| GENERAL ORDERS | | NO: 14-30 |
|---|---|---|
| **PATROL OUT OF SERVICE RADIO TRANSMISSIONS** | | |
| PAGE 1 OF 1 | | **AUTHORITY: CHIEF CHRISTOPHER J. PREMO** |
| EFFECTIVE DATE: 01/28/2008 | AMMENDMENT DATE: | |

**Patrol out of service radio transmissions:**

When an Officer is out of service they will notify the dispatcher and give their location and reason for being out of service, they will check back in service when clear. When transporting a subject the Officer will give starting and ending mileage, same will be added to the case file.

This department now uses the MPD RPTR frequency, which should give ample coverage to the dispatcher from anywhere the Patrol will be. When keying the mic allow about 1 second before speaking to allow the radio to connect to the repeater, and then begin your transmission.

Officer on desk duty, or dispatcher will have the radio on the MPD RPTR, and listen for other transmissions that may come through on the State Police Car to Car frequency.

| GENERAL ORDERS | | NO: 14-08 |
|---|---|---|
| **PERSONAL COMMUNICATION DEVICES** | | |
| PAGE 1 OF 2 | | **AUTHORITY: CHIEF CHRISTOPHER J. PREMO** |
| EFFECTIVE DATE: 03/07/2011 | AMMENDMENT DATE: | |

**Personal Communication Devices**

**Purpose and Scope:**

The Purpose of this policy is to establish guidelines for the use of personal communication devices (PCD) and the on-duty use of such devices personally owned by department personnel.

Because of technical advances and varying manufacture nomenclature, this policy will generically refer to all PCDs as such, but is intended to include all mobile phones, PDAs, and other such wireless tow way communication and/or portable internet access devices.

**Individually Owned PCD:**

Employees may carry their own individually owned PCD while on duty subject to the following conditions:

a. Officers electing to carry a PCD while on duty must obtain approval from their immediate supervisor and provide him or her with the telephone number.
b. Approval to carry a PCD while on duty may be revoked at any time by the supervisor

**Use of Personal Communication Devices (PCDs)**

PCDs should only be used by on duty employees for legitimate department business except as provided below. Employees may use a PCD to communicate with other personnel in those situations where the use of radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

a. PCDs shall not be carried in a manner that allows them to be generally visible while in uniform.

b. PCDs may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (eg., inform family of extended hours). While employees may use the personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by the members of the general public.

c. Engagement in multiple or extended conversations unrelated to Police business or similar use that interferes with the performance of duty is prohibited and may be subject to discipline.

d. Use of PCDs should not be used if they may be disruptive to others.

**Use While Driving:**

The use of a PCD while driving can cause unnecessary distraction and presents a negative image to the public. Officers should restrict the use of these devices while driving to matters of urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call.

| GENERAL ORDERS | | NO: 25-03 |
|---|---|---|
| **Personal Property Inventory** | | |
| Page **1** of **2** | | **AUTHORITY: William T. Andre** |
| EFFECTIVE DATE: 8/25/2025 | | AMMENDMENT DATE: N/A |

# Personal Property Inventory

## I. Purpose

The purpose of this policy is to safeguard property, ensure against unwarranted claims of theft, and protect members from dangerous instrumentalities. An inventory is not a search for evidence.

## II. Policy

Whenever a person is arrested by a member of the Malone Village Police Department, the member will inventory any personal effects that will be separated from that person incident to arrest. If the arrested person is only being ticketed and not detained in a patrol car or being transported to the station for processing, members may not inventory their property. Members will also complete a Personal Property Inventory Sheet (attached).

## III. Inventory Process

Members will inventory all property of value separated from an arrested person. Items found with evidentiary value during inventory are to be documented as evidence in ExhibitA, stored as evidence, and marked as evidence on the Personal Property Inventory Sheet. Property that does not have evidentiary value will be returned to the possession of the owner upon their release from custody or to an owner approved third party at any time. When inventorying property, members shall do so while being video recorded either at the station or while on BWC. When currency is being inventoried, the denominations, origin (U.S., Canadian, etc.), and total amount should be documented on the sheet. When returning property, request that the owner sign the sheet where indicated acknowledging they have received their property. If the owner refuses, write 'refused' in the box where they would have signed. Retain a copy of the sheet and keep it with the arrest file.

## IV. Bags, Containers, and Cell Phones

In New York State, the search incident to arrest exception does not extend to closed bags or containers in the possession of the arrested person unless there are exigent circumstances present that provide the arresting officer with a reasonable belief that either:

1. The person is armed;
2. The search is necessary to prevent the destruction of evidence.

Since the purpose of this policy only involves property and dangers, members may only check property large enough to hold such items. Under these circumstances, if members encounter a locked container that cannot be opened without causing damage to it, a sergeant must be contacted to determine the next course of action. A personal property inventory is not a search for evidence and shall not be treated as such.

Members may not search a person's cell phone without consent or a warrant.

| GENERAL ORDERS | | NO: 14-35 |
|---|---|---|
| **PHOTO ARRAY** | | |
| PAGE 1 OF 10 | | **AUTHORITY: CHIEF CHRISTOPHER J. PREMO** |
| EFFECTIVE DATE: 09/07/2011 | AMMENDMENT DATE: | |

**Photo Array:**

The following are the policies and procedures of the Malone Village Police Department regarding Photo Arrays. All photo arrays will be conducted with approved instruction forms. Further computer generated photo arrays are this department's preferred method of conduction for photo arrays. When a situation arises that it is not practical to use a computer generated array the Malone Police Department yellow photo arrays will be used. Utilization of approved instructions will further be used with the Malone Police Department yellow arrays. A copy of the approved instructions is attached to this policy.

1. Introduction:

There are various ways to conduct a fair and reliable identification procedure. The following guidelines below outline how neutral, fair and reliable identification procedures are conducted by the case investigator or by an administrator unfamiliar with the case. These guidelines will be followed with any photo arrays done by the Malone Village Police Department.

2. Definitions:
   a. Photo Array: A collection of photographs that are shown to a witness to determine if the witness can recognize a person involved with the crime.
   b. Suspect: Person Police believe to have committed the crime.
   c. Filler: A person whose photograph is included in a photo array, but is not a suspect in the crime.

of the case, a photo array administrator may be the investigator assigned to the case or a "blind" administrator. The procedures described in this document apply equally to both types of administrators. The types of administrators are:

i. **The Investigator Assigned to the Case**: The administrator of the photo array can be the investigator working on the case.
ii. **A "Blind" Administrator:** A "blind" administrator is someone who does not know which person in the photo array is the suspect. An identification procedure is considered "double" blind when it is run by a "blind" administrator.
iii. **Supervisor:** In some jurisdictions, a supervisor participates in various ways in the identification procedure. The protocols outlined here apply equally to the supervisor.

## 3. How to Invite the Witness to Come In for an Identification Procedure:

a. **No Known Suspect:** The investigator should call the witness and invite him or her in to view photos to possibly identify the perpetrator of the crime.
b. **Suspect Is Known:** When a suspect is known and the investigator calls a witness to arrange for the viewing of a photo array, either at the precinct, the witness' home or the witness' place of business, the officer should simply advise the witness that they intend to conduct an identification procedure and should not say anything about the suspect. For example, the detective should say to the witness: "We'd like you to come in to view a photo array in connection with the crime committed on (*date and location*)."
   i. **Officer Should Remain Neutral**: The officer should give no opinions about the witness' ability to make an identification.
   ii. **What To Avoid Saying:** Unless the witness specifically asks the investigator if someone is in custody, the witness should not be informed that an arrest has been made and that the police have a suspect that the witness will be viewing. The detective should not say: "We have caught the guy. He had your credit card and now we want you to identify him."

## 4. Showing Photographs When There is No Suspect:

a. When there is no known suspect, multiple photographs can be shown to a witness to see if a suspect can be identified.
b. If possible, a computer program should select the photos based on the description of the perpetrator as provided by the witness.
c. The investigator should record the source of the photographs and, if possible, how many photographs were shown to the witness. However, current computer systems may not have the capacity to record all the photographs

shown to the witness.

