

Germantown Police Department Policy and Procedures Manual



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Germantown Police Department Policy and Procedures Manual

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Germantown Police Department Policy and Procedures Manual

Mission - The Germantown Police Department exists to serve, protect and defend the people of Germantown and visitors to the town, while preserving the rights and dignity of all. The Department is considered a local police force with a primary mission to promote compliance with local laws and ordinances.

SECTION I: Code of Conduct

- A. A Police Officer is a role model and cannot expect respect unless it is earned. To enforce laws they must be obeyed by all officers.
- B. Smoking in any town owned vehicle is prohibited. Smoking on duty should be limited to an area where the officer is alone and the smoke does not affect others.
- C. A Police Officer must be professional, alert and courteous and use only polite and considerate language in the exercise of their duties. Positive public relations should be an active part of an officer's daily duties and tact is expected when dealing with the public.
- D. On occasions a "warning" may be more useful, beneficial and may accomplish more than an arrest or the issuance of a traffic ticket. Warnings must not be based on favoritism, friendship or financial gain. Warnings should be given prudently. They cannot be issued in lieu of an arrest for a misdemeanor or a felony.
- E. An officer's conduct must be professional at all times, whether in or out of uniform. Police work is under constant review by the public and officers are reminded that they will be held accountable for their poor judgment and action.
- F. This Code of Conduct is not intended to be an all inclusive guide to proper conduct. It cannot anticipate all of the various situations and activities in which an officer may become involved. Each officer is responsible for their actions and must conduct themselves so as to not bring discredit on the Germantown Police Department.
- G. It is the obligation of each officer to be sufficiently familiar with the laws and ordinances of the Federal, State and Local authorities that affect the performance of their duties.

- H. Officers shall not commit any act or omission which constitutes a violation of any of the policies, procedures, rules or orders of the Germantown Police Department. Ignorance of such policies, procedures, rules or orders shall not be justification for any violation. Each officer has the obligation to keep informed of all current policies, procedures, rules and orders. No act or omission, which an officer knows or should have known to be improper, shall be condoned merely because no specific prohibition is stated.
- I. Each officer is required to promptly and obediently comply with all lawful orders. Failure to do so shall be considered insubordination.
- J. All Germantown Police Department members shall obey all laws of the United States as well as any State and local jurisdiction in which they are present.
- K. Any officer charged with a violation of criminal law must report such charge in writing to the Commissioner, as soon as practical, to include all pertinent facts. A conviction of any crime shall be prima facie evidence of a violation of this regulation.
- L. Officer Discretion is an often used term to justify a police officer's actions. While it is not the intent of these policies to restrict the purpose of "Officer Discretion", it is expected that your use of Officer Discretion will stay within these guidelines.
- M. Officers who violate the provisions of this Code of Conduct and/or the rules and regulations set forth in this policy manual will be subject to disciplinary action.

SECTION II: Chain of Command

- A. The Police Commissioner will have overall management responsibility for the Department.
- B. The Chief or Officer-in-charge (OIC) (depending on the current structure of the Germantown Police Department) will report to the Police Commissioner. The Chief or OIC will handle the daily operations of the Department.
- C. Sergeant(s), if appointed, will assist the Chief or OIC as directed.
- D. Police officers report to the Chief or OIC, or a sergeant in the absence of the Chief or OIC.

- E. All Germantown Police Department Officers must follow this chain of command.
- F. Germantown Police Officers are appointed to serve at the pleasure of the Town Board. It is the Town Board's sole prerogative to determine the size and structure of the Department.

