

CHAPTER 14: COOPERATION WITH OTHER AGENCIES

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1.0 COMMUNITY RELATION OBJECTIVES – COORDINATION AND RESPONSIBILITY OF ALL PERSONNEL

1.1 POLICY

To advise and inform the public about topics such as crime prevention through environmental design (CEPTED), personal and property safety and police/community activities and events that project a positive image and advance confidence in the department with the goal of improving the quality of life in the City of Buffalo.

1.2 RESPONSIBILITY

- A. The Deputy Commissioner of Operations is responsible for Community Relations in the Buffalo Police Department. He/she may, however, designate specific projects to specific persons or units with the Department.
- B. All requests for speeches, appearances, instruction, etc., by Departmental personnel will be referred to the DPC of Operations or his/her designee for assignment.

1.3 ROLE OF PERSONNEL

- A. Community Policing is a philosophy adhered to by all members of the Buffalo Police Department. All personnel should project a positive image and become involved in community needs. The conduct of each member reflects on the Department as a whole.
- B. The Buffalo Police Department is involved in many community projects, including but not limited to:
 - 1. Demonstrations at/for Buffalo schools, Block Clubs, Faith based and Community organizations, New Americans' community groups, etc., on topics which includes:
 - a) Burglary prevention
 - b) Auto theft tips
 - c) Holiday safety
 - d) Personal safety
 - e) Gangs
 - f) Drugs
 - g) How to use 911 and 311
 - h) Car seat safety
 - i) What to do when stopped by the Police
 - j) How to form a block club
 - 2. Annual "Community Days" held at all District station houses
 - 3. Monthly Chief's meetings open to the public at all Districts

4. Neighborhood Crime Watch training
5. Community Police Academy and Landlord/Tenant training classes through the Mayor's Office of Community Services.

2.0 COOPERATION WITH OTHER ORGANIZATIONS

2.1 POLICY

As a law enforcement agency, the Buffalo Police Department is often required to provide information and services to other organizations in the community. These organizations very often provide the Department with information and services as well. The interdependent relationship between the Department and these organizations requires cooperation and courtesy. It is the policy of the Buffalo Police Department to cooperate with these other organizations to the extent possible and to foster courteous and harmonious relations with them.

3.0 DEPARTMENTAL ORGANIZATIONS

3.1 POLICY

Within the structure of the Buffalo Police Department are several civilian organizations that are designed to enhance the Department's ability to provide quality law enforcement services to the community. The members of these organizations are concerned unpaid civilians who have volunteered their time and effort for the good of the Department. It is the policy of the Buffalo Police Department that all Department employees be courteous and cooperative when dealing with members of these organizations.

3.2 CITIZEN ADVISORY GROUP

The Citizen Advisory Group is an organization of civilian volunteers which acts as a liaison between the Commissioner and citizens. Members represent a cross section of the city and are responsible for advising the Commissioner concerning pertinent issues involving the Department and the community.

A. Youth Police Academy

The Youth Police Academy is a program sponsored by the Citizen's Advisory Group - Youth and Police Committee. It is a one-day training session designed to introduce seventh and eighth grade students to law enforcement issues that have special relevance for the youth of the community.

3.3 CITIZEN POLICE ACADEMY

The Citizen Police Academy is a ten-week training session operated by the Buffalo Police Academy. It is designed to introduce citizens to the operations and functions of law enforcement. The goal of the program is to foster understanding through education.

3.4 BLOCK CLUBS

Block clubs are civilian organizations made up of groups of people living on a specific city block or living in a defined geographic area. The purpose of these clubs is to deal with persistent community problems with which the neighborhood is confronted.

4.0 CITY/MUNICIPAL AGENCIES

4.1 POLICY

The municipal agencies of the City of Buffalo are all designed to provide services to those people living, working and visiting the City. To provide the highest quality of services, it is the policy of the Buffalo Police Department to fully cooperate with each of these other municipal agencies as they perform their respective duties.

4.2 BUFFALO BOARD OF EDUCATION

A. Emergency Notifications

In case of an emergency involving a school under the jurisdiction of the Buffalo Board of Education, either the Engineer, Assistant Principal or Principal shall be notified by the District concerned. The business file of each District must be kept current and it must contain the names, locations and telephone numbers of all schools within the District. It must also contain a roster of personnel to be notified in case of emergency and the address and telephone number of each such person

B. Protecting School Property

Refer M.O.P. Chapter 8.

