of such right and assisted by the officer in effecting such arrest. This alternative shall be made available for those situations where police officers cannot make summary arrest, such as petty offense that was not committed in the officer's presence. The civilian arrest alternative shall not be used as a substitute for a police arrest or to defeat the general purpose of the pro-arrest policy of this protocol.
- b. Members should be aware of the wording in Section 140.40 Subd. 4 of the CPL which refers to police duties in connection with civilian arrests: "A police officer is not required to take an arrested person

into custody or take any other action prescribed in this section on behalf of the arresting person if he has reasonable cause to believe that the arrested person did not commit the alleged offense or that the arrest was otherwise unauthorized."

- c. A police officer is not required to make an affirmative finding of reasonable cause to assist in a civilian arrest. When a police officer has reasonable cause to believe that the complainant's allegations are not true, the police officer shall refuse to assist with the civilian arrest and terminate the arrest.

### 3. Cross Complaints

#### Primary Physical Aggressor

- a. Officers are not required to arrest both or all parties when mutual physical force was used. Based upon investigation, the person who appears to be the primary physical aggressor shall be arrested when reasonable cause exists to arrest. **The primary aggressor is not generally determined by which person was the first to use physical force.** In determining who is the primary physical aggressor, officers will consider the following:
  - (1) The intent of the Sheriff's Office policy is to protect victims of domestic violence,
  - (2) The comparative nature of the parties' injuries, or serious threats creating fear of physical injury, and
  - (3) Any prior history of violence between the involved parties when that history is known by the officer.
- b. Cross-complaint arrests of the victim based solely upon uncorroborated allegations by the abuser shall not be made unless reasonable cause exists following a thorough police investigation.
- c. A decision to arrest the primary physical aggressor does not foreclose the arrest of the other party at a later time. It also does not prevent an officer from arresting both parties, if a situation justifies it.

- E. **Court Jurisdiction** – The Criminal Procedure Law (CPL §530.11 Subd. 2) permits victims of a family offense to proceed in either Criminal Court or Family Court or concurrently in both Family and Criminal Courts. The victim may elect concurrent jurisdiction at the time of arrest, or at a later date subsequent to an initial proceeding in either court. In such cases, the Criminal Court will have concurrent jurisdiction over family offenses, even if a petition is pending in Family Court containing substantially the same allegations set forth in the accusatory instrument.

**F. Domestic Incident/Domestic Violence Response Procedures**

1. Receipt and General Response to Domestic Incident Calls  
Police Communications:
  - a. Gather all information which will assure appropriate police response.
  - b. Dispatch domestic incident calls with the same priority as other emergency calls.
  - c. Assign two (2) officers to respond to domestic incident calls when both combatants are present or there exists a potential for both to be present. Do not cancel police response for any reason (i.e., if victim calls back and requests no officer, the officers will continue to the scene and investigate the incident).
  - d. A domestic incident call shall not be reclassified or recoded without a police supervisors review.
2. Responding Officer:
  - a. Respond promptly to all domestic incidents assignments. Officers should await back-up when appropriate, and put officer safety first in order to be most helpful to the victims.
    - » Notify Communications if call is unfounded. Communications will make appropriate documentation in the narrative of the CAD system.
  - b. Immediately gain control and restore order to the situation. Parties should be separated if possible.
  - c. Take control of all apparent or potential weapons used or threatened.
    - » Determine if either party possesses a valid pistol permit.
  - d. Assess need for medical attention and request aid, if necessary. Locate and visibly check all occupants of the location to verify their safety and wellbeing, including sleeping children.
  - e. Identify and control all victims, witnesses, and potential offenders.
  - f. Interview all parties (i.e., victim, offender, children, witnesses, complainant, etc.). If victim, children, or witnesses do not speak English, contact local service providers to seek interpreters. Do not use children or witnesses to interpret.