SECTION III: Department Uniforms

- A. The Town of Germantown will issue each Town Police Officer the following uniform items:
 - 1. Issued uniform items will remain as stated in the current policy.
 - 2. Designation of summer/winter items will be as designated by the Chief or OIC.
 - 3. Officers are responsible for keeping their uniform clean and pressed and in good repair.
- B. Uniforms and/or equipment issued shall remain the property of the Germantown Police Department.
- C. A regular dress uniform (seasonal appropriate or as designated by the Chief or OIC) will be worn when on duty. The Germantown Police Uniform may not be worn when not on duty.
- D. A bullet proof vest will be worn when in uniform at all times. In the summer (warm weather) the vest shall be worn under the shirt. In the winter (cold weather) the vest may be worn under the shirt or in a black exterior carrier.
- E. Deviations from the uniform may be made only with the authorization of the Chief or OIC for emergency call outs, bad weather and similar non standard situations.
- F. GPD collar brass will be worn on your shirt's right collar tab and badge number left collar tab at all times. The department badge will be worn above the left shirt pocket at all times. Your nametag will be worn at all times on the shirt above the right pocket.
- G. The wearing of a Department Traffic Safety Vest is mandatory when on traffic control detail.

SECTION IV: Duty Weapons

- A. The standard duty weapon will be a .40 cal or 9 mm pistol (handgun as defined in New York State Penal Law Section 265.00 par. 3). Only ammunition authorized and provided by the Department (Commissioner, Chief or OIC) may be used in your duty weapon.

- B. All police officers must register the weapon they carry on duty with the Chief or OIC. Only those weapons registered as your duty weapon with the Department may be carried while on duty.
 - 1. An officer may be permitted to carry a personally owned "back-up" weapon when authorized by the Commissioner and Chief or OIC.
 - 2. The make, model and ammunition must be approved by the Commissioner, Chief or OIC.
 - 3. The officer must be certified by a firearms instructor as qualified with the specific "back-up" weapon authorized to carry.
 - 4. The cost of ammunition for training use will be the responsibility of the Department.

- C. All Germantown Police Officers **MUST** be qualified annually by a certified firearms instructor on their duty weapon and "back-up" weapon if authorized to carry.

- D. All police officers must have successfully completed a course of instruction regarding "Justification – Use of Force" (Article 35 New York State Penal Law).

- E. While on duty officers must carry their weapon fully loaded (chamber and magazine) on their strong-arm side, as per the annual firearms training. Two additional fully loaded magazines must also be carried.

- F. No rifle or shotgun will be carried by any Police Officer. Police units are equipped with a shotgun locked in the trunk.

- G. Police Officers must possess a valid New York State Pistol License. Except for police recruits, no firearm may be purchased on the authority of the Germantown Police Department badge. Recruits who do not already possess a valid Pistol License must apply for a pistol license. Recruits may carry a handgun on the authority of their police badge until their pistol license is received. All Police Officers **MUST** maintain a photo static copy of their current pistol license with the Chief or OIC.
- H. Police Officers shall immediately report the loss, theft, sale or disposal of any handgun registered with the Department to the Chief or OIC.
- I. Dry firing or "racking" is prohibited in or on any Town premises or vehicle, except under the personal direction of a firearms instructor. Weapons will be cleared and loaded outside any Town building.
- J. Officers shall only draw their weapon while on-duty in a manner consistent with their training. The unwarranted or unnecessary display of the weapon is expressly forbidden.
- K. Officers are responsible for the care and cleaning of their weapons as described during firearms training.
- L. Weapons being carried while on-duty will not be removed from your person unless it is secured in the appropriate closet, cabinet, desk or locker etc.

Section V: Non-Lethal Weapons

- A. The chemical agent approved by the Germantown Police Department is Oleoresin Capsicum and is referred to as "OC Spray". OC spray is an organically based aerosol designed to incapacitate with no or minimal after effects.
- B. The use of OC Spray is an alternative force in those situations where the potential for serious injury to the police officer, or a citizen exists, but where application of deadly force would not be appropriate.
- C. The use of OC Spray will be limited to that degree of force that is reasonably necessary to provide protection for the police officer, a citizen and/or to effect a legal arrest.
- D. When OC Spray is used to effect an arrest the following procedures shall be followed:

1. After the prisoner is in custody, the skin area affected should be flushed with water and exposed to fresh air as soon as possible.
 2. As a precaution, the police officer will also have the prisoner examined by a rescue squad. If the police officer or the rescue squad personnel determines it necessary, the prisoner will be transported to the hospital ER. While in route, the hospital should be notified of the pending arrival of a victim of OC Spray exposure.
- E. The Department has electronic incapacitation device (TASER) as additional non-lethal weapon. The same basic procedures shall be followed for the use of the TASER device.
- F. Both non-lethal weapons (OC spray and TASER) require appropriate training prior to a Police Officer being certified qualified to carry and use.
- G. If OC Spray or TASER is used, the Chief or OIC must be notified and an incident report must be completed.