5. **Arranging a Photo Array for a Known Suspect:**

   a. **Computer Generated Arrays:** Where possible, computer-generated photo arrays should be used. E-Justice provides an automatic photo array system, which eliminates the claim that the investigator assembled an intentionally biased array. The computer can generate a photo array based on the characteristics of the suspect.
   b. **Fillers:** The fillers should be similar in appearance to the suspect in the lineup. Similarities should include gender, clothing, facial hair, race, age, height, extraordinary physical features, or other distinctive characteristics. Fillers should not be known to the witness. **At least 5 fillers** should be used, in addition to the suspect. Only one suspect should be in each array. If there is more than one suspect, then different fillers should be used in separate arrays for each suspect.
   c. **Photo Quality:** Photo quality, color and size should be consistent. Administrator should ensure that the photos do not contain any stray markings or information about the subject. Some photo array programs can create similar color backgrounds for all of the pictures. However, in some instances it may not be possible for the photographs to be consistent. The witness should be instructed to ignore any differences in the photographs, such as background, markings, or lighting.
   d. **Individual Characteristics:** If individual characteristics are seen in the photo, (for example: clothing, facial hair, race, skin color, age, gender, height, extraordinary physical features, etc.), then these individual characteristics should be as consistent for all photos as possible.
   e. **Document Changes to the Photos:** Document any alterations made to photographs in the array, for example, changing the background color of the photo to make them look more uniform.
   f. **Multiple Suspects:** If there are multiple suspects, then each suspect must be placed in a separate photo array. Different fillers should be used for each photo array.

6. **Instructions to Witnesses Viewing a Photo Array:**

Instructions should be given to the witness *before* the identification procedure begins and not while the witness is in the process of viewing the photo array. This will alleviate confusion and minimize any allegations that the investigator provided cues to the witness.

a. **Written Instructions:** Consideration should be given to providing written instructions to the witness. The instructions can be in various languages. The witness can sign the instructions after reading them, or after having the administrator read the instructions to the witness.

b. **No Comment by the Administrator Until the Identification Procedure Is Completed and Documented:** Until the information about the identification procedure is documented, the administrator should not comment about the procedure or the next steps in the case. Stray comments that potentially focus a witness' attention to one photo over the others, such as: "Are you sure you got a good look at number 2?" or "Can you take another look at number 6?" should not be made before, during or after the procedure.

c. **Instructions Given *Before* the Viewing of the Array:** Before the identification procedure begins, the administrator should tell the witness what questions will be asked during the identification procedure.

   i. **Setting the Context:** The investigator should tell the witness that as part of the ongoing investigation into a crime that occurred on (*date*) at (*location*) the witness is being asked to view the photo array to see if the witness recognizes anyone involved with that crime.

   ii. **Instructions to the Witness to Avoid Any Influence by the Administrator:** These instructions let the witness know not to look to the administrator for assistance in either making a selection or ratifying an identification. They also address the possibility of a witness feeling any self-imposed or undue pressure to make an identification. The instructions are as follows:

      1. The person who committed the crime may or may not be present.
      2. Do not assume I know who the perpetrator is.
      3. I want you to focus on the photo array and not to ask me or anyone else in the room for guidance during the procedure.

   iii. **Instructions to the Witness About the Quality of the Photographs:**

      1. Individuals presented in the photo array may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.
      2. Photographs may not always depict the true complexion of a person; it may be lighter or darker than shown in the photo.
      3. Pay no attention to any markings that may appear on the photos, or any other differences in the type or style of the photographs.

d. **Questions Asked *After* Viewing the Photographs:**

   i. After viewing the array the witness will be asked:

      1. Do you recognize anyone?
      2. If so, what number photograph do you recognize?
      3. From where do you recognize the person?

ii. If the witness' answers are vague or unclear, the administrator will ask the witness what he or she meant by the answer.

7. **Multiple Witnesses Viewing a Photo Array:**

   a. **Witnesses Cannot Speak to Other Witnesses About the Identification Procedures:** If there are multiple witnesses who will be viewing a photo array, they should be told not speak to each other about the identification procedure before, during and after the process. There are a number of ways to make sure the witnesses do not speak with each other about the identification. The following are some suggestions that will diminish the opportunities that witnesses have of talking to each other before or immediately after the identification procedure.
      i. They can be kept in separate rooms before and after the identification, or
      ii. An officer can sit with the witnesses to ensure they do not speak about the process or the case, or
      iii. The witnesses can be allowed to leave immediately after participating in the procedure, or
      iv. The witnesses can be taken to separate areas after the identification procedure for further interviews with detectives.
   b. **Showing the Same Array to Multiple Witnesses:** The witnesses must view the photo arrays separately. One photo array per suspect can be shown to multiple witnesses, provided there are no markings on the photo array. Duplicate copies of one photo array can be made for each witness, particularly if the witness will be signing the form.

8. **Procedures for Viewing a Photo Array:**

   a. **Remain Neutral:** To protect the integrity of the identification procedure, the administrator must remain neutral throughout the procedure so as not to, even inadvertently, suggest a particular photograph to the witness. Comments that could potentially focus a witness' attention to one photograph over the others, such as: "Are you sure you got a good look at number 2?" or "Can you take another look at number 6?" should not be made before, during or after the procedure. If a witness seeks guidance about whom to pick, the administrator should simply direct the witness to focus on the array.
   b. **Instructions *Before* the Procedure Begins**: The witness should be instructed on how to view the array *before* being handed the array. Witnesses should be told to take whatever time they want when they view the array.
   c. **Cover the Photo Array**: The photo array should be handed to the witness in an envelope, or in a folder, so neither the witness nor the officer can see the

pictures. This will avoid the possibility of any inadvertent influence by the administrator.

d. **Administrator Not in the Witness' Line of Sight, Where Practicable**: After being instructed about how to view the array, where practicable, the witness should view the array in such a way that the witness cannot see the administrator at the time the witness is viewing the photos in the array. Where practicable, the administrator should be positioned to see and hear what the witness says as the witness views the array, but should remain out of the witness' line of sight while the witness views the array. This will avoid claims of inadvertent cueing by the administrator and it reduces any inclination by the witness to look at the administrator for guidance. The administrator should neither crowd the witnesses nor interrupt the concentration of the witness. The administrator should never tell the witness to look at a particular photograph.

e. **Location of Identification Procedure**: The witness should view the photo array in a location away from things that could influence the witness' identification, for example, other evidence in the case, wanted posters about the case and other information about the suspect, e.g., the suspect's rap sheet. A photo array can be viewed away from a police facility, for example, at the witness' home or place of business.

9. **Documenting the Identification Procedure:**

a. **Training, Protocols and Forms**: Standardized instructions, questions, protocols and forms have been developed for our department. All officers shall be aware of the protocols of this policy.

b. **Preserving the Photo Array**: The photo array will be preserved in the original form it was shown to each witness. A copy of the photo array used will be given to the Assistant District Attorney as soon as practicable and the original will be entered into evidence per department policy.

c. **Document the Photo Array Procedure**: Document all the people involved in the identification procedure, where it took place, and the date and time it took place.

d. **Recording the Witness' Statement and Physical Reaction:** Any comments made by the witness at the time of the identification should be written down. The documentation should not merely state: "positive" or "negative" results. The witness' words uttered during and after the identification procedure should be recorded, for example, "It is definitely #1." "If I had to pick, it would be #2.", "I'm not sure, but it might be #3." The witness' words and physical reactions should be recorded.

e. **Follow-up Questions:** If the witness is vague in his or her answer, such as "I think it is #3" or "It looks like #3", then the administrator should say: "You said [*I think it is #3*], what do you mean by that? The witness' answer should be documented.

f. **Signing the Photo Array or a Form**: To record the result of the photo array, the witness shall sign and date the photograph that was selected or sign an identification form. If there are multiple witnesses, a fresh, unsigned photo array must be shown to subsequent witnesses.

