



## Division of Criminal Justice Services

**New York State  
Division of Criminal Justice Services  
Office of Probation and Correctional Alternatives**

**2020-2021 Annual Probation State Aid Plan,  
Certifications, and Application**

**April 2020**

**Submitted by:** <Select One>

**Submission Date:** June 4 2020

## 2020 DEPARTMENT POSITION SUMMARY CHART

Section I of the chart is to summarize staffing information by position title. **These titles are effective 5/28/19.** Titles that are not included under Probation Management Rule Appendix H-10 should be entered in Section II of the chart.

### **Section I. Probation Management Rule Appendix H-10**

TITLE	# Filled Positions	# Vacant Positions Funded for 2020	TOTAL	Actual Salary or Range* (in dollars)	
				Salary or Minimum	Maximum
Probation Director (Group D)			0		
Deputy Probation Director (Group D)			0		
Assistant Probation Director (Group D)			0		
Probation Director (Group C)	1		1	126,433	
Deputy Probation Director (Group C)		1	1	66,448	102,662
Probation Director (Group B)			0		
Deputy Probation Director (Group B)			0		
Probation Director (Group A)			0		
Probation Supervisor 2 / Principal Probation Officer			0		
Probation Supervisor 1	8		8	81826	115783
Probation Officer 2 / Senior Probation Officer	17	1	18	74679	90713
Probation Officer 1 – Community Liaison**			0		
Probation Officer 1 – Other Language**			0		
Probation Officer 1	21		21	62557	80329
Probation Officer 1 Trainee	9	3	12	52074	
Probation Assistant	2	1	3	43242	61514
<b>TOTAL</b>	58	6	64	\$ 314,570.88	\$ 61,514.00

\*Provide a range only if there are two or more employees for a specific title; otherwise, please provide the current salary.

\*\*Only probation officers hired and occupying these specialized titles should be counted. For example, if a probation officer speaks spanish, but was hired as a standard probation officer, the officer would not be counted in the *Probation Officer – Spanish Speaking* row. Any probation officer counted under either the *Minority Group Specialist* or the *Spanish Speaking* row would not also be counted in the *Probation Officer* row.



## Division of Criminal Justice Services

**New York State  
Division of Criminal Justice Services  
Office of Probation and Correctional  
Alternatives**

**2021-2022 Annual Probation State Aid Plan,  
Certifications, and Application  
May 2021**

**Submitted by:** Orange County

**Submission Date:** 5/26/21

**Web Site:** If your department maintains a web site, please provide the URL:

<https://www.orangecountygov.com/517/Probation>

# Annual Probation Plan, Certifications, and Application

## Part 3: DEPARTMENT POSITION SUMMARY CHART

Section I of the chart is to summarize staffing information by position title. **These titles are effective 5/28/20.** Titles that are not included under Probation Management Rule Appendix H-10 should be entered in Section III of the chart.

### Probation Management Rule Appendix H-10

TITLE	# Filled Positions	# Vacant Positions Funded for 2021	TOTAL	Actual Salary or Range* (in dollars)	
				Salary or Minimum	Maximum
Probation Director (Group D)	1	1	0		
Deputy Probation Director (Group D)			0		
Assistant Probation Director (Group D)			0		
Probation Director (Group C)			1	\$ 137,706.00	
Deputy Probation Director (Group C)			1	\$ 110,000.00	
Probation Director (Group B)			0		
Deputy Probation Director (Group B)			0		
Probation Director (Group A)			0		
Probation Supervisor 2 / Principal Probation Officer	7	1	0		
Probation Supervisor 1			8	\$ 86,543.00	\$ 115,783.00
Probation Officer 2 / Senior Probation Officer			18	\$ 74,679.00	\$ 90,713.00
Probation Officer 1 – Community Liaison**	17	1	0		
Probation Officer 1 – Other Language**			0		
Probation Officer 1	26	3	29	\$ 55,069.00	\$ 80,329.00
Probation Officer 1 Trainee	3	3	6	\$ 52,074.00	
Probation Assistant	1	2	3	\$ 45,452.00	
<b>TOTAL</b>	<b>55</b>	<b>11</b>	<b>66</b>	<b>\$ 561,523.00</b>	<b>\$ 286,825.00</b>

\*Provide a range only if there are two or more employees for a specific title; otherwise, please provide the current salary.

\*\*Only probation officers hired and occupying these specialized titles should be counted. For example, if a probation officer speaks Spanish, but was hired as a standard probation officer, the officer would not be counted in the *Probation Officer – Spanish Speaking* row. Any probation officer counted under either the *Minority Group Specialist* or the *Spanish Speaking* row would not also be counted in the *Probation Officer* row.



## Division of Criminal Justice Services

**New York State  
Division of Criminal Justice Services  
Office of Probation and Correctional  
Alternatives**

**2022-2023 Annual Probation State Aid Plan,  
Certifications, and Application  
April 18, 2022**

**Submitted by:** Orange County

**Submission Date:** 5/9/22

**Web Site:** If your department maintains a web site, please provide the URL:

<https://www.orangecountygov.com/517/Probation>

# Annual Probation Plan, Certifications, and Application

## Section I: DEPARTMENT POSITION SUMMARY CHART

Section I of the chart is to summarize staffing information by position title. **These titles are effective 5/28/21.**

### Probation Management Rule Appendix H-10

TITLE	# Filled Positions	# Vacant Positions Funded for 2022	TOTAL	Actual Salary or Range* (in dollars)	
				Salary or Minimum	Maximum
Probation Director (Group D)			0		
Deputy Probation Director (Group D)			0		
Assistant Probation Director (Group D)			0		
Probation Director (Group C)	1	0	1	\$ 141,837.00	
Deputy Probation Director (Group C)	1	0	1	\$ 130,000.00	
Probation Director (Group B)			0		
Deputy Probation Director (Group B)			0		
Probation Director (Group A)			0		
Probation Supervisor 2 / Principal Probation Officer	1	0	1	\$ 124,000.00	
Probation Supervisor 1	6	1	7	\$ 95,646.00	\$ 121,347.00
Probation Officer 2 / Senior Probation Officer	16	2	18	\$ 78,268.00	\$ 95,073.00
Probation Officer 1 – Community Liaison**			0		
Probation Officer 1 – Other Language**			0		
Probation Officer 1	25	0	25	\$ 58,729.00	\$ 78,928.00
Probation Officer 1 Trainee	4	4	8	\$ 54,577.00	\$ 54,577.00
Probation Assistant	3		3	\$ 45,320.00	\$ 49,954.00
<b>TOTAL</b>	<b>57</b>	<b>7</b>	<b>64</b>	<b>\$ 728,377.00</b>	<b>\$ 399,879.00</b>

\*Provide a range only if there are two or more employees for a specific title; otherwise, please provide the current salary.

\*\*Only probation officers hired and occupying these specialized titles should be counted. For example, if a probation officer speaks Spanish, but was hired as a standard probation officer, the officer would not be counted in the *Probation Officer – Spanish Speaking* row. Any probation officer counted under either the *Minority Group Specialist* or the *Spanish Speaking* row would not also be counted in the *Probation Officer* row.