- » Identify any other victims of abuse/neglect (i.e., children, elderly, handicapped).
- » Determine if an Order of Protection has been violated by checking with the NYS Registry via NYSPIN.
- Collect and record all potential evidence and spontaneous admissions by all parties and witnesses. Take photographs of injuries and/or property damage. Consider determining who the 911 caller was and what was reported.
- g. Confer with other officers at the scene to determine if arrest will be made or other actions are to be taken. Upon determination of reasonable cause, arrest the offender if at the scene. Advise the offender and victim of arrest action. Advise victim that the offender could be released at any time so the victim may take desired safety precautions. Hotline: 1-800-252-8748 (Anew Center).
- h. If the offender has left the scene, conduct a preliminary investigation to locate and arrest the offender (i.e., interview victim and witnesses, search immediate area, respond to known locations if practical).
- i. In cases where offender has left the scene and cannot be located and a thorough on-scene investigation has been completed, notify Communications and if needed request assistance from Criminal Investigation Division for follow-up and arrest.
- j. Complete a New York State Domestic Incident Report form in all domestic incident cases. This will include:
  - (1) Explaining rights and court options to complainant/victim,
  - (2) When the victim signs the domestic incident report, explaining that they are signing the report under penalty of perjury and that all information contained in the report is factual,
  - (3) Obtaining a case incident number from Communications and inscribing in the appropriate box on the form,
  - (4) Providing complainant/victim with one copy of the N.Y.S. Domestic Incident Report,
  - (5) If necessary, reading the Victim's Notice to the victim,
  - (6) Advising victim of procedure for obtaining an Order of Protection (refer to Section IX), and
  - (7) Where appropriate, photographing the crime scene, victim, and offender.
  - (8) Copies to probation or parole where applicable

- k. Advise the victim of availability of shelters and other victim services in the community. Anew Center 1-800-252-8748
  - l. Assist victim in obtaining shelter and/or transportation to a safe place, if appropriate (family, friend, Anew Center, etc.)
  - m. Assess immediate safety and welfare of children. If there is reasonable suspicion that a child (less than 18) may be a victim of abuse or maltreatment (as defined in Section 1012 of the Family Court Act), the investigating officer shall ensure that the New York State twenty-four hour hotline is notified and complete the New York State form DSS2221A. Crimes involving child abuse or maltreatment will be referred to the Juvenile Division.
  - n. Prepare a case report and any other agency forms as appropriate.
  - o. When needed, 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. Anew center can assist with this requirement. 1-800-252-8748
3. Patrol Supervisor:
- a. Give primary attention to assignments that may involve domestic violence.
  - b. Advise Communications when responding to supervise incidents that may involve domestic violence.
  - c. Ensure that personnel comply with agency policy and procedures involving domestic incidents.
  - d. Review Domestic Incident Reports promptly.
  - e. Ensure that reports involving domestic incidents are complete and correct.
  - f. Ensure timely investigation or other police response where necessary.
4. Criminal Investigation Supervisor:
- a. Utilize Sheriff's Office follow-up procedures for domestic incident cases.

NOTE: CPL §140.10 Subd. 4 and agency policy prohibits members from inquiring as to whether the victim seeks an arrest of the offender.

- b. Ensure investigation follow-up is completed in a timely fashion.
- c. Ensure compliance with agency policy and procedures involving domestic incidents.

**G. Arrests**

- 1. Arrest Paperwork – Domestic Incidents – Arresting officers will prepare the following forms regardless of the court jurisdiction:

- a. Domestic Incident Report
- b. Supporting Deposition(s) – (i.e., victims, witnesses)

NOTE: There is no requirement that Supporting Depositions include a request for arrest. There is also no requirement to obtain a supporting deposition in order to make an arrest but efforts should be made to obtain one.

- c. Criminal Accusatory Information
- d. All other appropriate forms as dictated by agency policy

- 2. Criminal Court/Family Court Jurisdiction – The arresting officer will:

- a. Direct arrest to Family Court when the arrested person is less than 16 years of age.

NOTE: Juvenile cases will be processed by the Juvenile Bureau in accordance with agency policy.

- b. Direct arrest to Local Criminal Court in all other cases.
- c. If arrest is for a Family Offense (see Paragraph C- 3) or a violation of an Order of Protection issued by Family Court (see General Order 70.1) and the victim wishes to pursue the case in either Family Court or both Family and Criminal Court concurrently, advise victim of need to file a petition in Family Court.

- H. Arraignments/Not Appearance Tickets (CPL §140.20) – The arresting officer will not issue appearance tickets and the defendant will not be released prior to arraignment when:**

1. An arrest is for any crime as a result of a domestic incident.
  2. There is reasonable suspicion that the defendant will pose a danger to himself, a complainant, or any other person if released on an appearance ticket.
    - » **NOTE:** If the local magistrate/judge or Centralized Arraignment refuses to arraign and/or requests an appearance ticket be issued, attempt to make contact with another judge for a full arraignment.
- I. **Visitation of Minors** – Officers are often called upon to take action regarding disputes involving visitation.

Responding Officer will:

1. Refer visitation disputes back to the originating court.
  - » **NOTE:** Responding officers should be aware that in some instances what appears to be a dispute regarding visitation may constitute Custodial Interference and will require further investigation and/or action. (Penal Law §135.45 and §135.50)
2. Prepare Domestic Incident Report form and all other agency forms as appropriate.