10. **Speaking with the Witness after the Identification Procedure**:

a. **Record the Witness' Statements Before Discussing Next Steps:** The administrator, or another appropriate person, should record the statements of the witness regarding the identification procedure *before* talking with the witness about next steps.

b. **Discussing Next Steps:** Once the identification procedure is concluded and documented, the administrator can talk to the witness about how the case will proceed or what the next steps in the case may be, for example, we will continue to search for the perpetrator (where there has been no identification), or we will contact you about meeting with the Assistant District Attorney next week, etc. After the identification procedure, witnesses frequently have questions about the case. It is entirely appropriate for the investigator to accurately answer questions about the case, including whether an arrest will be made.

c. **Do Not Comment on the Identification:** The administrator should never comment on or make gestures about the identification itself by saying things such as: "Great job." or "We knew you would recognize him." or even nodding in agreement. Such comments or reactions may subsequently affect the witness' confidence in his or her identification. The administrator should remain neutral about the identification when speaking with the witness.

d. **Do Not Discuss the Identification with Other Witnesses**: The witness should be told not to discuss what was said, seen or done during the identification procedure with other witnesses, nor should the administrator speak to the witness about other identification procedures conducted.

Chief Christopher J. Premo

Chief Christopher J. Premo

# Malone Police Department Photo Array Form

## CASE INFORMATION AND WITNESS INSTRUCTIONS

Complaint Report #_____Crime Date & Location:_____

Photo Array Date _____Time_____ Location_____

Crime Committed: _____Witness' Name_____

Was Witness Transported? Yes: _____No: _____

Transporting Officer:_____

Rank_____Command_____ID #_____

Photo Array Administrator: _____

Rank_____ Command _____ID #_____

READ THE FOLLOWING TO THE WITNESS *PRIOR* TO SHOWING THE PHOTO ARRAY

- As part of the ongoing investigation into a crime that occurred on (*date*) at (*location*) you will view a photo array. (*Use similarly neutral language to invite witness to the id procedure.*)
- It consists of six photographs of individuals. Each photograph has a number underneath the photograph.
- Take whatever time you want to view the photo array.
- The perpetrator may or may not be among the pictures.
- Do not assume that I know who the perpetrator is.
- Do not look to me or anyone else in the room for guidance during the procedure.
- Individuals presented in the photo array may not appear exactly as they did on the date of the incident because features, such as head and facial hair, are subject to change.
- Photographs may not always depict the true complexion of a person; it may be lighter or darker than shown in the photo.
- Pay no attention to any markings that may appear on the photos, or any other difference in the type or style of the photographs.
- Do not discuss with other witnesses what you see, say or do during this procedure.
- After you have had an opportunity to view the photo array I will ask you the following three questions:
    1. Do you recognize anyone?
    2. If you do, what is the number of the person you recognize?
    3. From where do you recognize the person?
- I may ask you follow up questions.

**WITNESS MUST INITIAL:**

The above instructions have been read to me: _____ (initials) Date:_____

# Malone Police Department Photo Array Form

## SHOWING THE PHOTO ARRAY

Witness:_____Administrator:_____

Interpreter or Other Officers, if any: _____

**Instructions to the Administrator Showing the Photo Array:**

- Remain neutral. Do not comment on the identification before, during or after the identification procedure.
- Provide the photo array in an envelope or folder when handing it to the witness.
- Stand out of the witness' line of sight, where practical, but still observe the witness as the witness views the photo array.
- So as not to distract the witness, do not comment during the identification procedure.

## AFTER THE WITNESS HAS VIEWED THE ARRAY, ASK THESE QUESTIONS:

Did you recognize anyone in the photo array? _____
If so, what is the number of the person that you recognize? _____
From where do you recognize that person? _____

_____

_____

**Record words and gestures of the witness:** _____

_____

_____

_____

_____

**If The Witness Gives a Vague Answer** (for example: "I think it is..", or "It might be..)

Then say the following: **You said** _____ (*insert witness' words, e.g. "I think it is.."*), **what do you mean by that?** Record the witness' answer: _____

_____

_____

_____

_____

_____

_____

_____

Date:_____Time:_____ Witness Signature:_____

**FINAL INSTRUCTION TO WITNESS:** ***Do not discuss with any other witness what you observed or said during this identification procedure.***

# Malone Police Department Photo Array Form

## Information Sheet

***THIS PAGE OF THE FORM MUST NOT BE SHOWN TO THE WITNESS***

**THE PERSON COMPILING THE ARRAY SHOULD FILL OUT THE AREA BELOW**

**The photo array:**

- The original photo array MUST be preserved.
- Attach a copy of the photo array to this form.
- Provide the information below, if available (documentation from the computer system of this information).

| Position | Name | NYSID # | Date of Photo |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

Suspect's Name: _____ DOB: _____

Suspect's Position in the Photo Array: _____

Was Any Photo Altered? Yes: _____ No: _____

If yes, which photo? _____

Describe alteration: _____

_____

Comments:

_____

_____

_____

_____ Date: _____

**Signature of Person Compiling the Array**

| GENERAL ORDERS | | NO: 15-6 |
|---|---|---|
| **POLICE BATON** | | |
| PAGE 1 OF | | **AUTHORITY: CHIEF CHRISTOPHER J. PREMO** |
| EFFECTIVE DATE: 06/10/2015 | AMMENDMENT DATE: | |

It is important to remember that the police baton is a DEFENSIVE weapon and if used improperly can easily become a deadly weapon. It is recognized that there are a great many situations in which a Police Officer would be justified in using the baton. Therefore the officer who carries a baton as part of his equipment must be adequately trained in its proper use. This will enable him to obtain the desired results when it is necessary to use it, and at the same time avoid bringing criticism upon himself or the department.

**Types:**

The baton is made from several difference types of material, wood, plastic, light weight metals, etc. It is 1 to 1 ½ inches in diameter, rounded at both ends, and will vary in length from 12 to 36 inches.

**Short Baton:** 12 to 18 inches

**Medium Baton:** 20 to 26 inches

**Long Baton:** 28 to 36 inches

**Expandable:** Those that collapse into themselves

**PR-24:** Straight baton with 90 degree handle

**Nomenclature:**

**Tip:** Rounded end furthest from the handle

**Barrel:** Striking portion of baton

**Handle:** Grooved or grenade style

**Butt:** Rounded end nearest the handle

**Use of Force Continuum:**

**Step One:** Verbal commands (instructing subject to comply)

**Step Two:** Physical control (Getting control of subject by "hands on" means

**Step Three:** Impact weapon (baton) gaining control of subject by means of the police baton

**Step Four:** Deadly physical force

Each Officer must know when in the use of force continuum that the use of the police baton is authorized. NYS Penal Law article 35 authorizes Police Officers to use the minimum amount of force necessary to effect an arrest, and also allows the Police Officer to remain at a higher step in the use of force continuum than what is being used against the officer de-escalates so must the physical force being used by the officer de-escalate.

**Department Policy: Use of Police Baton:**

The use of the police baton by members of the Malone Police Department will be in compliance with and adhere to Article 35 of the New York State Penal Law. Officer will adhere the following:

1. Police batons to be carried on duty must first be approved for use by the Chief of Police.
2. The baton will not INTENTIONALLY be used to apply a "Choke Hold"
3. Officers will not INTENTIONALLY strike a subject in the head or neck area.
4. Any and all use of the police baton will be reported as soon as possible to the on duty supervisor.
5. Each Officer will be responsible for the maintenance and securing of his duty police baton.

| GENERAL ORDERS | | NO: 15-5 |
|---|---|---|
| **USE OF DEADLY PHYSICAL FORCE** | | |
| PAGE 1 OF | | **AUTHORITY: CHIEF CHRISTOPHER J. PREMO** |
| EFFECTIVE DATE: 02/28/1999 | AMMENDMENT DATE: | |

**Purpose:**

- The decision to use deadly physical force is a complex and difficult one. The primary consideration of the Officers of the Malone Police Department is preservation of life. However, there are times when a Police Officer must decide to use deadly physical force upon a person in order to protect the Officer's life or the life of a third person. The intent of this policy is to provide guidelines for Officers of the Malone Police Department indicating under what circumstances the use of deadly physical force against another person would be appropriate.

**Definitions:**

- **Deadly Physical Force**: means any physical force which under the circumstances in which it can be used, is readily capable of causing death or other serious physical injury.
- **Probably Cause**: an apparent state of facts, sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.

**Policy:**

- Officers of the Malone Police Department may use deadly physical force to effect lawful objectives in accordance with Article 35 of the New York State Penal Law **AND:**

    A. When the use of deadly physical force is necessary to defend the Officer or another person from what the Officer reasonably believes to be the use or imminent use of deadly physical force **OR:**
    B. When an Officer has probable cause to believe that the use of deadly physical force is necessary to prevent the escape, **OR** effect the arrest of a suspect who has used or has clearly threatened the use of and has the capability to carry out the use of deadly physical force.