Section VI: *Patrol Requirements*

- A. Stop at the police office before and after each shift.
- B. All police officers will sign on duty and off duty in the police blotter.
- C. Check the communications basket for any messages.
- D. All complaints received, whether from a resident or a dispatcher will be logged separately in the police blotter, even if the complaint was turned over to another police agency.
- E. Keep up with your reading obligations in the police blotter, memos and informational bulletins.
- F. If you feel you need an additional town police officer, call the Chief/OIC to request their assignment.
- G. If you feel you need the state police or sheriff's department, call for backup. You must call for backup in the event of a serious felony, such as homicide or bank robbery. Use backup.
- H. Any call that a town officer responds to that is serious in nature, contact and advise the Police Commissioner and Chief or OIC as soon as time permits.

- I. Any and all complaints received will be written up on an incident report and left in the police office at the end of each shift.
- J. Each town police officer will follow up on his/her complaint or make sure the complaint was turned over to the proper agency. The officer will keep the complainant informed as much as is practical.
- K. Check all town properties and parks, at least twice, while on duty and enforce park rules and regulations. Your regular patrol must include all roads within the Town limits. No more than 20% (1 in 5) of your patrol hours may be spent V&T patrolling on Route 9G, excluding the Main Street and 9G intersection.
- L. The driver of a police patrol vehicle has authority over the dispatcher; if the driver wants to use a more cautionary code in responding to a scene he/she should do so. However, the driver must always comply with the New York State V&T Law Section 1104 & 1144 B.
- M. No officer may consume alcohol within 8 hours of the patrol shift. If an emergency arises and an officer, who has consumed alcohol within the previous 8 hours, is called to duty he **MUST** so advise the official requesting he report for duty. No police officer will be called or assigned to duty if it is known that he has consumed alcohol in the previous 8 hours.
- N. Officers may not work later than 2400 hours without a second officer unless authorized by the Chief or OIC.
- O. When on-duty officers will respond to and assist the rescue squad on all medical calls within Germantown.
- P. All persons in custody and being transported in a patrol vehicle **MUST** be restrained with handcuffs. The officer shall decide if the handcuffs should be placed in front or back of the subject. In cases where a subject is violent or otherwise non-compliant, the use of the waist belt restraint and leg irons are permitted.
- Q. A tape recorder, provided by the Germantown Police Department, may be used to record V&T stops and criminal complaint investigations. If a recorder is used during an arrest the tape **MUST** be maintained with the case file.

Section VII: Off Duty Police Officers

- A. A non-emergency query, complaint or report received by an off duty police officer may be handled by that officer only if free to do so. Such a complaint may be delayed until the next scheduled patrol, or handed to another agency for response and handling, as appropriate.
- B. Queries, complaints or reports that require an immediate response should only be handled by an off duty police officer if the officer can resolve it without assistance from another officer or agency. In such cases it must be passed to an on duty officer or the Sheriff's Department or State Police.
- C. If an off duty police officer witnesses a felony or other serious crime they must perform their duties in accordance with New York State Criminal Law.

Section VIII: Court Officer and Duties

- A. The Police Department will provide the Germantown Justice Court with Court Officer coverage while in session. The Court Officer will be posted in the Courtroom while court is in session. Germantown Police Officers will be assigned Court duty on a rotating basis.
- B. Answer complaints or 911 polls only after checking with the Judges if Court is in session.
- C. Check Docket for any complaints that need follow up.
- D. Assist the Judges with reasonable requests as appropriate.