## Division of Criminal Justice Services

**New York State  
Division of Criminal Justice Services  
Office of Probation and Correctional  
Alternatives**

**2023-2024 Annual Probation State Aid Plan,  
Certifications, and Application  
April 24, 2023**

Submitted by:

Submission Date:

**Web Site:** If your department maintains a web site, please provide the URL:

# Annual Probation Plan, Certifications, and Application

## Section I: DEPARTMENT POSITION SUMMARY CHART

Section I of the chart is to summarize staffing information by position title. **These titles are effective 5/28/19.**

### Probation Management Rule Appendix H-10

TITLE	# Filled Positions	# Vacant Positions Currently Funded	TOTAL	Actual Salary or Range* (in dollars)	
				Salary or Minimum	Maximum
Probation Director (Group D)			0		
Deputy Probation Director (Group D)			0		
Assistant Probation Director (Group D)			0		
Probation Director (Group C)	1	0	1	\$ 153,769.00	
Deputy Probation Director (Group C)	1	0	1	\$ 145,164.00	
Probation Director (Group B)			0		
Deputy Probation Director (Group B)			0		
Probation Director (Group A)			0		
Probation Supervisor 2 / Principal Probation Officer	1	0	1	\$ 138,465.00	
Probation Supervisor 1	6	1	7	\$ 83,442.00	\$ 125,291.00
Probation Officer 2 / Senior Probation Officer	18	0	18	\$ 80,811.00	\$ 98,162.00
Probation Officer 1 – Community Liaison**			0		
Probation Officer 1 – Other Language**			0		
Probation Officer 1	25	0	25	\$ 64,166.00	\$ 82,896.00
Probation Officer 1 Trainee	5	3	8	\$ 56,350.00	\$ 59,591.00
Probation Assistant	3	1	4	\$ 44,400.00	\$ 51,578.00
<b>TOTAL</b>	60	5	65	\$ 766,567.00	\$ 417,518.00

\*Provide a range only if there are two or more employees for a specific title; otherwise, please provide the current salary.

\*\*Only probation officers hired and occupying these specialized titles should be counted. For example, if a probation officer speaks Spanish, but was hired as a standard probation officer, the officer would not be counted in the *Probation Officer – Spanish Speaking* row. Any probation officer counted under either the *Minority Group Specialist* or the *Spanish Speaking* row would not also be counted in the *Probation Officer* row.



## POLICY: PEACE OFFICER POLICY (Revised: 01/11/2017)

Statutory authority confers upon Peace Officers broad powers. The scope and utilization of those powers are articulated in the following policies and procedures.

### DEFINITIONS:

#### **ACTS PURSUANT TO HIS/HER SPECIAL DUTIES**

A peace officer acts in accordance with his/her special duties when he/she performs duties of his/her office, pursuant to the specialized nature of his/her particular employment, whereby he/she is required or authorized to enforce any general, special or local law or charter, rule, regulation, judgment or order.

#### **FIREARMS AND OTHER DANGEROUS WEAPONS (PENAL LAW SECTION 265.00)**

Firearms and other Dangerous Weapons are defined in section 265.00 of NYS Penal Law. As of the date of this policy there are currently 23 subsections. Probation officers are to familiarize themselves with the current definitions and to make reasonable efforts to keep up with additions and modifications to these definitions. The employer will provide access to the written materials and annual training.

#### **GEOGRAPHIC AREA OF EMPLOYMENT**

As defined in Section 140.25(5) (b) of the Criminal Procedure Law.

#### **PEACE OFFICER**

Peace Officer designations are included in section 2.10 of the NYS Criminal Procedure Law. Probation officers are currently designated in sub-section 24.

#### **POWERS OF PEACE OFFICERS**

Those powers defined in Section 2.20 of the Criminal Procedure Law.

### RATIONALE

As Peace Officers, Probation Officers have the authority to conduct arrests under the NYS Criminal Procedure Law and Penal Law. An appendix is attached to this policy outlining the legal authority of a Peace Officer and arrests. It is the responsibility of the probation officer to familiarize themselves with the provided Criminal Procedure Law and Penal Law sections. The employer will provide copies and/or access to the sections that are cited and training.

In the daily occurrence of performing their job duties and to protect themselves and the public, it may become necessary to conduct an arrest with or without a warrant.

Officers require specialized training and skills to perform arrests in as safe a manner as possible.

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## **DEFINITIONS:**

### **ARREST**

To take or hold a probationer and/or suspected criminal with legal authority based upon a warrant issued by a court or upon reasonable suspicion that a probation violation and/ or crime has occurred.

#### **Performing Arrests**

1. Only officers specifically authorized by the Director may carry out arrests.
2. Arrests will be done with a partner(s) whenever possible and with department issued / approved equipment.
3. Transport of the offender will be in a county owned vehicle or police car. The use of personal vehicles to transport offenders is strictly prohibited.
4. Offenders will be handcuffed behind their back at all times, unless a medical condition exists that would necessitate the offender be handcuffed in the front. When transporting offenders, leg shackles will be used whenever available.
5. Offenders will be supervised by the probation officer until custody is transferred to the Court, police or correctional facility.
6. Officers will conduct themselves professionally and refer to the offender by his / her name or as sir, miss or madam.
7. The use of force will be governed by Article 35 as prescribed by the State of New York and will be dictated by the mitigating factors at the time of arrest. The use of force will be governed by the departmental force continuum policy.
8. Officers need to act reasonably when deciding to make arrests to avoid placing themselves and the public in unnecessary danger.

### **AFTER ARREST**

Immediately after arrest, the health of the officers involved and the arrestee will be evaluated for medical treatment. In the event of an injury or health problem, medical attention is to be prioritized. If immediate medical treatment is needed, emergency medical services will be called to the scene as soon as possible.

When an arrest is made involving a warrant, the offender will be processed without unnecessary delay and will be brought before the court where the warrant is returnable. If the warrant is returnable to a superior court and that court is not available, the offender may be brought to the local correctional facility of the county to be detained there until no later than the commencement of the next court session.

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If the warrant is returnable to a local criminal court, and such court is not available, the executing officer must without unnecessary delay bring the defendant before an alternate local criminal court as provided in CPL section 120.90.

When an arrest is made on a juvenile delinquent or PINS every effort will be made to contact the parent and/or legal guardian of the youth immediately. The youth will be processed in accordance with the Family Court Act without unnecessary delay and be brought before the court where the warrant is returnable.

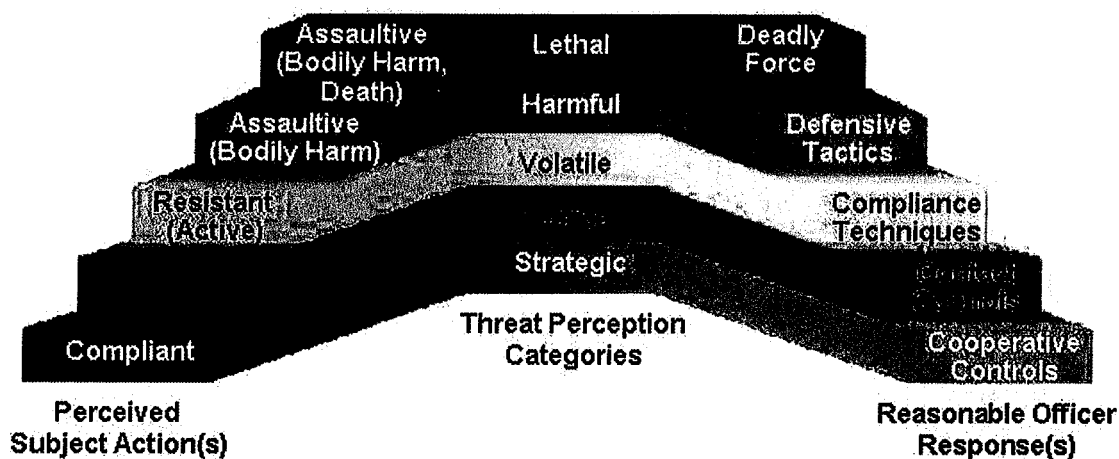
Any arrest must be documented in the case notes and a supervisor notified no later than the end of the business that the arrest occurred on.