**Deadly Physical Force:**

- Deadly physical force may not be used to affect the arrest of an unarmed, non-dangerous, fleeing felon as per U.S. Supreme Court Rulings.
- Warning shots are prohibited
- The use of neck restraints is prohibited
- Discharge of a firearm from or at a moving vehicle is prohibited unless the Officer reasonable believes that he would be justified in using deadly physical force against the occupant(s) of the vehicle.

Article 35 of the New York State Penal Law and contents thereof is included and attached to the Malone Village Police Department's policy on use of deadly physical force.

**Officers Responsibility:**

- Supervisors: Every supervisor is responsible to keep appraised of new legislation and updates in regards to the use of deadly physical force and bring any updates to the attention of the Chief of Police.
- All members are responsible to keep appraised of new legislation and law updates on the use of deadly physical force. Any confusion or misunderstanding of the policy regarding the use of deadly physical force will be immediately brought to the attention of their supervisor

**Article 35 – Defense of Justification**

**35.00 – Justification; a defense.**

**35.05 – Justification; generally**

**35.10 – Justification; use of physical force generally.**

**35.15 – Justification; use of physical force in defense of a person.**

**35.20 – Justification; use of physical force in defense of premises and in defense of a person in the course of burglary.**

**35.25 – Justification; use of physical force to prevent or terminate larceny or criminal mischief.**

**35.27 – Justification; use of physical force in resisting arrest prohibited.**

**35.30 – Justification; use of physical force in making an arrest or in preventing an escape**

**35.00 Justification; a defense:**

In any prosecution for an offence, justification, as defined in sections 35.05 through 35.30, is a defense.

**35.05 Justification; generally:**

Unless otherwise limited by the ensuing provisions of this article defining justifiable use of physical force, conduct which would otherwise constitute an offence is justifiable and not criminal when:

1. Such conduct is required or authorized by law or by a judicial decree, or is performed by a public servant in the reasonable exercise of his official powers, duties or functions; or
2. Such conduct is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault or the actor, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoid such injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the statute defining the office in issue. The necessity and justifiability of such conduct may not rest upon considerations pertaining only o the morality and advisability of the statute, either in its general application or with respect to its application to a particular class of cases arising thereunder. Whenever evidence relating to the defense of justification under this subdivision is offered by the defendant, the court shall rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a defense.

**35.10 Justification: use of physical force generally:**

The use of physical force upon another person which would otherwise constitute an offence is justifiable and not criminal under any of the following circumstances:

1. A parent, guardian or other person entrusted with the care and supervision of a person under the age of twenty one or an incompetent person, and a teacher or other person entrusted with the care and supervision of a person under the age of twenty one for a special purpose, may use physical force, but not deadly physical force, upon such person when and to the extent that he reasonably believes it necessary to maintain discipline or to promote the welfare of such person.
2. A warder or other authorized official of a jail, prison or correctional institution may, in order to maintain order and discipline, use such physical force as is authorize by the correction law.
3. A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use physical force when and to the extent that he reasonably believes it necessary to maintain order, but he may use deadly physical force only when he reasonably believes it necessary to prevent death or serious physical injury.
4. A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use physical force upon such a person to the extent that he reasonably believes it necessary to thwart such result.
5. A duly licensed physical, or a person acting under his direction, may use physical force for the purpose of administering a recognized form of treatment which he reasonably believes to be adapted to promoting the physical or mental health of the patient if (a) the treatment is administer with the consent of the patient or, if the patient is under the age of eighteen year or an incompetent person, with the consent of his parent, guardian or other person entrusted with his care and supervision, or (b) the treatment is administered in an emergency when the physician reasonably believes that no one competent to consent can be consulted and that a reasonable person, wising to safeguard the welfare of the patient, would consent.
6. A person may, pursuant to the ensuing provisions of this article, use physical force upon another person in defense of himself or a third person, or in defense of premises, or in order to prevent larceny of or criminal mischief to property, or in order to effect an arrest or prevent an escape from custody. Whenever a person is authorized by any such provision to use deadly physical force in any given circumstance, nothing contained in any other such provision may be deemed to negate or qualify such authorization.

**35.15 Justification; use of physical force in defense of a person:**

1. A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by such other person, unless:

   A. The latter's conduct was provoked by the actor himself with intent to cause physical injury to another person; or
   B. The actor was the initial aggressor; except that in such case his use of physical force is nevertheless justifiable if he has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use of threatened imminent use of unlawful physical force; or
   C. The physical force involved is the product of a combat by agreement not specifically authorized by law.

2. A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless:

   A. He reasonably believes that such other person is using or about to use deadly physical force. Even in such case, however, the actor may not use deadly physical force if he knows that he can with complete safety as to himself and others avoid the necessity of so doing by retreating; except that he is under no duty to retreat if he is:
      i. In his dwelling and not the initial aggressor; or
      ii. A Police Officer or Peace Officer at the latter's direction, acting pursuant to section 35.30; or
      iii. He reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, forcible sodomy or robbery; or
      iv. He reasonably believes that such other person is committing or attempting to commit a burglary, and the circumstances are such that the use of deadly physical force is authorize by subdivision three of section 35.20.

**35.20 Justification; use of physical force in defense of premises and in defense of a person in the course of burglary:**

1. Any person may use physical force upon another person when he reasonably believes such to be necessary to prevent or terminate when he reasonably believes to be the commission or attempted commission by such other person of a crime involving damage to premises. He may use any degree of physical force, other than deadly physical force, which he reasonably believes to be necessary for such purpose, and he may use deadly physical force if he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of arson.
2. A person in possession or control of any premises, or a person licensed or privileged to be thereon or therein, may use physical force upon another person when he reasonably believes

such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of a criminal trespass upon such premises. He may use any degree of physical force, other that deadly physical force, which he reasonably believes to be necessary for such purpose, and he may use deadly physical force in order to prevent or terminate the commission or attempted commission of arson, as prescribed in subdivision one, or in the course of a burglary or attempted burglary, as prescribed in subdivision three.

3. A person in possession or control of, or licensed or privileged to be in , a dwelling or an occupied building, who reasonably believes that another person is committing or attempting to commit a burglary of such dwelling or building, may use deadly physical force upon such other person when he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of such burglary.
4. As used in this section, the following terms have the following meanings:
    i. The terms :premises," "building" and "dwelling" have the meanings prescribed in section 140.00;
    ii. Persons "licensed" or "privileged" to be in buildings or upon other premises include, but are not limited to, Police Officers or Peace Officers acting in the performance of their duties.

**35.25 Justification; use of physical force to prevent or terminate larceny or criminal mischief:**

A person may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonable believes such to be necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission by such other person of larceny or of criminal mischief with respect to property other than premises.

**35.27 Justification; use of physical force in resisting arrest prohibited:**

A person may not use physical force to resist an arrest, whether authorized or unauthorized, which is being effected or attempted by a Police Officer or Peace Officer when it would reasonably appear that the latter is a Police Officer or a Peace Officer.

**35.30 Justification; use of physical force in making an arrest or in preventing an escape:**

1. A Police Officer or a Peace Officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he reasonably believes to have committed an offense, may use physical force when and to the extent he reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force; except that he may use deadly physical force for such purposes only when he reasonably believes that:

A. The offense committed by such person was:

i. A felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or
ii. Kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

B. The offense committed or attempted by such person was a felony and that, in the course of resisting arrest therefor or attempting to escape from custody, such person is armed with a firearm or deadly weapon; or

C. Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the Police Officer or Peace Officer or another person from what the Officer reasonably believes to be the use or imminent use of deadly physical force.

2. The face that a Police Officer or a Peace Officer is justified in using deadly physical force under circumstances prescribed in paragraphs (a) and (b) of subdivision one does not constitute justification for reckless conduct by such Police Officer or Peace Officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

3. A person who has been directed by a Police Officer or a Peace Officer to assist such Police Officer or Peace Officer to effect an arrest or to prevent an escape from custody by used physical force, other that deadly physical force, when and to the extent that he reasonably believes such to be necessary to carry out such Police Officer's or Peace Officer's direction, unless he knows that the arrest or prospective arrest is not or was not authorized and he may use deadly physical force under such circumstances when:

i. He reasonably believes such the be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
ii. He is directed or authorized by such Police Officer or Peace Officer to use deadly physical force unless he knows that the Police Officer or Peace Officer himself is not authorized to use deadly physical force under the circumstances.