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>70.2</b>
	SECTION: OPERATIONS	
REPLACES: REVIEWED: 06/21/19	TOPIC: <b>Domestic Violence Statutes Regarding Law Enforcement and Correction Officers</b>	

### **70.2 Domestic Violence Statutes Regarding Law Enforcement and Correction Officers**

Domestic Violence Statutes involve MANDATORY ARREST situations. The law does not exempt law enforcement personnel from mandatory arrest; however, it does present unique situations.

- » It shall be the policy of the Chautauqua County Office of the Sheriff to comply with all mandatory arrest provisions of the law, including the arrest of law enforcement deputies, correction officers and officers from other agencies.
- » When a member of this agency is involved in the investigation of a Domestic Violence Incident involving sworn personnel and/or the incident involves a mandatory arrest, the following procedures will be followed:

#### **A. Sheriff's Office Personnel**

Responding Officer:

1. Deputies responding to a domestic incident involving an agency member shall insure that an appropriate supervisor is immediately notified to go to the scene to supervise the investigation. The supervisor shall be of a higher rank than the officer involved in the incident.
2. Upon arrival at the scene, stabilize the situation and comply with all applicable laws and policies, including mandatory arrest provisions.
3. If a mandatory arrest is involved, a supervisor of the rank of Lieutenant or higher must respond to the scene and supervise the investigation.
4. If an agency member is arrested, the supervisor shall secure the deputy's duty firearm and any other issued weapons if applicable.
5. If the agency member is arrested, (s)he may be suspended pending an Article 75 hearing.
6. Create a Personnel Complaint file and make appropriate notifications.

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7. The Sheriff shall be notified if any Sheriff's Office member is involved.

**B. Other Police Agencies**

Responding deputy:

1. Deputies responding to a domestic violence incident involving any other police agency or member of the New York State Police shall insure that an appropriate Supervisor of that agency is immediately notified to go to the scene.
2. It is preferred that the supervisor be of higher rank than the officer involved in the incident.
3. If there is probable cause to believe that a crime has occurred that requires a mandatory arrest, **an arrest will be made.**
4. Deputies shall follow established Domestic Violence Policy guidelines in all cases.



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B.Quattrone</b>	EFFECTIVE DATE: 07/18/07	NUMBER: <b>8.3</b>
	SECTION: ADMINISTRATION	
	TOPIC: <b>Incidents to be Recorded</b>	
REPLACES: Order Issued 05/20/04 Reviewed 5-28-19		

**8.3 Incidents to be Recorded**

All requests for service and reports of incidents will be recorded by direct entry into the Computer Aided Dispatch (CAD) System, direct entry into the police records computer or documented by completion of one or more of the following forms which will be entered on the computer by Data Entry:

SD 106 – Case Incident Report

SD 106-1 – Supplemental

SD 106-1 – Supplemental - Disposition

SD 137 – STOP DWI Incident Report and Supporting Deposition

SD 150 – Short Incident Report

DCJS 3221(4/95) – NYS Domestic Incident Report

UTT – Uniform Traffic Tickets

Warning Tickets

MV 104 – New York State Motor Vehicle Accident Report Form

These forms will be completed and distributed as outlined herein making reference to instructional material provided.

- A. **Request (call) for Service** – Any incoming request for service or report of an incident received at the Communication Desk will be immediately entered into the Sheriff's Office CAD computer system.

**GENERAL ORDER 8.3**

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Any request for service or report of an incident received by any other means will be recorded by the receiving officer on an SD 150 Short Incident Report.

All requests for service and reports of incident will be assigned a number by a Communications Officer or by the Records Division.

- B. SD 106 Case Incident Report** – The SD 106 Case Incident Report shall be utilized for all reports involving a crime (except DWI) or the documenting of serious incidents which may require the recording of additional information or a follow-up investigation. The SD106 can be computer generated, typed, or handwritten legibly.

It will be the responsibility of the shift supervisor to insure that the appropriate copies of the SD 106 Case Incident Reports initiated during their respective shift assignment, have been properly completed and delivered to the CCSO Headquarters in Mayville by the end of their shift or during the next shift unless they are needed sooner.

- C. SD 106-1 Supplemental** – An SD 106-1 Supplemental will be used as a narrative continuation of the appropriate SD 106 Case Incident Report, a report of progress in a particular investigation, a report of additional information to be filed with a previously initiated SD 106 Case Incident Report, or a report of evidence received.

When information is submitted on an SD 106-1 Supplemental, the appropriate box number from the SD 106 Incident Report will be referenced in the space provided.