4.3 CITY CLERK

Among other duties, the City Clerk is the City Records Disposition Officer. No Department records may be destroyed without the approval of the City Clerk.

4.4 BUFFALO CITY COURT

City Court has original jurisdiction of all offenses committed within the City of Buffalo and trial jurisdiction over all offenses other than felonies. It handles landlord/tenant disputes, housing code violations, small claims court matters and it exercises jurisdiction over civil matters as prescribed in the Civil Practice Rules and Procedures. Within the City Court Building can also be found:

A. The City Marshals' Office

B. Victim/Witness Protection

C. The Warrant Clerk's Office.

4.5 DEPARTMENT OF ADMINISTRATION AND FINANCE

The following divisions are part of the Department of Administration and Finance:

A. Division of Budget and Management

The annual Police Department budget must be submitted to the Budget Division for approval. The Budget Division will also assist in reallocating funds and positions as it becomes necessary throughout the budget year.

B. Division of Administrative Adjudication

The Division of Administrative Adjudication shall have the jurisdiction to conduct proceedings for the adjudication of code and/or ordinance violations regarding conditions which constitute a threat or danger to the public health, safety or welfare for which civil penalties may be imposed.

C. Division of the Treasury

The Division of the Treasury is responsible for collecting all taxes and fees owing to the City of Buffalo and for issuing Department paychecks.

D. Department of Parking

The Parking Violations Bureau is responsible for enforcing parking regulations, collecting fines, towing and storing vehicles and conducting hearings.

4.6 DEPARTMENT OF HUMAN RESOURCES

Refer to M.O.P. Chapter 10. This Division also handles workmen compensation claims, health insurance, medical benefits and retirement.

1. The division is responsible for classifying positions, establishing minimum qualifications, testing candidates, certifying eligibility lists, assessing fitness for duty and in some circumstances, hearing appeals.

4.7 DEPARTMENT OF PERMITS AND INSPECTION SERVICES

The Department of Permits and Inspection Services is the unit responsible for issuing licenses and permits which are required by the City Ordinances. Police Department members shall refer to the specific provision in the City Ordinances to determine the necessity of, and the procedure for, obtaining licenses and permits.

1. Investigation of Applicants

Prior to the issuance of specific types of license and permits the Director of License may require a police background investigation. Upon receipt of such application from the Police commissioner's Office, a Captain assigned to the District shall cause an investigation to be made. The investigation shall be limited in scope to:

- a. The character, record and reputation of the applicant,
- b. His/her method of conducting business, and
- c. His/her compliance with the law.

Whenever a condition is detected that falls within the purview of another agency, that condition shall be noted in the investigation report with a request that the matter be referred to the proper agency for further action.

2. Reports Required

Upon completion of the investigation, Captains assigned to the District shall either approve or disapprove and shall sign his/her name before forwarding the application to the Commissioner's Office. If the application is disapproved, or if any other relevant information needs to be included with the application, the Captain shall prepare a report on Intra-Departmental Memorandum and submit it along with the application to the Commissioner's Office.

3. Captains Responsibilities

Captains to whom license applications are sent for investigation shall be responsible for the completeness and accuracy of related reports.

4. Request for Hearings

Whenever sufficient cause exists, Captains may request, through channels, that a hearing be held by the Director of Licenses to determine if a city issued license should be revoked. Such request shall be made in writing on an Intra-Departmental Memorandum and it shall contain all the facts on which a request for a hearing is based. The report shall be forwarded through to the Commissioner's Office through the chain of command, and the Commissioner's office will forward it to the Director of Licenses.

5. Dance Permits

Refer to M.O.P Chapter 11.

4.8 FIRE DEPARTMENT

The Fire Department is responsible for performing firefighting and rescue operations, providing first aid to injured persons, managing radioactive and hazardous material leaks, and performing fire prevention duties. It conducts arson investigations. Unless otherwise indicated, the Fire Department is the lead agency in the City of Buffalo Comprehensive Emergency Plan.

4.9 DEPARTMENT OF COMMUNITY SERVICES

The following are some of the Divisions within the Department of Community Services:

- A. Division of Senior Services
- B. Division of Substance Abuse
- C. Division for Youth
- D. Division of Disabled Persons Advocacy

E. Division of Youth Court

4.10 DEPARTMENT OF LAW

Legal services required by the City of Buffalo are provided by the Corporation Counsel and his/her staff.