4. A private person acting on his own account may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes such to be necessary to effect an arrest or to prevent the escape form custody of a person whom he reasonably believes to have committed an offence and who in fact has committed such offense; and he may use deadly physical force for such purpose when he reasonably believes such to be necessary to:

i. Defend himself or a third person from what he reasonably believes to be the used or imminent use of deadly physical force; or
ii. Effect the arrest of a person who has committed murder, manslaughter in the first degree, robbery, forcible rape or forcible sodomy and who is in immediate flight therefrom.

5. A guard, Police Officer or Peace Officer who is charged with the duty of guarding prisoners in a detention facility , as that term is defined in section 205.00, or while in transit to or from a detention facility, may use physical force when and to the extent that he reasonably believes to be necessary to prevent the escape of a prisoner from a detention facility or from custody while in transit thereto or therefrom.



| GENERAL ORDERS | | NO: 15-2A |
|---|---|---|
| **Police Officer-Supervisor Performance Standards** | | |
| PAGE 1 OF 19 | | **AUTHORITY: CHIEF CHRISTOPHER J. PREMO** |
| EFFECTIVE DATE: 2/30/2015 | AMMENDMENT DATE: | |

**I. PURPOSE: THE PURPOSE OF THIS ORDER IS TO ESTABLISH PERFORMANCE EVALUATION STANDARDS FOR POLICE OFFICERS AND POLICE OFFICER SUPERVISORS. THESE ARE GUIDELINES AND ARE NOT AN INCLUSIVE LIST FOR EVERY CATEGORY RATED.**

**II. PROCEDURE:**

**A. SERVICE PHILOSOPHY**

1. **Member derives job satisfaction from public service by going out of their way to be helpful and extending efforts.**

   **Above Standard:** Officer will "bend over backwards" to ensure that the public is receiving exceptional service. Feels that service is a top priority and exudes that through actions.

   **Meets Standard:** Officer's will generally do what they can to ensure that the public is receiving exceptional service. Feels that service is important and a priority to the agency.

**Unsatisfactory:** Officer is not concerned with service and does not care about the public's perception. Feels that providing a high level of service is a burden on them and that the public should just be happy that we showed up to answer their call.

**2. Member displays empathy and compassion appropriately.**

**Above Standard:** Officer always displays empathy or compassion when appropriate.

**Meets Standard:** Officer generally displays empathy or compassion when appropriate.

**Unsatisfactory:** Officer seldom or never displays empathy or compassion when appropriate.

**3. Member works to create satisfied customers in all contacts.**

**Above Standard:** Officer is always concerned with the outcome of the contact and tries to ensure customer satisfaction at every level.

**Meets Standard:** Officer is generally concerned with the outcome of the contact and will try to ensure customer satisfaction at every level.

**Unsatisfactory:** Officer is not concerned with the outcome of the contact and does not care if the customer is satisfied.

**B. JOB PERFORMANCE**

**1. Driving skills: Non-Stress Situations**

**Above Standard:** Sets an example for lawful, courteous driving. Maintains complete control of the vehicle. Is a superior defensive driver. Always utilizes emergency mode when appropriate. No at fault accidents for the past 12 months.

**Meets Standard:** Evaluates driving situations properly. Obeys traffic laws. Maintains control of the vehicle and drives defensively. Utilizes emergency mode when appropriate. No at fault accidents for the past 6 months.

**Unsatisfactory:** Is often observed violating traffic laws. Receives citizen complaints related to driving habits. Fails to maintain control of vehicle or

displays poor driving skills in during operation. Utilizes emergency mode when it is not appropriate.

**2. Driving skills: Stressful Situations**

**Above Standard:** Maintains vehicle control while operating in emergency mode. Utilizes appropriate siren modes and can communicate with dispatcher in a safe manner. Always responds by utilizing the most direct and efficient route based upon factors such as the time of day, traffic conditions and weather.

**Meets Standard:** Maintains vehicle control while operating in emergency mode. Follows policy and procedure while maintaining proper communications with dispatcher and fellow units. Utilizes common sense routes to complaints taking into consideration time of day, traffic conditions and weather.

**Unsatisfactory:** Fails to maintain control while operating in emergency mode. Conducts dangerous vehicle maneuvers. Unable to keep dispatcher or fellow units aware of simple things like location and ETA. Fails to take the most direct and or efficient route to the desired end location based upon the time of day, traffic conditions or weather.

**3. Accident Investigations**

**Above Standard:** Has received supplemental training and utilizes this knowledge to complete the accident investigation. Maintains control of the accident scene and is able to direct resources that ensure the safety of all involved. Monitors and works towards the recovery of the traffic flow. Utilizes all available resources to determine factors contributing to the accident and properly documents same.

**Meets Standard:** Generally maintains control of accident scenes and will direct resources in an appropriate manner. Tries to work towards the recovery of the traffic flow. Will generally conduct a full and complete investigation into the accident and document the same.

**Unsatisfactory:** Does not maintain control of the scene. Allows traffic to become congested for longer periods than necessary. Conducts a cursory investigation and will file a report based upon incomplete information.

**4. Report Writing**

**Above Standard:** Reports are neat and legible and contain no spelling or grammatical errors. Writes a complete and detailed account of the events from

beginning to end, written and organized so that any reader can understand what occurred.

**Meets Standard:** Completes reports while organizing information in a logical manner. Reports contain the required information and details. Reports are legible and grammar is at an acceptable level. Spelling is acceptable and errors are rare. Errors, if present, do not impair the understanding of the report.

**Unsatisfactory:** Unable to organize information and translate it to writing. Leaves out pertinent details in the report. Report is inaccurate and illegible. Report contains excessive number of misspelled words and grammatical errors. Sentence structure or word usage is improper or incomplete.

**5. Case Completion**

**Above Standard:** All reports are completed at the end of assigned shift.

**Meets Standard:** With few exceptions, cases are completed within three working days per G.O. 14-26 (Complaint Reports).

**Unsatisfactory:** Reports are often late and not completed per G.O. 14-26. Officer is often tasked with completing late reports or routine paperwork.

**6. Timely Case Follow-ups**

**Above Standard:** All follow-ups are completed in a timely manner. The follow-up has covered every possible angle and is a thorough investigation that is well documented. Victims are always notified and are aware of the case status.

**Meets Standard:** All follow-ups are completed on time with few exceptions. A thorough investigation has been completed and properly documented. Victims are notified of the case status.

**Unsatisfactory:** Follow-ups are not completed in a timely fashion. The investigation is sub-par and does not address a number of possible leads. Supervisors constantly have to address the officer for completion of the follow-up. Victims are often not advised of the case status.

**7. Performance: Non-Stress Situations**

**Above Standard:** Properly assesses situations including unusual or complex ones. Determines appropriate course of action and takes same.

**Meets Standard:** Properly assesses routine situations, determines appropriate course of action and takes same.

**Unsatisfactory:** Routine tasks become confusing and disorienting. Does not/will not complete tasks. Takes wrong course of action or avoids taking action.

**8. Performance: Stressful Situations**

**Above Standard:** Maintains calm and self-control at all times. Takes control and assesses situation and determines appropriate course of action.

**Meets Standard:** Maintains calm and self-control in most situations. Will determine appropriate course of action and takes it. Will not allow situation to further deteriorate.

**Unsatisfactory:** Becomes emotional, is panic stricken, can't function, holds back, loses temper or displays cowardice. Overreacts and is unable to maintain control of the situation.

**9. Attendance Record**

**Above Standard:** Officer is in full uniform and has reviewed all applicable bulletin boards, notices, memorandums, orders and other information as posted prior to the start of his/her shift. Has never been late. Infrequently utilizes sick time.

**Meets Standard:** Officer is in full uniform and prepared to conduct turnover at the beginning of his/her shift. Prudent use of sick time.

**Unsatisfactory:** Officer is often unprepared for his shift and not in full uniform. Has been late more than twice during the rating period. Sick time use develops noticeable patterns and appears to be abusive.