**USE OF PHYSICAL FORCE AND / OR DEADLY PHYSICAL FORCE**

Any officer that exercises the use of Physical Force and/or Deadly Physical Force will be required to provide a written statement regarding the incident at the request of the Director and/or Designee. The statement will be provided at the time it is requested.

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## POLICY: VISUAL FORCE CONTINUUM (Revised: 06/04/2014)



### USE OF FORCE FACTORS

The amount and degree of force which may be exercised will be determined by the surrounding circumstances including, but not limited to:

- The amount of resistance, both physical and verbal, displayed by the subject against whom force is used;
- Action by third parties who may be present;
- Physical odds against the Officer; or
- The feasibility of alternatives

### LETHAL FORCE

Lethal force is any force that is intended to, or likely to cause death or serious bodily injury. The use of a firearm is ALWAYS the use of lethal force.

### LESS LETHAL FORCE

Less lethal force is that amount of force that will generally not result in serious injury or death. It is usually employed as a defensive measure. Officers are issued less lethal police equipment, OC, CED, to provide them with an advantage when fending off or subduing an unarmed assailant.

### POLICY

Policy is a statement of the values of the Department; the objectives and beliefs upon which the application of discretion is based.

### REASONABLE BELIEF

The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.

### RESISTANCE

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Those actions made by the offender that use or threaten to use physical force or violence to prevent arrest/custody.

#### **RULE**

A rule is absolute, and sets forth things or actions which must, or must not, be done. There is no justification for violating a rule.

#### **SERIOUS PHYSICAL INJURY**

Serious physical injury is a bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the function of any bodily member or organ.

#### **1.0 USE OF LESS LETHAL FORCE**

In determining when to use force, officers of the Department are to be guided by the principle that the appropriate amount of force necessary to control the situation is the greatest amount of force that is permissible (see Use of Force above). Any use of force must be justified. Unnecessary use of force can never be justified.

#### **1.1 POLICY**

The use of force is never to be considered routine, is permissible only to overcome resistance or aggression directed against the officer or others, and only in the appropriate amount necessary to effect lawful objectives. Above all, the Orange County Probation Department values the safety of its employees and the public. Likewise, it is vital that officers should use force with a high degree of restraint.

#### **1.2 RULES**

The above policy is the basis of the following rules designed to guide officers in cases involving the use of force.

- Rule 1     Officers shall not use force except to overcome resistance or aggression directed against the officer or others
- Rule 2     Officers shall only use the appropriate amount of force necessary to affect lawful objectives.
- Rule 3     No Orange County Probation Officer shall be authorized to carry less lethal weapons (OC, Taser) until he/she has: (1) been issued a copy of the Department's use of force policy, received NYSDCJS certified instruction, attended Article 35 training and (2) completed annual defensive tactic training provided by a DCJS certified Defensive Tactics Instructor.
- Rule 4     All Orange County Probation Officers will be diligent to complete annual refresher courses as required to remain DCJS certified. The employer will maintain records of certifications and provide training as needed.

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## **USE OF LETHAL FORCE / FIREARMS**

This section sets forth guidelines for Orange County probation officers making decisions regarding the use of lethal force. The guidelines have been developed with serious consideration for the safety of both the officer(s) and the public, and with the knowledge that officers sometimes must make split second decisions in life and death situations. The policy and the rules set forth below will be the standards by which the actions of Orange County Probation Officers will be measured.

The Orange County Probation Department places its highest value on the life and safety of its officers and the public. The Department's policies, rules and procedures are designed to ensure that this value guides officers' use of firearms or any other type of lethal force. Therefore, it is imperative that every effort is made to ensure that each use of lethal force is not only legally warranted, but also rational and reasonable and must be balanced by a system of strict accountability.

### **POLICY**

The use of lethal force is never to be considered routine, it is permissible only in defense of life or serious bodily injury, and then only as a last resort. Above all, the Orange County Probation Department values the safety of its employees and the public. Likewise, it is vital that officers should use lethal force with a high degree of restraint.

- Rule 1     Officers shall use lethal force only when they reasonably believe that the action is necessary to protect himself or herself or another person from imminent death or serious physical injury.
- Rule 2     Officers shall not use lethal force against a fleeing offender except to protect himself or herself or another person from imminent death or serious physical injury, as a direct result of the felon's flight.
- Rule 3     Officers may discharge their firearms only when doing so will not unreasonably endanger innocent persons.
- Rule 4     Officers shall not use lethal force to subdue persons whose actions are destructive to property or injurious only to them unless such actions are an imminent threat of death or serious physical injury to the officer or others.
- Rule 5     Officers shall not discharge their weapons at a moving vehicle unless there is imminent threat of death or serious physical injury to the officer or others and there is no reasonable alternative.
- Rule 6     Officers shall not shoot a firearm while operating a motor vehicle.
- Rule 7     Officers shall not fire warning shots or shoot to signal for help.
- Rule 8     Officers shall not draw or display their firearms unless they reasonably believe there is a threat or probable cause to believe there is a threat to life or serious bodily injury.

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## **POLICY: ARREST POLICY** (Revised: 10/24/2016)

### **DEFINITIONS:**

#### **ARREST**

A seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, especially, in response to a probation violation and/or criminal charge.

#### **POLICY**

Arrests will be made only by officers designated by the Probation Director and only by peace officer staff who have successfully completed all required training for making arrests. When arresting a female probationer, a female officer trained in arrest procedure, must be a participant if available. Following every arrest, a search is required of the person arrested and such person must be handcuffed behind his/her back unless a medical or physical reason is evident and officer safety can be maintained by handcuffing in the front. Transportation of arrested individuals must be done only in department or county vehicle or by police. The use of personal vehicles for prisoner transporting is prohibited. When the arrest involves a Juvenile Delinquent or PINS respondent, the arresting probation officer shall immediately notify the respondent's parent, or other person legally responsible for the respondent's care, or if unavailable, the person with whom the respondent resides.

#### **REASONABLE CAUSE THAT A PERSON OR PROBATIONER HAS COMMITTED A CRIME OR REASONABLE CAUSE TO BELIEVE THAT A PERSON HAS VIOLATED A CONDITION OF PROBATION**

Means the existence of evidence or information which appears reliable, disclosing facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment and experience that it is reasonably likely that someone has committed a crime or that a probation condition was violated and that such person committed the violation.

#### **RETURN OF A RUNAWAY**

Is the authority designated by the Family Court Act, Article 7, to a peace officer, to return a runaway without warrant, to the parent or other person legally responsible for the respondent's care, or, if deemed appropriate, directly to the designated lead agency for a Person In Need of Supervision, Youth Runaway Shelter, approved respite/crisis program or Family Court. Any return of a runaway for which a Family Court Warrant has been issued must be returned to issuing court and/or court designated by the Clerk of Family Court.

#### **REQUIRED TRAINING FOR MAKING ARRESTS**

Includes fundamentals of probation, peace officer training (and certification), Article 35, handcuffing and arrest techniques and any other training directed by the Probation Director.

#### **SEARCH**

For purposes of this section, is an examination of a person and/or his/her property following an arrest with a view toward discovering any items which are illegal to possess or which could comprise the safety and security of arresting personnel

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## **WARRANT**

An order (writ) of a court which directs a law enforcement officer to arrest and bring a person before the judge. The most common forms of warrants related to our functions are Probation Warrants and Bench Warrants which are similar in legal standing.