A. Civil Law Suits and Claims

Refer to M.O.P. Chapter 6.

B. Release of Information, City Involved Cases

Employees shall not divulge to any but authorized persons, information concerning any incident or investigation in which the City of Buffalo is, or could become, an interested party. All inquiries regarding such matters shall be referred to the Corporation Counsel.

C. Requests for Legal Opinions

All requests for opinions from the Corporation Counsel on matters pertaining to police business shall be made in writing and forwarded through the chain of command to the Police Commissioner's Office. If appropriate, the Commissioner shall forward the request to the Corporation Counsel. Members of the Department shall not contact the Corporation Counsel or his/her assistants by telephone asking for legal opinions, except at the direction of the Commissioner or his/her designee.

4.11 DEPARTMENT OF PUBLIC WORKS, PARKS AND STREETS

Following are some of the Divisions within the Department of Public Works, Parks and Streets:

A. Division of Buildings

1. Repairs to Police Department Facilities

Refer to M.O.P. Chapter 18.

2. Unsafe Buildings

Employees of the Police Department having knowledge of any building or structure that is dangerous or unsafe shall prepare a report on an Intra-Departmental Memorandum requesting that the Division of Buildings be notified. The report shall be forwarded through channels to the Division of Administration and Communication Inspector, who shall forward the report to the Division of Buildings.

3. Vacating Buildings

In cases of imminent danger to life or property, the Commissioner of Public Works may order any building to be immediately vacated, and may, if necessary, temporarily close streets, sidewalks, or adjacent buildings or structures, and prohibit them from being used.

B. Division of Engineering

The Division of Engineering is responsible for the care and repair of City assets at the Erie Basin Marina, the canal at the Buffalo River as well as City streets and sidewalks, paving, repairing potholes, bridge maintenance, traffic engineering, traffic signals, and traffic signs. Reports of any dangerous or defective condition on any street or sidewalk shall be reported to the Division of Engineering (851-5636).

C. Division of Parks and Recreation

The Division of Parks and Recreation is responsible for the care and upkeep of all city parks, playgrounds and golf courses.

1. The bureau of Forestry is a unit within the division of Parks and Recreation and is responsible for the planting, care and removal of city planted trees.
2. The bureau of Recreation is a unit within the Division of parks and Recreation and is responsible for city swimming pools, ice rinks and recreation centers. It issues permits for the use of baseball diamonds and other such athletic fields.

D. Division of Water

The Division of Water is responsible for the construction, care and maintenance of all public water lines in the City Of Buffalo, water meter repairs, and the pumping and filtration of water.

1. Open Hydrants

All open hydrants shall be reported to the Water Department Dispatcher.

2. Reporting Damaged Hydrants

Any Police Department employee having knowledge of a damaged fire hydrant shall notify the Water Department Dispatcher (851-4747) and apprise him/her of all pertinent facts. A notation shall be made indicating the location of the hydrant, the date and time reported to the Division of Water, the member of the Division of water notified, and the employee of the Police Department making the notification.

- a. If the damage was caused other than by a vehicular accident a complete report of the incident shall be prepared on an Intra-Departmental Memorandum.
- b. if the damage was the result of a vehicular accident, refer to M.O.P. Chapter 2.

E. Play Streets

The Commissioner of Public Works, with written approval of the Mayor, is authorized to designate from time to time, streets or parts of streets in the city as play streets to be devoted during designated hours of the day to use by children for playing of safe, innocent and wholesome games. Refer Chapter 413 section 39 of the City Ordinances.

F. Division of Streets

The Division of streets is responsible for collecting garbage and trash, plowing streets, street cleaning, leaf pickup, recycling and rodent control. In addition, the Small Animal shelter and Animal Control are under its authority.

1. Detailing an Officer to the Division of Streets

At the request of the Commissioner of Streets a Lieutenant and/or a Police Officer may be temporarily detailed to the Division of Streets during a snowstorm or other emergency.

2. Small Animal Shelter and Animal Control

Refer M.O.P. Chapter 2.

5.0 ERIE COUNTY AGENCIES

5.1 POLICY

Agencies operating under the auspices of the County of Erie are designed to provide services to those people living, working and visiting the county. It is the policy of the Buffalo Police Department to cooperate with each of these county agencies as they perform their respective duties.