**10. Self-Initiated Activity**

**Above Standard:** Seldom misses observable police related activity. Officer is consistently looking for and becoming involved in non-dispatched activity. Makes quality arrests and/or proper dispositions from observed activity. Thinks well "on his feet".

**Meets Standard:** Recognizes and identifies police related activity. Has a broad orientation to the job including low priority activity. Develops cases from observed activity.

**Unsatisfactory:** Officer only responds to dispatched complaints. Self-generated activity is minimal and appears to be a burden.

**11. Investigative Skills**

**Above Standard:** Officer always follows proper investigatory procedures, and is always accurate in diagnosis of offense committed. Connects evidence with suspect even when not apparent.

**Meets Standard:** Officer follows proper investigatory procedures in all but the most difficult/unusual cases. Is generally accurate in diagnosis of nature of offense committed.

**Unsatisfactory:** Officer does not conduct a basic investigation or conducts investigation improperly. Unable to accurately diagnose offense committed. Fails to discern readily available evidence.

**12. Interview / Interrogation Skills**

**Above Standard:** Officer always follows proper Miranda rules. Utilizes proper questioning techniques. Establishes rapport with involved parties and concludes interview successfully by obtaining a valid deposition or confession. Controls the interview with even the most difficult subjects.

**Meets Standard:** Officer follows proper Miranda rules with few exceptions. Generally utilizes proper questioning techniques and will establish rapport with most involved parties. Controls the interview.

**Unsatisfactory:** Officer fails to follow proper Miranda rules. Officer fails to utilize proper questioning techniques and does not control the interview.

**13. Officer Safety**

**Above Standard:** Always works safely. Foresees dangerous situations and prepares for them. Keeps fellow officers informed and determines the best position for self and fellow officers. Is not overconfident and is in good physical condition.

**Meets Standard:** Follows accepted safety procedures. Understands and applies them.

**Unsatisfactory:** Routinely fails to follow accepted safety procedures. (i.e. exposes weapon to suspect, fails to keep gun hand free during enforcement

situations, fails to keep suspect/violator in sight, stands in front of violators door).

**14. Prisoner Control/Safety**

**Above Standard:** Officer maintains full control of the prisoner at all times. Utilizes handcuffs as required per G.O. 14-06 (Handcuffing) and conducts full and complete searches. Officer maintains a command presence that signals to the offender that he is in charge. Always makes appropriate notifications regarding prisoner movement/transportation.

**Meets Standard:** Officer utilizes handcuffs as required per G.O. 14-06. Officer conducts searches and maintains a good command presence. Makes appropriate notifications regarding prisoner movement/transportation.

**Unsatisfactory:** Officer is lax and often fails to handcuff suspect per G.O. 14-06. Officer often fails to maintain sight of suspect while in custody. Officer fails to conduct or does a poor job of searching the suspect after detention or custody has occurred. Officer has little or no command presence. Often fails to make appropriate notifications regarding prisoner movement/transportation.

**15. Conflict Control**

**Above Standard:** Skilled at verbal judo, has the ability to calm down and control even the most violent/out of control situations. Excellent knowledge and ability in the use of restraints and hand's on technique. Always selects the right level of force for the given situation. Is in top-notch physical condition.

**Meets Standard**: Always attempts verbal judo when appropriate. Obtains and maintains control through the use of the proper techniques in force application. Maintains good physical condition.

**Unsatisfactory:** Very rarely utilizes verbal judo techniques. Uses too little or too much force for the given situation. Is physically unable to perform the task. Does not utilize proper restraints or techniques.

**16. Radio Use/ Procedures**

**Above Standard:** Officer always follows G.O. 14-30 (Radio Transmissions). Always acts professionally when transmitting on radio. Is fully aware of what is occurring around him and his fellow officers. Never misses a radio call. Transmits in a clear, calm and concise manner.

**Meets Standard:** Officer follows G.O. 14-30 (Radio Transmissions). Acts professionally when transmitting on radio. Is generally aware of radio traffic directed at his post and is attentive to fellow officer's location and status.

**Unsatisfactory:** Officer violates G.O. 14-30 (Radio transmissions) concerning use of the radio. Acts unprofessionally when transmitting on radio. Does not answer the radio when requested and is often unaware of what is occurring with fellow officers. Speaks too fast or slow and often confuses fellow officers or the dispatch center with their transmissions.

**17. Vehicle / Equipment Maintenance**

**Above Standard:** Officer is always on top of preventative maintenance issues. Submits necessary requests for repairs in a timely manner. Vehicle is always clean and organized. Vehicle is fully stocked and replenished as necessary. All damage is immediately reported to a supervisor and check sheets are always completed per G.O. 14-14 (Searching of a patrol vehicle prior to start of shift).

**Meets Standard:** Officer makes mandatory preventative maintenance requests in a timely manner. Vehicle is properly stocked with few exceptions. Vehicle is generally clean inside and out. Observed damage is reported to supervisors and check sheets are completed per G.O. 14-14.

**Unsatisfactory:** Officer fails to make routine maintenance notifications. Vehicle is dirty and unkempt when utilized by the officer. Items must routinely be replaced or repaired. Officer is "hard" on equipment causing it to be repaired or replaced. Frequently does not complete check sheets per G.O. 14-14. Has not reported damage per G.O. 14-14.

**18. Traffic Enforcement**

**Above Standard:** Understands that traffic enforcement is critical to reducing the number of accidents/injuries in the village. Officers asks for assignments/details related to traffic enforcement. Is pro-active in enforcing traffic laws. When compared to his peers, enforcement activity is above average. Understands purpose of and utilizes traffic enforcement to locate and interdict criminal activity.

**Meets Standard:** Officer understands the importance of traffic enforcement and maintains average enforcement activity when compared to his peers. Will often utilize traffic enforcement as a basis for criminal investigations.

**Unsatisfactory:** Enforcement activity continually falls below statistical averages for the department. Does not look past the traffic ticket - fails to recognize criminal activity during traffic enforcement.

**19. Knowledge Of Patrol Area**

**Above Standard:** Officer is aware of all businesses and streets within the village. Officer continues to update his knowledge of new developments and businesses. Takes time to meet with people and develops significant street level sources of information.

**Meets Standard:** Officer needs little assistance in locating businesses or streets within the village. Officer is often aware of new developments and businesses. Officer takes the time to meet with people and on occasion develops street level sources of information.

**Unsatisfactory:** Officer needs help in locating businesses or streets within the village. Officer fails to update his knowledge of new locations, businesses or developments in a timely manner. Never leaves the vehicle and fails to interact with the public. Has limited or no street level sources of information.

**20. Arrest Processing**

**Above Standard:** Always maintains constant supervision of arrested party and will anticipate problems before they arise. Processes the arrest in an efficient and expedient manner. Completes all necessary paperwork for the arrest to include fingerprints and photographs. Alerts the judge in a timely manner and is prepared for arraignments when scheduled.

**Meets Standard:** Maintains supervision of arrested subjects and control of them. Processes arrested subjects in a reasonable amount of time. Generally alerts the judge in a timely manner and is prepared for arraignments when scheduled.

**Unsatisfactory:** Has limited or no knowledge of procedures in the processing of an arrested person. Fails to maintain visual supervision of arrested subject. Takes an extended period of time to process an individual. Fails to secure fingerprints and photographs when applicable.

**21. Ethics and Integrity**

**Above Standard:** Department and performance always reflect a high level of integrity. Willing to risk being unpopular by adhering to principles. Always adheres to department policies, rules, procedures and directives. Sets an example for others to follow.

**Meets Standard:** Supports department policies, rules, and guidelines. Represents department favorably. No evidence of breaches of integrity guidelines. Not a disciplinary problem.

**Unsatisfactory:** Fails to maintain confidentiality of cases. Breaches integrity or department guidelines. Constant disciplinary problem.

**22. Appearance**

**Above Standard:** Uniform is tailored to fit and always clean. Boots and leather are always clean and shined. Hair is neat and within standards. Hygiene is impeccable.

**Meets Standard:** Uniform fits and is clean. Boots and leather are generally clean and shined. Hair is neat and within standards. Hygiene is acceptable.

**Unsatisfactory:** Uniform is a poor fit and is frequently dirty. Boots and leather are never shined. Hair is dirty and unkempt. Hygiene is unacceptable.