## **PROCEDURE**

Arrests of probationers are made either through the existence of a warrant issued by an appropriate court or authority granted as a peace officer when there is reasonable cause to believe that an individual under department supervision has violated a condition of his/her supervision, or in the case of a juvenile, has committed a new offense.

Should an officer witness a crime being committed by an individual not under the supervision of the department while performing their special duties as a peace officer, he/she may make an arrest for that offense if they can do so with reasonable cause to believe he/she will not jeopardize the safety of the general public. If either on duty or off duty and confronted with a situation where an individual is committing an offense that could result in serious physical injury and/or death of another person, officers are authorized to intervene with appropriate force to end such an attack and effectuate an arrest of the perpetrator.

Upon the arrest of a Juvenile Delinquent for a new offense, the probation officer shall either, upon the issuance of an Appearance Ticket, release the respondent to a parent or other person legally responsible for the respondent's care, transport the respondent directly to the Family Court, or, after court hours, transport the respondent to the designated detention facility. When a Juvenile Delinquent is charged reasonable efforts will be made to return the juvenile to their residence when allowed by law. If detention is necessary due to the severity of the offense or other reasons a Detention Risk Assessment Instrument must be performed as part of the admission criteria.

Officers must identify themselves prior to making an arrest whenever feasible and show proper credentials for identification purposes. They must also inform the subject of the reason for which they are being arrested. It is preferable to inform the subject prior to being taken into custody, but if that is not viable due to officer safety and public safety, the arrestee must be informed immediately after being detained and secured.

Whenever an officer has prior knowledge that there is an existing warrant for a probationer, every effort will be made to plan in advance in consultation with a supervisor and/or experienced officer. All efforts will be made to maximize the safety of the officers and general public.

Whenever possible, probationers will be taken into custody in a location that minimizes exposure to the general public and other probationers. Every effort will be made to secure the area around the probationer to limit the risk of flight.

Officers are authorized to activate their Conductive Energy Device (Taser) and pepper spray and free them from the holster prior to taking the probationer into custody, as long as they are aiming safely towards the ground until such a time as the probationer begins to resist arrest.

When in public areas, restraint should be used when deploying pepper spray so as not to contaminate the general public and/or probationers in the general vicinity.



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Officers must only show or use the amount of force they reasonably believe to be necessary when making an arrest. Any use of force and or use of weapons must comply with department policy and guidelines.

Every effort will be made to ensure the safety of officers when making arrests. This includes restraining the arrestee in handcuffs behind the back whenever possible. The arrestee should be searched immediately after being restrained in handcuffs and the area of the arrest should be secured and swept for other persons and/or weapons as soon as possible. Should the arrestee attempt to flee and/or resist arrest and/or act in a way that could injure an officer, enhanced restraints or techniques may be utilized. Searches should be completed by an officer of the same gender as the suspect whenever possible.

The use of force during an arrest is governed by Article 35 of the New York State Penal Law and departmental policy regarding the use of force continuum.

#### **POST ARREST**

Officers must be aware that following an arrest they are legally responsible for the safety of the arrestee, any victims that are present and any bystanders in the vicinity. All efforts should be made to keep victims and offenders separated until the offender is transported away from the scene.

If a new offense has been committed, officers must seize and protect the evidence until it can be turned over to a police department with jurisdiction over the geographic area where the offense was committed or to the District Attorney's office.

Arrestees shall be transported either in a probation vehicle or police vehicle. Use of personal vehicles to transport arrestees is forbidden. Arrestees shall be restrained in seat belts and put in the back seat of the car.

Officers will document any arrest on a New York State Arrest form a blank copy of which can be found at

[REDACTED] A blank copy of this form is also located in our public drive.

If after an arrest, there is insufficient grounds for charging an arrestee, the individual may be released under the following conditions:

1. A supervisor approves the release
2. The arrestee will be released in a safe area and / or transported to a safe area
3. The reasons for release will be documented in the case file / notes.

If an arrestee is in custody for an extended period of time, reasonable requests to use a bathroom must be considered so long as the area is secured. Restraints may be modified to allow for bathroom use so long as they do not reasonably compromise officer and public safety. Water and snacks should be provided to the arrestee if they so request when being detained for a long period of time.

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### **MEDICAL CARE OF ARRESTEES**

Appropriate medical care should be given to any arrestee in apparent need of such care due to illness and / or injury. An ambulance or mobile medical team should be called to the scene to assess the medical condition of the arrestee and provide any needed care. Whenever the medical professional has determined that an arrestee needs to be transported to a medical facility, the officer must comply with that determination and should either accompany the arrestee in the ambulance or follow them to the medical facility. The ambulance and / or arrestee should not leave the sight of the arresting officer whenever possible, until custody is transferred to the appropriate police agency or correctional facility.


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## POLICY: CHEMICAL AGENT: USE AND REPORTING RESPONSIBILITIES

### PURPOSE

To establish a uniform policy for this department for the possession and use of Oleoresin Capsicum (OC) and to provide an outline of safety procedure, and a system of reporting any discharge of the product.

### POLICY

1. OC is provided by the department to be carried and used while on duty and performing departmental functions.
2. The discharge of OC is to be done as prescribed in NYS Article 35, within training parameters and in accordance with the departmental use of force continuum. Particular attention is to be paid to the age and health of the subject, proximity to the individual and wind conditions.
3. Only officers who have successfully completed OC training requirements of NYSDCJS and the department shall be issued OC.
4. All staff carrying OC are required to complete annual training as required by NYSDCJS and the department. Should certification expire, the officer will relinquish their OC until they meet requirements.
5. 
6. Officers dispensing OC will handcuff and provide water for decontamination to the subject as soon as possible.
7. On site medical treatment will be provided if deemed necessary by the officers or requested by subject.
8. Officers will document their use of OC by the end of the business day on the current form as provided by the department.

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## **POLICY: CONDUCTIVE ENERGY DEVICE/CONDUCTIVE ELECTRICAL WEAPON (TASER): USE AND REPORTING RESPONSIBILITIES** (Rev. 05/18/2017)

### **BACKGROUND**

A Conductive Energy Device is a less lethal device used to incapacitate subjects by discharging an electronic current into the subject via two wired probes. The X2 CED deploys cartridges one at a time. It is possible to apply energy beyond the initial burst to a deployed cartridge without deploying the remaining cartridge. It also is possible to apply a Warning Arc display or drive-stun without deploying any of the cartridges loaded in the CED.

### **POLICY**

A CED will be deployed by such officers trained in their use as described in the procedure below. A CED may be used when it is necessary to gain control of a person, who poses a risk of injury to himself, probation officers or others. A CED may be used in situations where attempts to gain control of a person by techniques that require close range engagement may not be feasible.

### **DEFINITIONS**

CED is more commonly known as a TASER.