5.2 CENTRAL POLICE SERVICES (CPS)

Central Police Services is a county agency that is able to provide certain types of assistance to local law enforcement agencies within Erie County.

A. 911

It operates the 911 Emergency Call-Taking System for the City of Buffalo.

B. Information Services

It is able to provide crime statistics and other relevant statistical information concerning law enforcement.

C. Forensic Laboratory

It operates a forensic (crime) lab located at 45 Elm Street, which is capable of performing scientific evaluation of evidence, weapons, drugs, etc.

D. S.A.F.I.S.

This is a service provided by CPS that is capable of computerized matching of fingerprints.

5.3 DISTRICT ATTORNEY

The District Attorney is responsible for the prosecution of all offenses defined by state law. Employees of the Buffalo Police Department shall fully cooperate with the District Attorney's Office in the prosecution of any offense and shall notify the Assistant District Attorney handling any case in which the employee has been issued a subpoena by a defendant in a criminal prosecution.

5.4 ERIE COUNTY BOARD OF ELECTIONS

The Erie County Board of Elections is responsible for conducting all elections for public office within the county. Employees of the Buffalo Police Department shall cooperate with the Board of Elections to ensure that the integrity of each citizen's right to vote is not breached.

5.5 ERIE COUNTY HEALTH DEPARTMENT

The Health Department is responsible for containing the spread of infectious diseases as well as preventing rabies. All dog bites must be reported to the Health Department as well as any animal suspected of being rabid.

A. Unsanitary Conditions

Unsanitary conditions which cannot be immediately corrected and which menace the health of the community shall be reported on an Intra-Departmental Memorandum which shall be forwarded through channels to the Erie County Health Department. In cases of emergency, the investigating officer shall contact the Health Department directly and shall follow up with the required report.

5.6 ERIE COUNTY MEDICAL CENTER

The Erie County Medical Center is a county sponsored hospital which provides a full range of medical services. In addition to all the other medical services it provides, the hospital serves as the area's regional burn treatment center.

5.7 ERIE COUNTY SHERIFF'S OFFICE

The Erie County Sheriff's Office has criminal jurisdiction countywide. It provides law enforcement protection to those areas of the county that has no local law enforcement agency. The Sheriff's Office is also responsible for the custody of prisoners who have been arraigned and are awaiting trial and for prisoners who have been convicted and are sentenced to a county detention facility. The Sheriff's Office has a civil division that handles specified matters pertaining to civil legal proceedings. The Bomb Detection Unit, the helicopter and the detention facility for females, are services provided by the Sheriff's Office that are frequently used by the Buffalo Police Department.

5.8 JUVENILE DETENTION HOME

The Juvenile Detention Home is located at 766 E. Ferry and is used to house runaways, persons in need of supervision, and juveniles accused of juvenile delinquency. Refer to M.O.P. Chapter 3.

5.9 MEDICAL EXAMINER

Refer to M.O.P. Chapter 2.

5.10 PISTOL PERMIT CLERK

The Pistol Permit Clerk is responsible for the issuance and revocation of pistol permits in Erie County. Background investigations of applicants for pistol permits are to be performed by the Lieutenant of Investigative Services consistent with the provisions of Section 400 of the NYS Penal Law. Instances in which a pistol permit holder is suspected

of violating the terms of the permit shall be reported on an Intra-Departmental Memorandum which shall be forwarded through channels to the Pistol Permit Clerk.

5.11 PUBLIC ADMINISTRATOR

Refer to M.O.P. Chapter 2.

5.12 PROBATION DEPARTMENT

The Probation Department prepares and reviews pre-sentence reports and supervises the probation of offenders within the county.

5.13 SENIOR CITIZENS (DEPARTMENT OF)

The Erie County Department of Senior Citizens provides services to the elderly within the county. It operates the Meals on Wheels Program, the Going Places Van, and the Protective Services Divisions which cares for older people who are at risk and who have no one else to care for them. The Department also runs an information and referral service which handles calls from seniors and their families.

6.0 STATE AGENCIES

6.1 POLICY

Agencies operating under the auspices of the State of New York are designed to provide services to those people living, working and visiting the state. It is the policy of the Buffalo Police Department to cooperate with each of these state agencies as they perform their respective duties.