**23. Use of Discretion**

**Above Standard:** Officer always evaluates the entire situation prior to making a decision. Looks at factors beyond face value and incorporates them into the decision making process. Always utilizes discretion in an appropriate manner.

**Meets Standard:** Officer will often evaluate the situation prior to making a decision. Often takes factors beyond face value into consideration when making a decision. Will generally utilize discretion in an appropriate manner.

**Unsatisfactory:** Officer does not evaluate the situation and often fails to take extenuating factors into consideration. Uses little to no discretion when making decisions.

**C. TEAMWORK**

**1. Works effectively with and promotes cooperation on assigned shift.**

**Above Standard:** Officer always looks to work with others on complaints, traffic details and assignments. Believes that the positive end result is more important than taking credit. Does not slough off work on others.

**Meets Standard:** Officer works well with co-workers and will help out on others complaints, traffic details and assignments.

**Unsatisfactory:** Officer feels that they do not have to be part of a team and often keeps information from others. Officer does not assist others with complaints and often tries to turn over work to others.

**2. Interacts professionally and effectively with the public or other agencies.**

**Above Standard:** Understands that information is the key to a successful investigation. Is always polite and professional in all interactions. Treats everyone with respect and dignity.

**Meets Standard:** Polite and professional in most contacts. Treats everyone with respect and dignity.

**Unsatisfactory:** Rude and unapproachable. Feels they are above everyone else and maintains an us versus them mentality. Frequently acts unprofessional when dealing with public.

**3. Interacts professionally and effectively with other members of the Department.**

**Above Standard:** Has excellent relationship with other department members. Treats sworn and non-sworn members with respect and dignity. Does not look down on any members of the agency or treat them differently.

**Meets Standard:** Maintains a good working relationship with co-workers. Treats sworn and non-sworn members with respect and dignity.

**Unsatisfactory:** Feels they are above others. Asks others to conduct menial tasks that are "beneath" them. Fails to maintain basic day to day work centric relationships with co-workers.

**4. Is approachable and open to suggestions.**

**Above Standard:** Is always open to suggestions and other ways of getting the job done. Asks for feedback and help when appropriate. Humble and willing to acknowledge faults/weaknesses.

**Meets Standard:** Is open to suggestions and ideas. Generally takes feedback well and will seek guidance on occasion.

**Unsatisfactory**: Does not take criticism well. Always has an excuse when something goes wrong and is not willing to acknowledge sub-standard performance.

**5. Accepts and completes routine, mundane, or less than desirable tasks without complaint.**

**Above Standard:** Is always willing to pitch in and help out no matter what the task is. Never complains or circulates rumors relating to assigned tasks. Always completes tasks with successful results and often tries to exceed what is expected.

**Meets Standard:** Will accept and complete tasks as assigned without complaint.

**Unsatisfactory:** Complains and fails to adequately complete assigned tasks. Feels that assigned duties are beneath him.

**D. COMMUNICATION SKILLS**

**1. Speaks in a clear, concise, courteous and understandable manner. Uses vocabulary suited to audience.**

**Above Standard:** Establishes rapport and is always objective. Appears at ease with person to person interaction. Respectfully addresses superior officers. Empathetic, courteous and friendly.

**Meets Standard:** Courteous, friendly and empathetic. Speaks well to intended audience. Respectfully addresses superior officers.

**Unsatisfactory:** Abrupt, belligerent and overbearing. Does not understand that different audiences require a different approach to communication.

**2. Speaks comfortably and appropriately to individuals or groups in the community.**

**Above Standard:** Seeks out opportunities to speak in public. At ease when speaking in a public forum. Will always speak to the specific audience and caters message and vocabulary appropriately.

**Meets Standard:** Although it may be uncomfortable, the member is able to adequately speak in a public forum. Relates appropriate message to audience.

**Unsatisfactory:** Unable to speak in a public setting. Locks up and fails to disseminate appropriate message or information as required. Will not cater message to audience.

**3. Produces well organized, accurate and complete documents.**

**Above Standard:** Reports and documentation are always well organized, accurate and complete.

**Meets Standard:** Reports and documentation are generally well organized, accurate and complete.

**Unsatisfactory:** Reports or documentation are sloppy, unorganized and contain non-factual information.

**E. TECHNICAL SKILLS**

**1. Demonstrates a working knowledge of laws, department rules, policies, procedure's, orders, and policies.**

**Above Standard:** Has an excellent working knowledge of the department orders, rules, policies, and procedures. Is always up to date with recent laws and changes that affect the law enforcement community. Maintains an outstanding knowledge of New York State and local laws.

**Meets Standard:** Familiar with the most commonly applied department policies, regulations, procedures, rules, orders and complies with same. Has a good working knowledge of New York State and local laws.

**Unsatisfactory:** Fails to display adequate knowledge of department policies, regulations, orders, and procedures or frequently violates the same. Fails to maintain a basic working knowledge of New York State and local laws.

**2. Uses/maintains job-specific equipment proficiently, appropriately and safely.**

**Above Standard:** Excels at utilizing all assigned job or task related equipment. Takes time to learn use and function. Is able to train others in the use, care and maintenance. Proactive in maintenance and reporting damage or anticipated problems.

**Meets Standard:** Satisfactorily utilizes and maintains all job or task related equipment proficiently, appropriately and safely.

**Unsatisfactory:** Fails to properly learn how to use or maintain assigned equipment. Does not seek others knowledge or input when using equipment. Is known to improperly use or damage equipment due to lack of training or skill.

**3. Uses information systems effectively.**

**Above Standard:** Has mastery of all information systems utilized at the patrol or supervisory level. High degree of competence with Microsoft Office suite. Adapts to technology changes well and is always looking for efficiencies through technology.

**Meets Standard:** Maintains a solid working knowledge of all information systems utilized at the patrol or supervisory level. Good working knowledge of the Microsoft Office suite.

**Unsatisfactory:** Limited knowledge of information systems at the patrol officer level. Struggles with Microsoft Office suite. Unable to adapt to technology changes.

**4. Completes investigations/projects following a logical progression.**

**Above Standard:** Utilizes a methodical and specific thought process when conducting an investigation. Takes the necessary steps to properly investigate and follow through with an investigation with little to no assistance.

**Meets Standard:** Uses a common sense approach to all investigations. Utilizes proven techniques and procedures to complete case investigations.

**Unsatisfactory:** Follows no logical path to case completion. Scattered thought process often leads to incomplete or unsatisfactory investigations.

**5. Collects, processes and utilizes evidence and documentation appropriately.**

**Above Standard:** Procedures are always followed when collecting and processing evidence. Observes and collects evidence without guidance. Ensures that all processing and paperwork is error free prior to submittal.

**Meets Standard:** Generally follows procedures when collecting and processing evidence. Generally observes and collects evidence without guidance. Generally ensures that all processing and paperwork is error free prior to submittal.

**Unsatisfactory:** Generally does not follow procedures for collecting and processing evidence. Will not recognize evidence without guidance. Maintains a high error rate when handling evidence.

**6. Demonstrates firearms proficiency.**

**Above Standard:** Qualified and demonstrates a high level of proficiency on an annual basis with all department assigned firearms.

**Meets Standard:** Qualifies and demonstrates proficiency on an annual basis with all department assigned firearms.

**Unsatisfactory:** Fails to qualify and demonstrate proficiency on an annual basis with all department assigned firearms.

**F. LEADERSHIP (Mandatory rating section for supervisors only)**

**1. Establishes and communicates Department values and expectations through teaching and coaching. Leads by example.**

**Above Standard:** Reinforces the department's values and expectations on a daily basis. Believes in the departments standards and lives what he teaches. Utilizes every opportunity to interact with subordinates when situations arise and is able to communicate knowledge in a clear and concise manner. Always leads by example.

**Meets Standard:** Supervisor clarifies expectations with officers during turnover and with one on one meetings. Generally leads by example.

**Unsatisfactory:** Will only further the department's values and expectation when asked to by a superior officer. Has a limited ability to teach and coach subordinates. Does not lead by example. Gives the impression that they do not buy into the values and expectations and will only address them if directed.

**2. Provides candid feedback to employees.**

**Above Standard:** Always provides appropriate feedback to subordinates on a daily basis. Is a straight shooter with information and can be counted on to tell it like it is. Uses feedback as a tool for growth and to impart experience.