### **PROCEDURE**

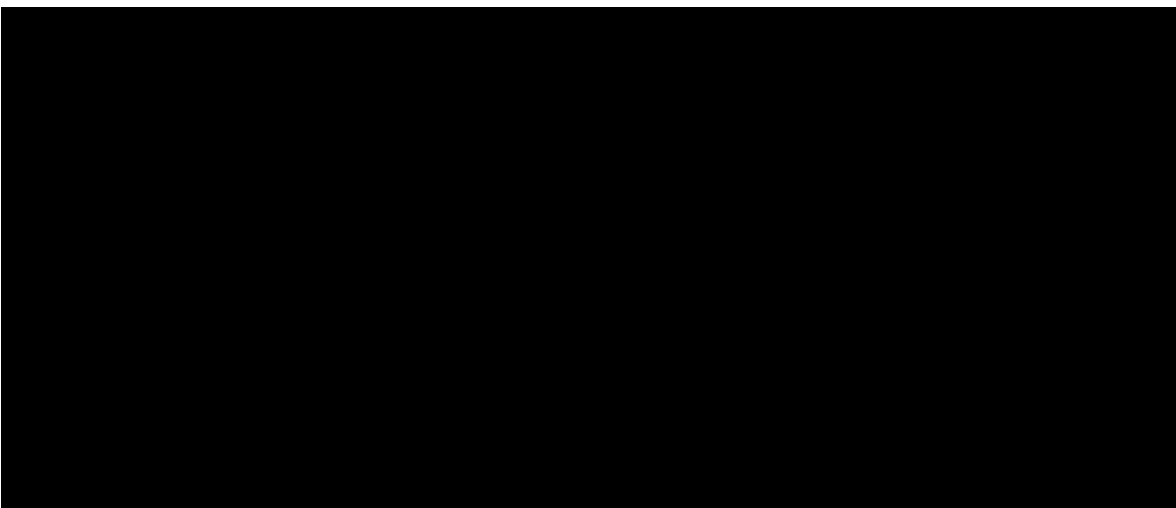
#### **A. PRE-DEPLOYMENT RESPONSIBILITIES**

Officers assigned a CED are responsible for maintaining the device's operational readiness in accordance with the manufacturer's guidelines. Therefore, each officer assigned a CED shall:

1. Store the device and extra cartridges in the issued holster or case;
2. Inspect the Power Magazine Battery Pack to confirm it is clean and free of damage and ensure the battery has an adequate charge;
3. Check the expiration date and condition of the CED cartridges and ensure the cartridges are loaded correctly;
4. Conduct a spark test each day that the CED is being utilized;
5. Report expired, damaged or otherwise deficient CED's in a written report to their immediate supervisor and take same out of service and deliver to the Probation Director/Designee as soon as practical and the Probation Director/Designee shall facilitate all necessary CED service and repairs.

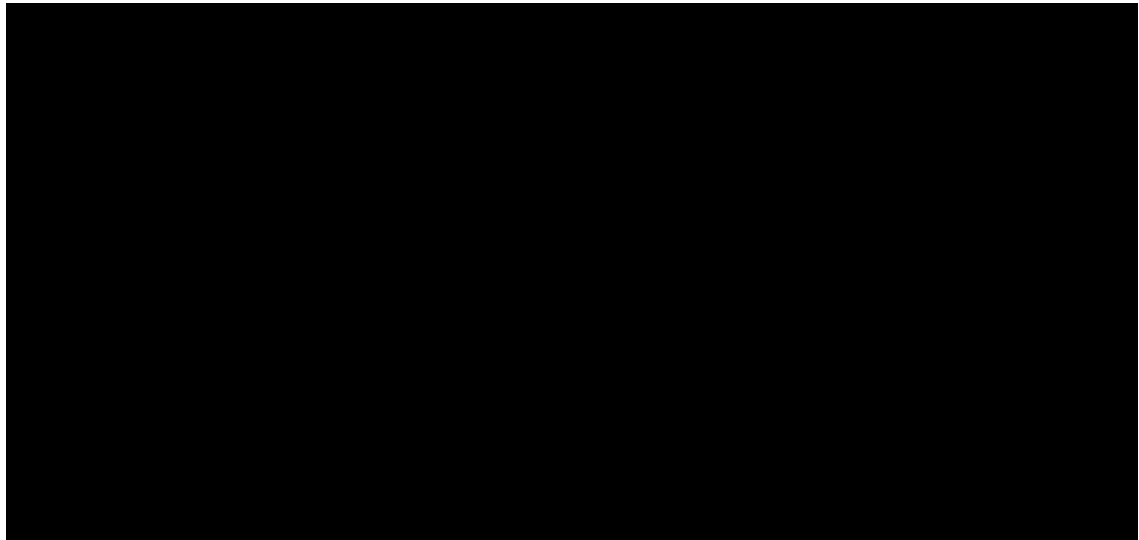
#### **B. DEPLOYMENT OF CED's**

**A CED shall be used only by officers who have been trained by the Department in the use of such CED and approved by the Director/Director Designee. Such officers shall use a CED in a manner consistent with Department orders and training guidelines.**

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5. A CED shall not be used to solicit information from any person.
  6. A CED shall not be used to gain compliance from or control over subjects who are not presenting an immediate threat to the safety of the officer, the subject or another person.
  7. A CED shall not be deployed against a subject restrained by handcuffs or other means unless the subject presents an immediate threat to the safety of the subject or another person.
  8. Officers shall not use a CED if they have reason to believe that:
    - a. The subject has been exposed to flammable liquids;
    - b. Such use would occur in a flammable or explosive environment (such as a methamphetamine lab); or
    - c. The subject could fall from a significant height or into a pool, river or other body of water wherein a risk of drowning exists.
  9. When activating a CED, the officer shall use the minimum activations necessary to gain control over the subject.
  10. An effective alternative to a CED should be considered before electing to use a CED against a subject who is obviously pregnant, elderly or a child.

#### **C. TACTICAL CONSIDERATIONS**

1. When an officer determines that the CED should be utilized, given the circumstances, the officer should consider assembling a sufficient number of people to assist with taking the suspect into custody, if possible.



4. If officers encounter a dangerous animal such as dog and reasonably believe they are in danger of being attacked they may deploy the CED to repel such an attack in accordance with the use Guidelines outlined in this policy.

**NOTE:** If under any given circumstances, an officer believes that he or she must take immediate action, nothing in this policy prohibits such officer from deploying and firing a CED without requesting or having the presence of additional officers.

#### **D. RESPONSIBILITIES AFTER A CED DISCHARGE**

1. Any activation of a CED against a person shall be promptly reported to the officer's immediate supervisor
2. After an officer has discharged a CED, such officer for (or any other officer acting on behalf of such officer) shall:
  - a. Ensure the subject's injuries, if any, are treated.

**NOTE:** Only medical personnel may remove probes that are embedded in a suspect's eyes, genitals, bones or dangerous areas such as near arteries in the neck. With the suspect's consent, probes may be removed from other areas of the body. If the suspect refuses consent or is unable to give such due to being injured or otherwise impaired, the removal must be done by medical personnel.

- b. Ensure whenever possible that any discharged cartridges, probes and a sampling of Anti-Felon Identification Tags (AFIDS) that are discharged with the probes are collected as evidence and properly submitted to the Probation Director/Designee.

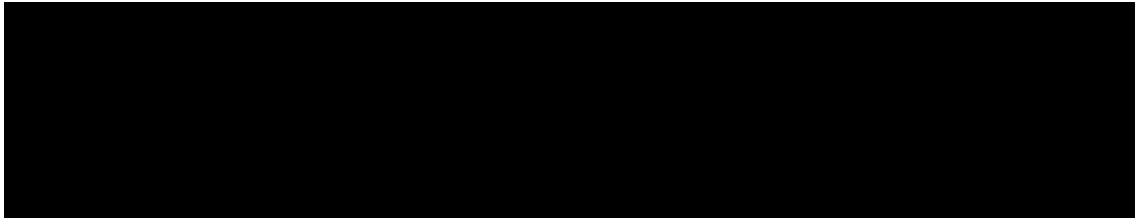
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- c. Ensure probes are handled and packaged for the Probation Director / Designee as bio-hazardous “sharps”.
  - d. Facilitate delivery of the CED to the Director / Designee for data download.
  - e. Take photographs of probe impact sites and any other injuries, if possible.
  - f. Take photographs of the expended CED cartridges and probes; and
  - g. Complete a detailed written report on current departmental form regarding the incident and the use of the CED and forward to their immediate supervisor.