Section IX: Other Police Duties

- A. Attendance at Town Board and other Town meetings
 - 1. Police officers shall only attend meetings in their official capacity as a Police Officer at the specific request of the Town Supervisor or Chairperson of the meeting.
 - 2. The role of a Police officer at such meetings shall be to assist the Supervisor or Chairperson as appropriate. Officers should be aware that control of the meeting is in the hands of the Supervisor or Chairperson conducting the meeting, and that they should only intervene if they have reasonable cause to believe physical harm may occur to an individual or to the destruction of property.

- B. Patrolling of Germantown Central School grounds non-school hours.
 - 1. If the individual is not violating a state or local law, obtain the I.D. of the individual on the grounds in violation of school board policy and contact the school superintendent during school hours.
 - 2. If anyone feels an individual is trespassing on school grounds and wants to sign an information/complaint, direct them to the school superintendent.
 - 3. Town police officers will only take signed information/complaints for trespassing, from the school superintendent.

- C. At various school events (ball games, dances and graduation etc.) the School Superintendent may request police presence.
 - 1. If you are detailed to cover a school event you will not leave such event for calls.
 - 2. The Chief or OIC may release you from the event in case of an emergency, but only after providing appropriate back-up for coverage of the school event.
 - 3. If assigned to a school event officer must complete the monthly reimbursement form and submit it to the Chief or OIC.

Section X: Town Police Vehicles

- A. Town Owned Police Patrol Car(s) are to be used for police work in the Town of Germantown only, with the following exceptions.
 - 1. Official Police business within and outside Columbia County when approved by the Commissioner
 - 2. Dispatched Backup to other police agencies. The Police Commissioner, Chief or OIC must be notified as soon as practical.

- B. General Care and operation of Patrol Car(s)
 - 1. The vehicle check list on the activity sheet must be completed prior to the shift.
 - 2. Keep the interior and exterior clean.
 - 3. The vehicle is not to be put away with a fuel level of less than $\frac{3}{4}$ tank.

4. If a problem exists or arises with a vehicle the Commissioner and Chief or OIC will be notified.
5. Vehicle will **ALWAYS** be operated in a professional manner. Speed limits, traffic warning devices and signs will be obeyed.
6. Where an emergency response is needed to a call situation or incident the red lights and siren will be activated. The responding vehicle will respond in a manner which is safe to the public and officer involved.
7. Town police officers shall not change, replace or work on Town police vehicles or equipment without permission of the Commissioner. The Town Board shall have the final decision on all repairs to a patrol vehicle and equipment over \$500.

Section XI: Vehicle Pursuit

- A. If a vehicle fails to stop when instructed to do so by the police vehicle's red emergency lights following a vehicle traffic or penal law violation, the police officer should obtain the plate number of the offending vehicle. Procedures under V&T Law Sections 1104 and 1144b should be taken and the OIC notified.
- B. There will be **NO HOT PURSUITS**. Pass the pursuit on to the Sheriff or State Police.

Section XII: Purchasing Procedures

- A. Police Department purchases (budgeted \$500 or less equipment .2 accounts) must be pre-approved by the Police Commissioner on the appropriate town purchase order form.
- B. All purchases or repairs in excess of \$500 must be pre-approved by the Town Board on the appropriate purchase order form.

Section XIII: New Officers and Recruits

- A. New officers will be on probation for a period of one year from the date of hire, and may be dismissed for any reason within the probation period. It is in the sole prerogative of the Commissioner to determine whether a new officer or recruit has performed satisfactorily, and to take action appropriately. A sponsored recruit is not considered a new police officer until successful graduation from the police academy.

- B. The Commissioner may make recommendations to the Town Board for sponsorship of recruits to the police academy.
 - 1. The Chief or OIC will perform preliminary physical testing and criminal records check on all prospective recruits.

 - 2. Based on the outcome of the testing and records check the Chief or OIC will make their recommendations to the Commissioner.

- C. Sponsorship of a recruit is at the expense of the recruit, except for their uniform.
 - 1. Recruits are not promised future employment as a Germantown Police Officer.