**Meets Standard:** Provides timely and candid feedback to subordinates.

**Unsatisfactory:** Provides limited to no feedback to subordinates. Does not clearly state what is expected or what was observed. Glosses over issues that need to be dealt with head on. Hopes that problems will just go away.

**3. Gives credit when and where appropriate.**

**Above Standard:** Continually provides positive feedback to subordinates. Makes an effort to single out positive performances. Utilizes memos/letters, POR's to document positive work for evaluations. Shy's away from self-recognition and is concerned about subordinates.

**Meets Standard:** Recognizes good work product amongst subordinates and will document same. Focuses on subordinate performance and will document actions via memo/letter for evaluations.

**Unsatisfactory:** Rarely provides subordinates positive feedback. Does not utilize memo's/letters to document positive work. Is constantly looking to receive credit for subordinates work.

**4. Recognizes employee problems early and initiates appropriate action.**

**Above Standard:** Is intimately knowledgeable regarding subordinates potential problems. Utilizes feedback to head off bigger problems down the road. Is not afraid to confront subordinates about perceived or potential issues that could affect work performance. Takes a big picture view of the agency and understands that small problems that are overlooked can turn into big headaches down the road. Immediately notifies command staff of potential issues with a department employee.

**Meets Standard:** Keeps a close eye on subordinate employee's potential problems. Interacts with them as needed to ensure a positive and worthwhile outcome. Will frequently give feedback to officer between evaluations. Makes notifications in a timely manner.

**Unsatisfactory:** Feels that subordinates problems are not his as long as it does not affect him. Often overlooks early warning signals that would indicate pending or future issues with subordinates. Treats subordinates as friends and often fails to forward information onto the command staff for review.

**5. Counsels and encourages employees regarding professional development.**

**Above Standard:** Is continually evaluating and prepping subordinates for future growth. Identifies training opportunities and advocates for their attendance. Takes time throughout the year to speak with subordinates about future goals and plans and how best to reach them.

**Meets Standard:** Will generally evaluate and prep subordinates for future growth. Will research training opportunities as required by department need. Will speak with employee's at designated evaluation periods about their goals and plans for the future.

**Unsatisfactory:** Views professional development as a burden. Will not research or request training for subordinate officers. Does not solicit feedback relating to subordinates future goals and plans.

**6. Evaluates employees in a timely, thorough and objective manner.**

**Above Standard:** Always completes scheduled evaluations on time. Conducts a full investigation into the employee's work record and history and accurately compiles that into a review. Uses facts to base his opinions on instead of speculation.

**Meets Standard:** Completes scheduled evaluations on time with few exceptions. Completes a thorough and complete report that is based upon fact and not opinion.

**Unsatisfactory:** Continually late with conducting and turning in employee evaluations. Does not research the employee's work history and feels that the process is just a waste of time. When an evaluation is completed the work is based upon personal opinion rather than facts.

**7. Maintains order and discipline.**

**Above Standard:** Has complete control of their assigned shift's operations. Monitors radio transmissions and is fully aware of his officer's locations and actions. Has no problem "laying down the law" when applicable and feels that discipline ensures a fair and level playing field for all. Will not overlook issues to gain favor of subordinates.

**Meets Standard:** Ensures that their shift or subordinates are continually aware of problems. Generally monitors all radio transmissions and is aware of their officer's location and actions. Will effect discipline when necessary and is not afraid to confront fellow employees about observed or perceived issues.

**Unsatisfactory:** Let's the shift run itself. Does not monitor radio transmissions, has no idea what his officers are doing and often allow officers to "skirt" the rules. Is always looking for superior officers to affect discipline. Believes that discipline is a moral buster and that we are just here to have a good time.

**8. Trains others effectively.**

**Above Standard:** Will utilize day to day situations to create training opportunities. Continually reinforces important training standards and topics through one on one interaction. Seeks training and strives to gain knowledge that can be passed down to subordinate officers. Always presents the training in a manner that is best received by the intended audience.

**Meets Standard:** Will train officers as required. Generally seeks training for themselves that in turn can be utilized by their subordinate officers. Generally is able to present the training in a manner that is best received by the intended audience.

**Unsatisfactory:** Has no interest in training others or attending training themselves. Feels that training is a waste of time and that officers should be proactive themselves in gaining knowledge. When training opportunities do arise they do not make an effort to cater the message to the audience.

**9. Delegates tasks effectively and appropriately.**

**Above Standard:** Has excellent time management skills. Delegates appropriate tasks to others to accomplish goals and to allow subordinates to grow in knowledge and skill. Ensures that all delegated work that was handed out maintains a high level of quality control. Always tasks the right person for the right job.

**Meets Standard:** Has average time management skills. Will try to delegate tasks to others in order to further department goals in a more efficient manner. Generally tasks the right people for the right job.

**Unsatisfactory:** Has below average time management skills. Does not follow through on tasks given and allows sub-standard work to be turned in. Generally does not delegate the right person for the right job.

**10. Ensures accountability of their assigned shifts reports, follow-ups, check sheets and productivity.**

**Above Standard:** All subordinate paperwork is submitted in a timely manner. Conducts daily checks on follow-up reports and check sheets. Ensures that members of their shift are striving to accomplish the department's goals and objectives through traffic enforcement and pro-active policing. Completes report review throughout their assigned shift. Always jumps in and helps out with other shift paperwork when necessary.

**Meets Standard:** Maintains a good handle on subordinate paperwork with very few instances of missing or late reports. Checks throughout work week to ensure that subordinates are completing reports and follow-ups in a timely manner. Ensures that members are aware of and attempting to accomplish the department's goals and objectives through traffic enforcement and pro-active policing.

**Unsatisfactory:** Subordinate paperwork is often late and incomplete. Will not check to ensure that necessary paperwork is submitted on time. Infrequently completes paperwork review and often relies on other supervisors to accomplish this task. Does very little to ensure that the department goals and objectives are accomplished through traffic enforcement and pro-active policing.

| GENERAL ORDERS | | NO: 14-07 |
|---|---|---|
| **HOLDING OF POLITICAL OFFICE** | | |
| PAGE 1 OF 1 | | **AUTHORITY: CHIEF CHRISTOPHER J. PREMO** |
| EFFECTIVE DATE: 10/14/1995 | AMMENDMENT DATE: | |

**Holding of Political Office**

No member of the Malone Village Police Department will be allowed permission to hold a position in Political Office.

A member is defined in our department rules and regulations.

Political Office shall me an elected or appointed position in the Village of Malone, Town of Malone, and any government in Franklin County, New York.

| GENERAL ORDERS | | NO: 17-01 |
|---|---|---|
| **INVENTORIES OF PERSON/PROPERTY IN POLICE CUSTODY** | | |
| PAGE 1 OF | | **AUTHORITY: CHIEF CHRISTOPHER J. PREMO** |
| EFFECTIVE DATE: 04/04/2017 | AMMENDMENT DATE: | |

A. A Police Officer will inventory the personal property in the possession of a person taken into Police custody and such inventory will be conducted whenever:
   1. Such person will be either placed in a secure Police holding room or transported in the secure portion of a police vehicle; or
   2. Custody of the person will be transferred to another Law Enforcement agency, Correctional Facility, or "Treatment Facility" or such other lawfully approved facility for the involuntary confinement of persons.

B. The purpose of the inventory of a person in Police custody will be to:
   1. Promptly identify property to establish accountability and avoid spurious claims to property; or
   2. Assist in the prevention of theft of property; or
   3. Locate toxic, flammable or explosive substances; or
   4. Locate weapons and instruments that may facilitate an escape from custody or endanger Law Enforcement personnel; or
   5. Reduce the danger to persons and property

C. Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:

1. An inventory will occur prior to placing such person into a holding room or Police vehicles, whichever occurs first. However, if reasonable suspicious to believe that the safety of either the Police Officer(s) or the person in custody are both at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another Law Enforcement agency or facility.
2. To complete the inventory of the personal property in the possession of such a person, the Police Officer will remove all items of personal property from the clothing worn by such person. In addition, the Officer will also remove all items of personal property from all containers in the possession of such person.
    a) The container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets, and closed fanny packs.

D. **Valuables found during the inventory will be noted by the Police Officer in an SJS report relating to the incident.**