#### **E. UNAUTHORIZED DISCHARGE**

Any unauthorized discharge of a CED cartridge shall be immediately reported to the immediate supervisor (or in their absence another supervisor) of the person discharging the cartridge. In addition:

1. The circumstances surrounding the accidental discharge of a CED cartridge shall be documented in a written report; and
2. The CED and any involved cartridge(s) shall be submitted to the Probation Director/Designee for inspection.

Any discharge of the CED other than CED training will be reviewed by the Probation Director/Designee.



#### **RESPONSIBILITY AND ACTION**

##### **Probation Director**

1. Ensures designated staff members requiring CED qualification training receive such training from individuals certified by DCJS-the Bureau of Municipal Police.
2. Makes final determination and has the final authority on whether members of department staff are authorized to carry a CED.
3. Issues approvals, in writing, to individuals for carry on-duty, including designation of authorized CED, cartridges and holster.

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4. Recommends and advocates for a training budget that contains sufficient funding for annual CED training and re-qualification for carry.
  5. Designates staff members to undergo training as instructors.
  6. Takes immediate action on any and all violations of CED policy and procedure reported.
  7. Ensures training is provided for any and all legal requirements relative to possession and use of CED.
  8. Where CED is ordered and/or required to be surrendered, verifies such surrender has occurred (i.e., allegations of DV or criminal activity) for any CED possessed by the officer.
  9. Ensures sufficient locked storage is available at any sites where CED's are stored.

#### **Probation Supervisor**

1. To understand and implement the policy as prescribed above.
2. To ensure reports are filed as per policy instructions.
3. To monitor employee conduct and bring any concerns regarding the possession of a CED by an officer to the Probation Director.

#### **Probation Officer**

1. Cooperation in undergoing any psychological or medical examinations directed by the Probation Director.
2. Attends all mandatory training as scheduled and/or any make-up training as necessary.
3. Advises a supervisor or the Director of any discharge within 24 hours and submits a detailed report of the circumstances regarding the discharge of the CED and the use of physical force/deadly physical force.
4. When carrying an issued CED, the officer uses the CED for defensive use only, consistent with departmental training and New York State law.
5. Surrenders the issued CED possessed when specifically directed to do so by the Probation Director, or when specifically required by department procedure.
  - a. Notifies the Probation Director immediately of any acts constituting domestic violence for which being investigated or charged.



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- b. Notifies the Probation Director of any changes of health status or requirements to take medication that could have a physical or mental effect on functioning both with an issued or other authorized CED. If CED is surrendered, must provide medical documentation in order to be re-armed, if requested.
  - c. Produces any receipts verifying surrender when requested by the Probation Director.
6. It is the responsibility of the officer to provide maximum security for the CED in his/her possession. [REDACTED]

7. [REDACTED]

8. [REDACTED]

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## **POLICY: FIREARMS GUIDANCE AND POLICY MANUAL** (Revised: 09/08/2020)

A guidance and policy manual to assist officers in understanding the proper procedures to enhance their work practice, maximize safety and ensure compliance with applicable laws and policies.

### **GENERAL STATEMENTS AND PRINCIPLES**

The department is authorizing certain qualified sworn staff the opportunity to carry a firearm in order to provide them with an additional safety tool while performing their official duties. This is in recognition of the difficult and often dangerous work being performed by officers on a daily basis. It is understood that the introduction of firearms into our work routines raises the level of responsibility of all staff whether they are armed or not.

All staff can request to carry a firearm. All requests will be made to the director in writing on a form provided by the department.

### **RULES AND RESPONSIBILITIES**

The department bears the responsibility to provide and pay for any mandated equipment and all training/associated costs related to the firearms as well as ensuring all staff receive accredited training to meet state standards as prescribed by the NYS Department of Criminal Justice Services (DCJS) and Municipal Police Training Council (MPTC).

No staff may carry a firearm without written authorization from the Probation Director. All staff wishing to carry a firearm must complete a psychological exam which is provided and paid for by the department.

Authorization to carry a firearm can be revoked immediately at any time by the Probation Director/designee for any reasonable issue regarding work performance, violations of the Code of Conduct, or other behavior deemed to be indicative of potential safety risks or that adversely affects the integrity and/or professional reputation of the department. Revocation of permission to carry a firearm will be issued in writing by the Director or designee detailing the reasons within three business days of surrender/confiscation.

All staff must surrender their firearm or any other equipment immediately if instructed either verbally and/or in writing by a supervisor or the Director/designee.

Use of force and deadly force including firearms is dictated by NYS Penal Law Article 35 and the use of force continuum as stated in departmental policy. It is the responsibility of the staff member to ensure they are aware of current laws and policies.

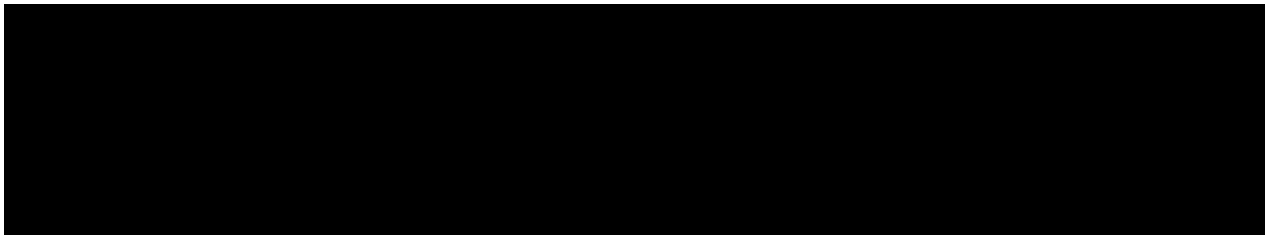
It is the responsibility of the probation department to provide information and training/accredited training that provides staff with knowledge of the current laws and policies and arrange for participation in DCJS/MPTC certification/recertification.