 - 2. Recruits are obligated to complete service to the Germantown Police Department for the remainder of the calendar year in which they graduate from the police academy or a minimum of six months after graduation.

- D. All recruits must be supervised at all times by a senior officer when on duty. They may not go out on patrol or attend court or town meetings without such supervision and authorization from the Chief or OIC.

- E. It is the responsibility of the Chief or OIC to evaluate a new officer or recruit and to prepare an evaluation report on their progress and performance at three month intervals. (Evaluation Form Appendix X) Such evaluation shall be discussed with the officer or recruit before being passed to the Commissioner.

Section XIV: Training

- A. All annual training in fire arms, use of chemical sprays, use of tasers and any other equipment provided to a Germantown Police Officer shall be in accordance with training requirements as specified by the County Sheriffs Department and/or as State Law requires. Documentation of annual weapon training shall be kept in each Police Officer's personnel file.

- B. All other required annual training must be completed and documented in each Police Officer's personnel file.
- C. Training will be scheduled by the Chief or OIC.
- D. Any non-required training but requested, must be approved by the Town Board.

Section XV: Evaluations

- A. All officers shall be evaluated by the Chief or OIC once a year and a report prepared. (Evaluation Form to be determined) Prior to passing the evaluation to the Commissioner it shall be discussed with the officer concerned. Any concerns shall be addressed by the Chief or OIC, and if a dispute arises it shall be put in writing and passed to the Commissioner with the evaluation.
- B. The Chief or OIC shall be evaluated by the Commissioner at one year intervals. (Evaluation Form to be determined)
- C. All evaluations shall be confidential and kept in the officer's personnel file.
- D. The Commissioner shall give an annual report to the Town Board no later than the March regular meeting.

Section XVI: Grievance Procedures (Internal to Police Department Only)

- A. All personnel complaints/grievances will be submitted in writing on the Department's personnel complaint form. (Form to be determined) to the Commissioner. If the complaint/grievance involves the Commissioner the form shall be submitted to the Town Supervisor.
- B. The Commissioner shall assign an investigating officer (normally the Chief or OIC) to gather the facts of the complaint/grievance. The investigating officer will make a written report to include all statement and other relevant information, including recommendations for the resolution of the complaint/grievance. If the complaint/grievance involves the Commissioner the Town Board shall assign the investigating officer. The Town Board's investigating officer shall include the same information as described above.

Section XVII: Use of Force

- A. The responsibility for **ANY** use of a firearm shall be borne by the officer who fires the weapon. In considering the use of firearms, understand that you alone are responsible for your acts, and that you may be required to justify your actions. You are never required to retreat in lieu of the justifiable use of deadly physical force.
- B. All Police Officers are required to have completed the "Justification – Use of Force" (Article 35 New York State Penal Law) as stated in Section IV D above. All officers should periodically review Article 35.
- C. Whenever an officer discharges a weapon, either on-duty or off-duty when acting in the official capacity as a police officer, must immediately report the facts and circumstances to the Commissioner and Chief or OIC in writing on the Department Use of Firearm Report form. In addition an incident report will be completed.
- D. No officer will fire "warning shots". However, when circumstances permit a clear and concise verbal warning **MUST** be given before a shot is fired at another person. "**STOP – POLICE!**" is a sample warning.
- E. No officer will fire a weapon at or from a moving vehicle, except as the ultimate measure of self-defense or defense of another.
- F. The shooting of an animal is permitted:
 - 1. For self-defense.
 - 2. To prevent substantial harm to another.
 - 3. When the animal is so badly injured that humanity requires that it be destroyed to prevent further suffering.
 - 4. Domestic animals require you to make every effort to identify and locate the owner. Whenever possible, request assistance from agencies responsible for destroying animals.

Section XVIII: Evidence Procedures

- A. The process for handling found, recovered or evidentiary property is a critical aspect of professional police work. The evidence procedures of the Germantown Police Department are established to maintain the necessary chain of custody of evidence for criminal cases, and to guard the integrity of the department's personnel. The following procedures outline the handling, security and disposition of all non-department

property that is lawfully obtained by any officer of the Germantown Police Department, while acting in an official capacity.