6.2 ALCOHOL BEVERAGE CONTROL BOARD

The Alcohol Beverage Control Board is responsible for regulating the sale and distribution of alcoholic beverages. It issues licenses and permits to manufacturers, distributors, wholesalers and retailers. The Board investigates complaints and conducts disciplinary hearings related to its regulation of alcoholic beverages.

6.3 ATTORNEY GENERAL OF NEW YORK STATE

The Attorney General is the head of the New York State Department of Law. (S)he prosecutes and defends legal actions in which the state is a party. (S)he also prosecutes criminal violations involving violations of labor laws, worker compensation and unemployment insurance. The Law Department may also be involved in other criminal prosecutions at the request of the governor. The Attorney General has the authority to press for both civil and criminal penalties in regard to pollution, anti-trust violations and consumer fraud.

6.4 COMMISSION OF CORRECTIONS

The Commission of Corrections oversees all state and local correctional facilities. It establishes minimum standards for the care, custody, treatment, supervision and discipline of prisoners. The Commission visits and inspects all institutions used for the detention of sane adults charged with or convicted of a crime. It aids in securing suitable

conditions for the accommodation of inmates and it insures that basic sanitary conditions are provided.

6.5 CRIME VICTIMS COMPENSATION BOARD

A. The Crime Victims Compensation Board provides compensation to qualifying crime victims in certain circumstances. Generally, the crime victim must:

1. be an innocent victim;
2. report the crime to the appropriate law enforcement agency within one week of the event; and
3. file the compensation claim within one year of the event.

B. Qualifying victims include:

1. the crime victim who,
 - a. has sustained physical injuries; or
 - b. an elderly or disabled victim, not necessarily physically injured but who has suffered a loss or damage to an article of essential personal property;
2. a surviving spouse, parent, child or person dependent on the victim who died as a result of a crime;
3. a person who has paid or incurred the burial expense of a victim;
4. a child who is a victim or witness to a crime or the child's parents, guardians or siblings.

C. Some of the benefits provided by the Board include:

1. the payment of medical bills other than those bills paid by insurance,
2. the payment of lost earnings up to a maximum of \$600.00 per week and \$30,000.00 per year,
3. the payment of burial expenses,
4. the cost of occupational rehabilitation,
5. the cost of counseling services.

6.6 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The DEC enforces of all laws regulating hunting and fishing. It deals with air and water pollution and the cleanup of hazardous waste sites. The DEC regulates the storage of petroleum and hazardous chemicals and it responds to chemical spills.

6.7 DIVISION OF HUMAN RIGHTS

The Division of Human Rights investigates complaints of discrimination involving employment, housing, public accommodation and credit.

6.8 OFFICE OF MENTAL HEALTH

The Office of Mental Health operates a number of mental health facilities throughout the state. It also is responsible for monitoring the extensive system of decentralized care that is now being furnished to mental health patients.

6.9 DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (DMV) registers all motor vehicles in New York State including snowmobiles, all terrain vehicles, motor powered boats and motorbikes. It records titles, liens and insurance information. It issues license plates, specialized license plates for the disabled and it inspects motor vehicle repairs shops. DMV is responsible for issuing, suspending and revoking driver's licenses and permits.

6.10 DIVISION OF PAROLE

The Division of Parole maintains information on all inmates which are under the jurisdiction of the Department of Corrections. It supervises parole and it investigates and prosecutes parole violations.

6.11 STATE POLICE

A. The State Police provide law enforcement services for rural and unincorporated areas of the state which are not covered by a local law enforcement agency. They provide investigative service through its Bureau of Criminal Investigation.

B. Troop "A" is located at 4225 West Saile Dr. Batavia, NY, (716) 343-2200. It is responsible for providing law enforcement services to Alleghany, Cattaraugus, Chatauqua, Erie, Genessee, Niagara and Orleans counties.

C. Through its C-Net program, the State Police provides under cover drug investigators to local municipalities.

D. The State Police operate NYSPIN which allows local law enforcement agencies to access information concerning vehicles, drivers, wanted and escaped criminals, and stolen property.

E. "T" Troop has traffic law enforcement jurisdiction on the entire NYS Thruway including that section which runs through the City of Buffalo. Refer to M.O.P. Chapter 3. Under no circumstances shall any ambulance be dispatched by any employee of the Buffalo Police Department to an accident reported to have occurred on the NYS Thruway. Employees shall notify the NYS Police who will dispatch an ambulance.