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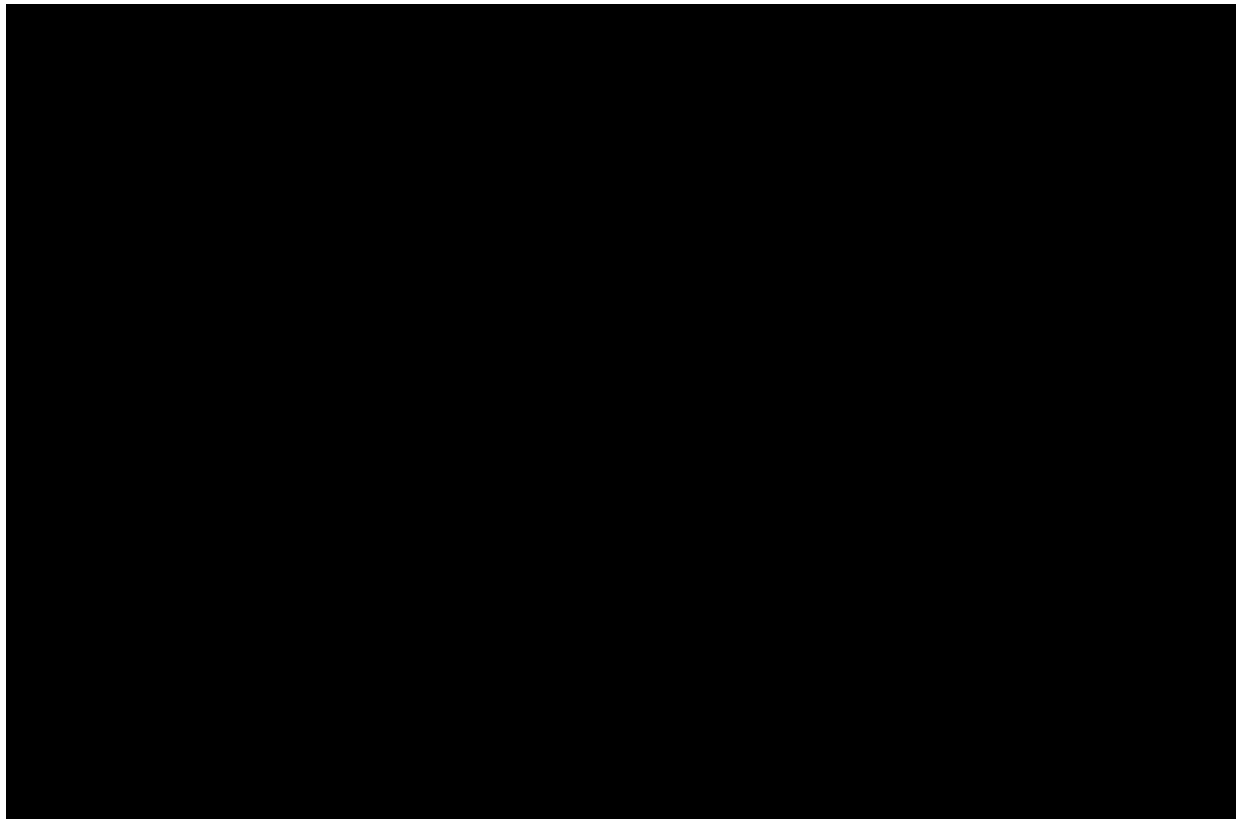
The employee is responsible to attend certification/recertification for DCJS/MPTC accreditation with the understanding that such training can only be provided on dates on which a shooting range and certified instructors are available. All employees must pass the initial firearm certification and recertify annually irrespective of whether they carry a firearm.

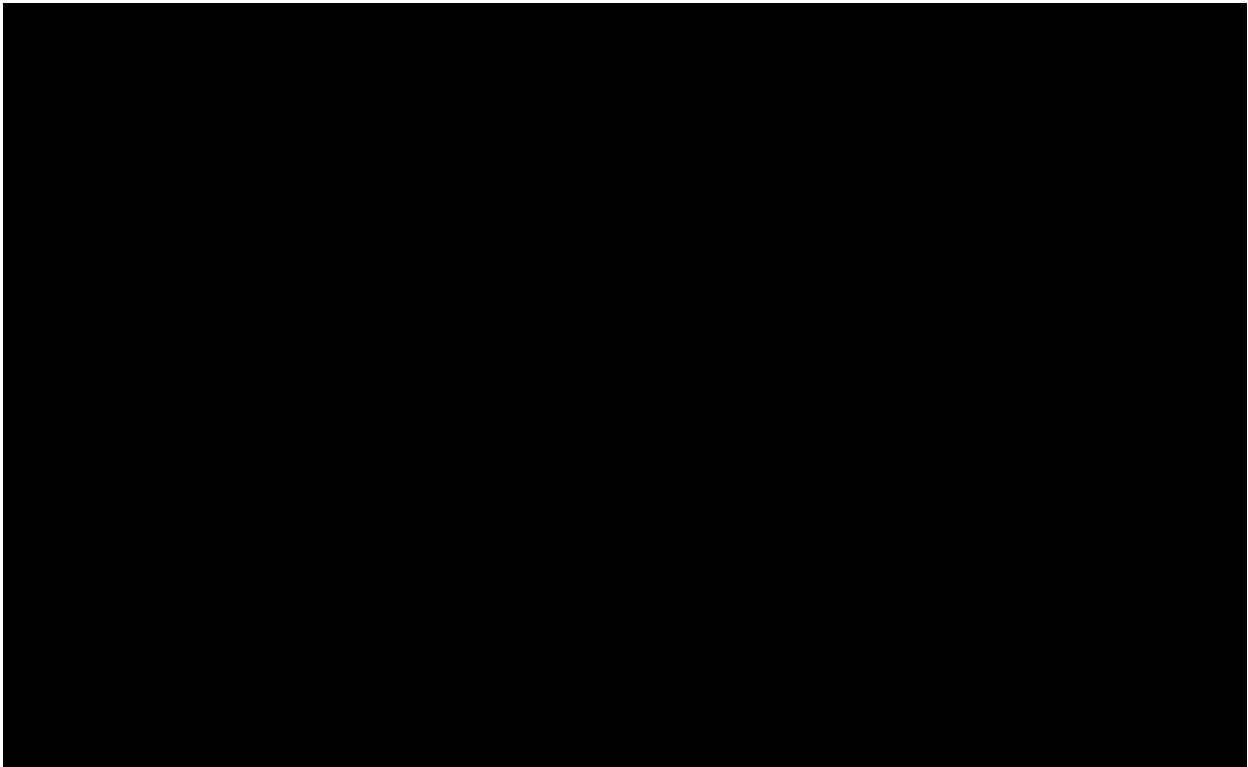
The employee bears the responsibility to meet the guidelines and requirements imposed by the department to carry a firearm, including, but not limited to: successful completion of any required training, physical conditioning, safe fire arm practices, safe storage and retention of the firearm, proficiency in use and keeping the firearm in good working condition through proper maintenance.

Carrying a firearm other than a department issued firearm while on duty is prohibited. Carrying the department issued firearm at any secondary employment is prohibited. Purchase and carrying of a personally owned firearm possessed by virtue of peace officer status is prohibited and is allowable only after completion of the pistol permit process in the locality in which the employee resides.