- B. A Germantown Police property receipt will be completed whenever property officially comes into the possession of this department and the owner of said property is known. This applies to all evidence, seized assets and found property. Officers should include the date, blotter number, owner's name and address, and a detailed description of the property as well as the reason it was received. The owner or custodian of the property that was received should sign next to "PERSON RECEIVED FROM" on the form. If the person is unable to or refuses to sign, the officer should note this fact on the receipt and detail the reason in his or her report. A copy of the receipt may be given to the owner of said property.
- C. An evidence sheet will be filled out and attached to all property that officially comes into the department's possession. The officer should itemize and describe each piece of property on this report under the "CONTENTS" section. If there is more than one item, the items should be noted as a different item number and stored together in the same bag or container with the evidence sheet attached. If the officer feels the property should be stored separately, (i.e. the property is too big to be grouped together) another evidence sheet should be completed. In this case, the officer, under the "PROP. INVENTORY #" section, should assign a different number for each evidence sheet pertaining to the same blotter or case number.
- D. All property held as evidence shall be stored safely and securely in the designated evidence areas. Said property shall have a properly filled out evidence sheet attached to it. Officers should temporarily secure evidence in the office by locking it in the patrol cabinet. The officer shall notify an evidence custodian by note or memo that evidence has been secured for the custodian can log the item(s) into one of the long-term evidence storage areas at his or her earliest conveniences. If an officer obtains evidence that is too big to be temporarily secured, an evidence custodian should be called in to assist.
- E. The Germantown Police Department will utilize two sworn police officers to serve as the evidence custodians. The Chief or OIC will designate which two officers will be evidence custodians. The evidence custodians will be responsible for the proper storage and handling of all evidence, as well as maintaining the evidence log.
- F. A separate log shall be kept for all property that is introduced and/or removed from the evidence areas. This log shall be kept in a bound notebook and labeled as "Evidence Log". The evidence log shall be

stored in a secured area. All log entries shall include the date, case number and a brief description of the item. When an item is removed from evidence, the status of the item shall be noted, (i.e. destroyed, out for trial, returned to owner...etc.) and a brief supplemental report filled out and added to the case file.

- G. It is very important that these procedures are carefully followed and the movement of evidence is well documented to maintain its integrity. Evidence custodians should annually inquire on the status of all evidence with the assistance of the case officer. Evidence retained for cases that have been disposed of and past the window for appeal, shall be returned to the lawful owner, or properly destroyed. The Office of the District Attorney should be consulted if the status of a case is not known.

SECTION XIX: Domestic Violence

- A. This act establishes a minimum standard and authorizes law enforcement organization to develop a policy which provides additional protection for victims of domestic violence.
- B. Arrest is required when an officer has probable cause to believe that:
1. A felony has been committed against a family/household member.
 2. A valid stay away order of protection has been violated.
 3. A valid order of protection has been violated by the commission of a family offense.
 4. A family offense misdemeanor has been committed.
- C. Designated family offenses are:
1. Harassment in the first and second degree.
 2. Aggravated harassment.
 3. Assault in the first and second degree.
 4. Disorderly conduct.
 5. Reckless endangerment in the first and second degree.
 6. Menacing in the second and third degree.
 7. Criminal mischief (to jointly owned property).