F. Arrests made by the State Police within the limits of the City of Buffalo shall be booked at City Court Booking and prisoners shall be held in the City Court Lock-up.

6.12 DEPARTMENT OF STATE

- A. The Department of State is responsible for licensing the following:
1. Barbers
 2. Real Estate - brokers and salespersons
 3. Hairdressing and cosmetology
 5. Notaries Public
 6. Private Investigators
 7. Upholstery and bedding
 8. Security Guards
- B. Whenever there appears to be a violation that would involve any of the above listed persons, a complete report shall be prepared on an Intra-Departmental Memorandum and forwarded through channels to the Police Commissioner. The Office of the Police Commissioner shall notify the office of the NYS Secretary of State concerning these occurrences.

6.13 STATE COLLEGE PUBLIC SAFETY

- A. State College Public Safety is a full service police department responsible for the law enforcement needs of the entire campus of the State University College at Buffalo. The Officers are fully trained as police officers and they provide all necessary police services on their respective campus.
- B. State College Public Safety uses the BPD City Court Lock-up for in custody arrests. In other cases they are authorized to issue Appearance Tickets returnable at Buffalo City Court.
- C. In instances in which State College Public Safety requires the assistance of the BPD, they will contact the "D" District on duty supervisor. With proper authorization BPD specialized units (e.g. Homicide, SVU, Photo, Evidence, etc.) shall assist with serious felony investigations. The BPD may also assist with off campus investigations when requested.

6.14 STATE UNIVERSITY PUBLIC SAFETY

- A. The South Campus of the State University is located at Main and Bailey and is entirely within the geographical limits of the City of Buffalo. State University Public Safety is a full service police department with fully trained police officers responsible for the delivery of law enforcement services on the State University at Buffalo campuses. The Public Safety office is located on the north campus in Amherst, NY.
- B. State University Public Safety processes their own arrests and may use the City Court Lock-up for in custody arrests made on the South Campus. In other cases occurring on the South Campus they are authorized to issue Appearance Tickets returnable at Buffalo City Court.

C. In instances in which State University Public Safety requires the assistance of the BPD, they will contact the "E" District on duty supervisor. In cases of major incidents, (i.e. civil disturbances, etc.) the BPD may be requested to assist State University Public Safety. State University Public Safety will notify the "E" District supervisor of any investigations occurring off campus.

6.15 THRUWAY AUTHORITY

All maintenance, repairs, snow and ice removal, and traffic control devices on the Thruway are the responsibility of the Thruway Authority. The local office is located on the Thruway at Walden Avenue.

6.16 DEPARTMENT OF TRANSPORTATION

The NYS Department of Transportation (DOT) is responsible for the care and maintenance of state roadways. The Skyway Complex, the Kensington Expressway, the Scajaquada Expressway, and their respective entrance and exit ramps are all maintained by DOT. This includes snow and ice removal.

6.17 DIVISION FOR YOUTH

The NYS Division for Youth is responsible for the care and rehabilitation of juveniles who have been adjudicated juvenile delinquents, juvenile offenders or persons in need of supervision. It maintains residential facilities and it provides assistance to localities in establishing local residential facilities.

7.0 FEDERAL AGENCIES

7.1 POLICY

Agencies operating under the auspices of the federal government are designed to provide services to those people living, working and visiting the United States. It is the policy of the Buffalo Police Department to cooperate with each of these federal agencies as they perform their respective duties.

7.2 ARMED FORCES

A. Military Plane Crashes

In the event of a crash of a military aircraft, Air Force personnel at the Niagara Falls Air Base shall be notified. They have clearly defined responsibilities in incidents of this type. Refer to M.O.P. Chapter 11.

B. Military Deserters/Absentees

1. Whenever a sworn member of the Department apprehends a military deserter/absentee, (s)he shall contact the 911 Communications Lieutenant and provide him/her with all relevant information.
2. The 911 Communications Lieutenant shall contact the appropriate branch of the military and the deserter/absentee shall be handled in accord with their directions.

- a. If detention is necessary, the military deserter/absentee shall be held in the Headquarters Cellblock until arrangements can be made with the affected military authorities to retrieve the prisoner.
- b. Unless there are extenuating circumstances, military deserters/absentees shall not be held in City Court Lock-up for longer than a period of 24 hours. If the military authorities cannot guarantee that the military deserter/absentee will be retrieved within that 24 hour time span, the military deserter/absentee shall be released from custody.