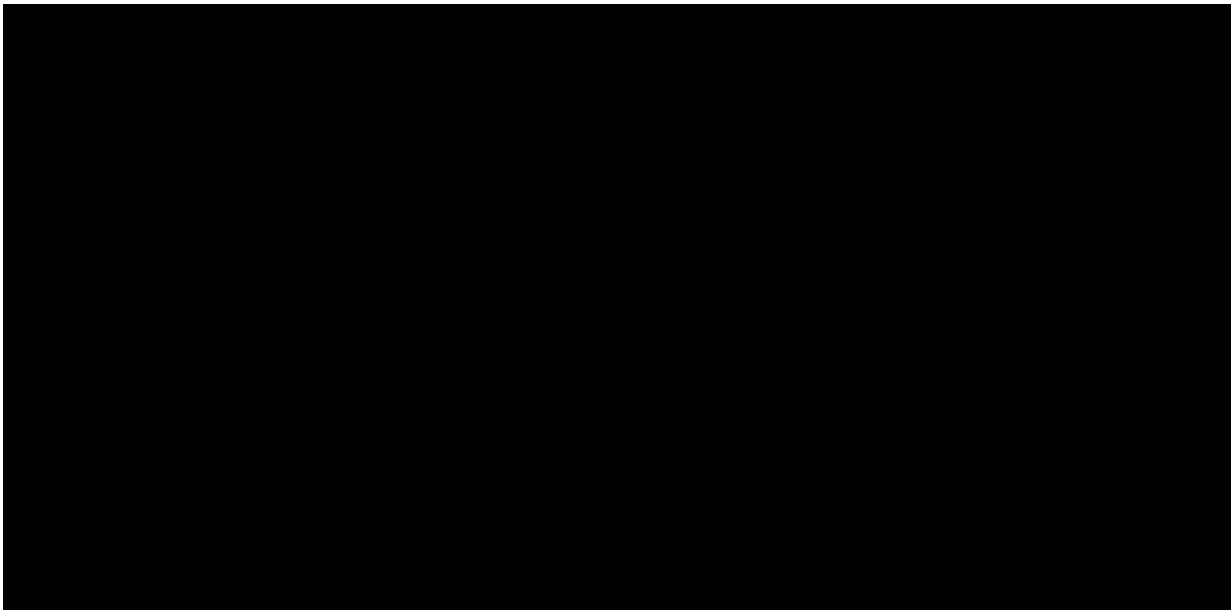


#### **SAFETY PRECAUTIONS AND CONCERNS**





**FIREARMS AND AMMUNITION**



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## **DOMESTIC VIOLENCE AND THE CARRYING OF FIREARMS**

Domestic Violence is an act or pattern of emotional, mental or physical abuse occurring between individuals who:

1. Are related by blood or affinity;
2. Are legally married to one another;
3. Were formally married to one another regardless of whether they still reside in the same household;
4. Have a child in common regardless of whether such persons have been married or have lived together at any time; or
5. Are not related by blood or affinity and who are or have been in an intimate relationship regardless of whether the relationship is sexual in nature.

Should an officer be charged with a domestic violence offense, either through a New York State Penal Law offense and/or Family Offense Petition and/or similar statute in another state, they must notify the Director/Designee immediately and surrender their firearm. Officers must notify the arresting officer when charged, that they are in possession of a department issued weapon either on their person or their property and turn their weapon over to the arresting officer voluntarily at that time, if circumstances allow.

The Director/Designee has sole discretion to determine if an officer charged with an offense had the opportunity and/or ability to voluntarily surrender the weapon to the arresting officer.

### **ARRESTS**

An officer arrested for any type of offense is required to notify the department immediately and surrender their weapon.

Notification of arrest will be done via phone call to the Director/Designee, supervisor or in person, if possible. Officers will be provided with cell phone numbers of the Director/Designee and supervisors.

### **ANY VIOLATION OF THE DOMESTIC VIOLENCE OR ARREST PROVISIONS OF THIS POLICY MAY BE PUNISHED BY TERMINATION OF EMPLOYMENT.**

### **CARRYING**

Officers may carry only in a department approved holster, either in a concealed or plain view manner, while on duty.

It is imperative that officers maintain control of their weapon for the safety and safety of the public.

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## **TRAINING AND CERTIFICATION**

Training is to be conducted by certified firearms instructors as defined by the New York State DCJS/MPTC.

All officers must train and maintain accreditation under DCJS/MPTC regulations whether they carry a firearm or not while working. Initial firearms training currently requires a 40-hour course and two qualifying scores to achieve accreditation.

Annual recertification requires that one qualifying score be achieved to meet state minimum standards, but departmental policy requires that two qualifying scores be posted every calendar year.

Officers will be given four opportunities to post two qualifying scores during each range session that is available. Should they fail to achieve any qualifying scores, they will be required to surrender their weapon to the department and enter into remedial training provided by the department until they achieve a passing score. Should they post one qualifying score at recertification or remedial training, their firearm may be returned to the officer with the understanding that they need to post a second qualifying score by the end of the calendar year or surrender their weapon until they meet the prescribed standard.

## **OFFICER INVOLVED SHOOTING**

The first priority of business after an officer involved shooting is to secure the individual, the scene and any weapon(s) used by the arrestee.

The second order of business is to get immediate medical attention for anyone that needs it, including the perpetrator(s).

Any discharge of a firearm, other than during practice and/or qualification/requalification on an approved range, must be reported immediately to a supervisor, up through the chain of command to the Director.

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A written statement will need to be provided by an officer to the Director within 24 hours, unless medically unable to do so. The statement must be signed and dated by the employee. In recognition that the officer may have been exposed to significant trauma during a shooting which could affect their memory, an officer may amend their statement for an additional five business days after the completion of the initial report.

Any officer involved in a shooting will immediately turn over their firearm and ammunition to the Director/Designee. The Designee will provide a receipt to the officer for the weapon and the remaining ammunition.

#### **WEAPONS REVIEW BOARD**

A Weapons Review Board is comprised of at least three staff members appointed by the Probation Director to review all officer involved shootings, including accidental discharge.

All members of the Review Board must have current accreditation to carry a firearm and be in good standing in the department.

The Board is responsible for reviewing all incidents or situations involving firearms referred by the Director of Probation. Following review, a written recommendation will be forwarded to the Director.

#### **FIREARM MAINTENANCE**

All firearms will be maintained in good working order at all times and may be requested by the administration for inspection at random.

Officers are to practice when possible with their firearms and report any mechanical issues to the Director who will notify the department armorer(s) for inspection and repair. Officers must report the loss, theft or damage of a firearm immediately to a superior.

#### **PHYSICAL AND MENTAL HEALTH STATUS OF THE OFFICER**

If we expect the public to trust us with their safety and be armed for our own safety, we must accept that it is our responsibility to maintain good physical and mental health. To accomplish this goal, the department reserves the right to refer any officer carrying a firearm to submit to an independent physical and/or mental health evaluation.

Any drug or alcohol testing will be done within the parameters of the Collective Bargaining Agreement between the County and the CSEA.

Officers carrying firearms may be referred to any type of mental health assessment / consultation / session at any time by the Director/Designee. Refusal to participate will automatically result in the confiscation / revocation of permission to carry a firearm.

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## RETIRED OFFICERS

HR218, the Law Enforcement Officers Safety Act authorizes retired Peace Officers to carry a firearm provided the retired officer:

1. Retired in good standing for reasons other than mental instability;
2. Was authorized by law to supervise, investigate, as well as, having statutory powers of arrest before such retirement;
3.
  - a. Was regularly employed as a law enforcement officer for an aggregate of 15 years or more before such retirement, or
  - b. Retired from service, due to a service-connected disability, as determined by the department;
4. Has met the State's standards for training and qualifications for active law enforcement officers to carry firearms during the last 12 months, at his/her own expense from a private vendor;
5. Is not prohibited by Federal Law from receiving a firearm.

## PRACTICAL GUIDANCE

1. Officer safety is dependent on a multitude of factors, but the single largest factor under our control is consistent recognition and assessment of our location and the people in that location.
2. Weapons proficiency is a must for both officer and community safety.
3. Practice will improve proficiency and lack of practice will lower proficiency.
4. Gun safety must have no compromise. Methodical safety procedures utilized every time a firearm is handled guarantees against accidental discharge.
5. The department and the public expect you to be sure you are engaging the correct target, so be sure before you fire.
6. It is essential to know your distance and backdrop before firing.
7. You must exercise your mind, as well as, your mechanics to respond appropriately during encounters that require the use of force. The ability to stay calm and in command of your thoughts during high adrenaline encounters will greatly assist you in making the best decision possible.
8. Avoid unnecessarily dangerous circumstances when possible in non-emergent situations. Better planning and execution should always be the first choice when possible.



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9. Stay physically and mentally fit in order to achieve the best possible outcomes in dangerous situations.
  10. GET HOME SAFE AND SOUND!