Distribution of the SD 106-1 Supplemental shall be as follows:

1. White (original) – Data Entry and Permanent File
2. Canary (1st copy) – Reference
3. Pink (2nd copy) – Complainant/Victim
4. Gold (3rd copy) – Evidence Tag - Crime Scene Division

In the case of evidence processing, the reporting officer will complete and affix an evidence tag to each piece of evidence and insure that the gold copy of the SD 106-1 Supplemental is submitted to the Evidence Officer.

- D. Appearance Tickets** – Appearance tickets issued in a criminal action will be distributed as follows:

1. Defendant - Original – White Copy
2. Court - 2nd Copy – Canary - Court Copy

3. CCSO - 3rd Copy - Pink - Agency Copy (attach to SD106)

- E. **SD 106-1 Supplemental – Disposition** – A supplemental disposition form will be used to report the final disposition of a case. If available, attached thereto will be the returned copy of the appearance ticket or the disposition form from the Justice or County Court.
- F. **SD 137 STOP DWI Incident Report and Supporting Deposition** – The SD 137 STOP DWI Incident Report and Supporting Deposition is completed in place of an SD 106 for DWI cases. They can be computer generated, typed or handwritten. They will be placed in the DWI Packet prior to submission to records.

If a supplemental form is required for additional information, an SD 106-1 Supplemental is used.

- 1-2 White and Canary - Data Entry and Permanent File  
3. Pink - Arresting Officer  
4. Evidence Tag - Crime Scene Division

If additional copies are required, they may be photocopied as needed.

- G. **SD 150 Short Incident Report** – The SD 150 Short Incident Report shall be completed upon receipt of report of incident or request of service by Sheriff's personnel as outlined previously. The officer completing the SD 150 Short Incident Report will record the corresponding Incident number in the appropriate space. Reported crimes will not be documented on SD150 report forms.

The SD 150 Short Incident Report will be forwarded to Records Division for data entry.

- » NOTE: Transport officers use the NCR series of SD 150 and give white copy to Records and may keep the yellow copy for their records.

- H. **DCJS 321(5/11) – Domestic Incident Report** – A NYS Domestic Incident Report form will be completed for each incident involving domestic violence in addition to an SD-106. The SD-106 will be the arrest record of any criminal charges placed because of the incident. The Domestic Incident Report will be distributed as follows:

- 1-2 White Original and Canary Copy –Lieutenants – After review, these copies will be forwarded to the Records Division. They will forward the 2nd copy (canary) to DCJS.

3. Pink Copy – Victim/Complainant

**I. Uniform Traffic Ticket (Non-TraCS– Paper Tickets)**

1. Original and second copy – Court
  2. Third copy – T-Sled
  3. Fourth copy – Individual
  4. Tag copy – Chautauqua County Sheriff's Office file
- a) Officers will sign out all ticket books.
  - b) The ticket receipt will be submitted to Ticket Record Clerk who will enter pertinent data into the computerized record system. This will include the sequential ticket number range, the officer information and date the ticket book was distributed.
  - c) Upon issuing a traffic ticket, the officer will submit the following copies to appropriate locals: one copy to defendant, one copy to court, two copies to the records' office (one being sent to Albany TSLED and one retained in CCSO records).
  - d) Voided tickets will be noted on the front of the ticket by the officers and all copies returned to the records' office. Records clerk will enter voided ticket into the computer system which will include ticket number, date, officer identification number and reason for void. One copy of the voided ticket will be forwarded to Albany TSLED.
  - e) For accountability, the records clerk may query the computer system and audit and inventory the issued tickets and their disposition.

- J. Warning Tickets – At the discretion of the deputy, warning tickets may be issued to traffic offenders in lieu of the T/Sled (UTT).**

Distribution:

1. White copy – Defendant
2. Tag copy – records division



## CHAUTAUQUA COUNTY SHERIFF'S OFFICE GENERAL ORDER

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 08/01/98	NUMBER: <b>8.4</b>
	SECTION: ADMINISTRATION	
	TOPIC: <b>Information to be Recorded</b>	
REPLACES: REVIEWED: 05-28-19		

### 8.4 Information to be Recorded

Pursuant to General Order 8.3 of this Manual, every incident reported to this agency, whether in person, by telephone, or other means, will be recorded by direct entry into the Computer Aided Dispatch system, directed entry into the police records computer, or documented on form SD-150. Information collected shall include but not be limited to:

- A. The date and time of the initial reporting;
- B. Names of victim, complainant, suspect, and all others involved;
- C. Nature or type of incident;
- D. Documentation of the date, time, type of action taken and officer(s) involved in the investigation.
- E. All IBR sensitive information will be completed on the SD 106 Case Incident Report form as directed in General Order 8.3 of this Manual.