- D. Concurrent jurisdiction – In family offense cases, jurisdictions ongoing and complete between criminal and family courts. Victims of family offenses may choose to access either family court or criminal court or to request assistance from both courts at the same time.
- E. Notice – Victims of family offenses must be notified of their options by the Police, by the District Attorney’s Office, by the Court and in Hospitals, available in both English and Spanish.
- F. Stalking crimes – Harassment first and second degree as well as menacing second degree have been included in an expanded definition of family offenses.
- G. Paperwork – Information about family offense cases may be shared between family and criminal courts, according to rules established by the Office of Court Administration.
- H. Mandatory Arrest – The new law sets a minimum standard for law enforcement responses to family offense situations and provides “good faith” immunity for officers making arrests under these provisions. Communities are free to establish domestic violence policies that provide additional protection to victims of domestic violence.
- I. Police Reports – Are required for every investigation of an alleged incident of domestic violence whether or not a crime was committed or an arrest made. Standardized incident reports have been designed by the Division of Criminal Justice Services. Officers are required to give a victim a copy of the form at the scene.
- J. To be a family offense the designated offense must occur between members of the same family or household. This means:
 - 1. Legally married.
 - 2. Formerly married.
 - 3. Related by blood.
 - 4. Related by marriage (in laws).
 - 5. Have a child in common.
 - 6. Although persons outside the statutory definition of a family or household member cannot proceed in family court, and arrest for criminal behavior is not mandated under CPL 140.10-4; it is Department policy to

make all appropriate arrests regardless of the relationship between parties.

- K. Building a Case – The goal is to create a case in which the victim's statements corroborate the rest of the evidence, not one that relies primarily on the victim's testimony.
 - 1. Officers observations.
 - 2. Retained physical evidence and photos.
 - 3. Statements from third party witnesses.
 - 4. Suspect's oral admissions.
 - 5. Victim's spontaneous statements.
 - 6. Victim's deposition.

- L. Elements of Probable cause:
 - 1. 911 calls, including background sounds.
 - 2. What is heard before gaining entry.
 - 3. Signs of forced entry.
 - 4. Physical disruption/property damage.
 - 5. Visible injuries, documented in report, photos, medical reports, EMS run-sheets.
 - 6. Non-observable injuries.
 - 7. Weapons/dangerous instruments.
 - 8. Threatening messages (tape recordings, letters, notes, drawings).
 - 9. Demeanor/mental state.
 - 10. Statements from victim, suspect, children, neighbors and other third part witnesses.
 - 11. Oral admissions, excited utterances, present sense impressions.
 - 12. History of previous arrests, incidents or orders of protection.

M. Revoking of firearms license for violating orders of protection:

1. If the violation of the order of protection involves menacing, reckless endangerment, attempted assault or assault, the court may revoke the offender's firearms license and order the surrender of any firearms in his or her possession.
2. If the violation is willful and involves serious injury or the use or threatened use of a weapon, the revocation of the defendant's firearms license and the surrender and disposal of any weapons in his or her possession is mandatory.

N. Family court orders of protection:

1. Remain in effect for three years where there is a finding of aggravating circumstances. These circumstances include physical injury, use of a weapon, history or repeated violations of prior orders or a history of other crimes against the victim.
2. May provide that up to \$10,000 in restitution be paid to the petitioner.
3. May require the respondent to enroll in a batterers education program.
4. All orders issued under CPL 530.12 or under FCA Articles 4, 5, 6 and 8 will be carried on a computerized registry and accessible to state and local law enforcement and the courts. Non family offense orders of protection and warrants will not be included in the registry.
5. Penalties may become stiffer as a result of increased criminal charges.
6. Criminal contempt first, may be charged when reckless or intentional physical injury is involved in the violation of an order of protection, or when a violation involves more than \$250.00 in damage to the victim's property, or when the offender has (within the past five years) already been convicted of violating an order of protection, even if it was against a different victim.
7. Menacing second may be charged when a person violated an order of protection by committing the crime of menacing in the third degree.

- O. Domestic Violence Call Involving a Germantown Police Officer MUST be passed on to the Sheriff's Department and the Commissioner MUST be notified immediately. The Commissioner MUST be notified even if the police officer is involved in a domestic violence call outside the Town of Germantown.

SECTION XX: Policy Manual Distribution

- A. A copy of this manual will be given to each assigned Germantown Police Officer. Each officer is responsible to become thoroughly familiar with the content of this manual and to comply with the requirements and rules set forth herein.
- B. As changes are made and included in this manual each Germantown Police Officer will be given a copy to update their copy of this manual.