7.3 BORDER PATROL

The Border Patrol is an agency of the Department of Homeland Security. It is primarily responsible for preventing immigrants from unlawfully entering the United States. Any circumstances which involve illegal aliens shall be referred to the Border Patrol. This includes arrests involving defendants who are suspected of being illegal aliens.

7.4 UNITED STATES CUSTOMS

The U.S. Customs Service is an agency of the Department of Homeland Security. Its purpose is to ensure that all goods entering the United States do so in accordance with federal laws and regulations. The Customs Service enforces U.S. laws intended to prevent illegal trade practices. It protects the American public and environment from the introduction of prohibited hazardous and noxious products. It assesses and collects revenues in the form of duties, taxes and fees on imported merchandise and it regulates the movement of persons, carriers, merchandise, and commodities between the United States and other countries.

7.5 FEDERAL AVIATION AGENCY

The Federal Aviation Agency is responsible for investigating all civilian aircraft mishaps and crashes. In the event of any such incident within the City of Buffalo, the FAA at the Control Tower of the Buffalo International Airport shall be immediately notified. Refer to M.O.P. Chapter 11.

7.6 FEDERAL BUREAU OF INVESTIGATION (FBI)

A. Jurisdiction

The FBI has jurisdiction only for those matters specifically prescribed by federal statute. Generally they investigate organized crime, counter-terrorism, financial crime, foreign counterintelligence, consumer tampering, crimes aboard aircraft, interstate theft, unlawful flight to avoid prosecution, bank robberies and offenses involving violations of civil rights.

B. Services Provided by the FBI

The FBI provides forensic laboratory services which can be used for specialized scientific investigation. The agency is the repository for fingerprints from throughout the nation. In addition they can assist in the identification of victims of disasters such

as plane crashes and explosions. Advanced training in law enforcement techniques and management principles is provided by the FBI Academy.

C. Uniform Crime Reports

The FBI issues periodic unified crime reports based on statistical information provided by law enforcement agencies through the country. The Buffalo Police Department's Division of Administration and Communication shall be responsible for compiling the requisite statistical information and for preparing those reports required by the FBI for production of these unified crime reports.

D. Notifying the FBI

Employees of the Department shall notify the FBI of any crime coming within that agency's jurisdiction.

7.7 SECRET SERVICE

The Secret Service is an agency of the Treasury Department. It has primary responsibility for the protection and safety of the President, Vice-President, and their families. It is also responsible for dealing with federal crimes involving coins, currency, stamps, government bonds, checks, credit/debit card fraud, computer fraud and false identification. Refer to M.O.P. Chapter 5.

7.8 U.S. ARMY CORP OF ENGINEERS

During natural disasters the Army Corp of Engineers conducts emergency operations to protect lives, alleviate suffering, and remediate damage.

7.9 U.S. MARSHALS

The US Marshals Service is a division of the Justice Department. It is responsible for providing security in all federal courts and for protecting federal witnesses. It serves federal warrants and tracks down prisoners escaped from federal institutions. The Marshals Service operates a prisoner airline which transports federal prisoners between jurisdictions within the United States. At the request of local law enforcement agencies it also transports state prisoners from one jurisdiction to another. The seizure and management of asset forfeitures also comes within its jurisdiction.

7.10 VETERAN'S ADMINISTRATION HOSPITAL

The Veteran's Administration Hospital is located at 3495 Bailey Avenue. Refer to M.O.P. Chapter 3.

7.11 WEATHER BUREAU

Refer to M.O.P. Chapter 11.

8.0 COMMUNITY BASED SERVICE ORGANIZATIONS

8.1 POLICY

Community based service organizations that are aimed at alleviating particular social problems are in existence throughout the county. It is the policy of the Buffalo Police

Department to fully cooperate with these agencies as they provide services to the community and to utilize the services provided by these agencies to assist it in carrying out its police functions.

8.2 AMERICAN RED CROSS

The Red Cross provides emergency disaster services which encompass providing food, shelter, clothing and medical care to disaster victims. This includes victims of fires, floods, explosions, snow and ice storms, and power failures.

8.3 CHILD AND FAMILY SERVICES

Child and Family Services of Erie County will provide shelter for lost, destitute, or abandoned children, or children left without proper supervision. They will also investigate cases of cruelty to, or neglect of, children. Refer M.O.P. Chapter 2.

8.4 CRISIS SERVICES

Certain members of the staff of the Emergency Outreach Service of Crisis Services have been designated by the Erie County Director of Community Service as persons empowered to direct the removal of apparently mentally ill persons to a hospital. These staff members carry appropriate identification with them at all times. A staff member will personally appear at the location from which the apparently mentally ill person is to be transported and will accompany the person to the hospital. The Outreach staff member will present to the officer a form entitled "Request to Take Mentally Ill Person into Custody." The Emergency Outreach Service is an invaluable resource when dealing with persons having emotional and psychological problems. Refer to M.O.P. Chapter 3.

8.5 CITY MISSION

The City Mission is a resource that is available to provide food and temporary lodging to persons who are destitute.

8.6 COMPASS HOUSE

The Compass House is an organization that provides temporary shelter and guidance to teenagers with problems. Under no circumstances shall the telephone numbers (370 Linwood Avenue - 886-0935 or 1451 Main Street - 886-1351) or locations of this facility be revealed to members of the public. Prior to placing a teenager at this facility, the Department employee shall telephone the Compass House to determine if the facility has room to accommodate the teenager.

8.7 ERIE COUNTY REHAB CENTER (291 ELM ST.)

The Erie County Rehabilitation Center (854-2997) provides services, including lodgings, to clients suffering from alcohol dependency.

8.8 HAVEN HOUSE

Haven House is a shelter for battered spouses and their children. The shelter is staffed 24 hours a day and provides in-take services on an emergency basis in cooperation with the police and other social service agencies. Under no circumstances shall the location or telephone number (884-6000) of Haven House be revealed to members of the public.

8.9 SALVATION ARMY

When family groups are stranded without funds or are made homeless for any reason the Salvation Army will provide food and shelter. The Salvation Army (886-5772) also provides a mobile canteen service for Police and Firefighters at the scene of major fires and other disasters.

8.10 TRAVELER'S AID

Travelers in difficulty or who are stranded without funds may be directed to the Traveler's Aid Society can be contacted via Western New York 2-1-1 services during business hours.

8.11 NATIVE AMERICAN COMMUNITY SERVICES

The Native American Community Center is located at 1005 Grant Street, 874-4460. It provides Native Americans with the following services: crime victim assistance, alcohol and substance abuse prevention, assistance to the elderly, family services, youth services, employment assistance, and assistance to the mentally retarded and those with developmental disabilities.

8.12 SAINT VINCENT DE PAUL SOCIETY

The St Vincent de Paul Society is located at 1298 Main Street, 882-3360, fax 882-3556. It is a charitable organization involved in assisting all types of needy people. The St Vincent de Paul Society provides the following services: hot lunches 1100hrs to 1230hrs Friday through Tuesday; distribution of prepackaged bags of food during regular business hours; issues vouchers for clothing; and, has an inventory of used furniture available.

8.13 DEAF ADULT SERVICES

Deaf Adult Services is that agency responsible for assisting the Buffalo Police Department in dealing with the hearing impaired. In many cases it is inappropriate for family members and friends to interpret for the hearing impaired. When dealing with persons who are hearing impaired, and other means of communication have proven ineffective, the Buffalo Police Department member shall be responsible for securing the assistance of Deaf Adult Services. After gaining the approval of their immediate supervisor, members shall contact Deaf Adult Services. During the week between 0830 and 1630 they may be contacted at 874-6011. Member shall contact Crisis Services (834-3131) at all other times and Crisis Services will make contact. Deaf Adult Services shall be instructed to bill the Buffalo Police Department, Attn: Budget Office, 74 Franklin Street, Buffalo, NY 14202. The Police Supervisor on duty who authorized the request for assistance from Deaf Adult Services shall prepare a memo detailing all the circumstances and shall forward that memo to the Budget Office - Attention: Senior Budget Examiner.

9.0 NEWS MEDIA

9.1 POLICY

To the extent that the release of information to the media does not unnecessarily infringe on the legitimate safety or privacy interests of any person, nor impede the Department in

fulfilling its mission, it is the policy of the Buffalo Police Department to fully and accurately inform the public, through the news media, of all matters of interest involving the Department.

9.2 GENERALLY:

- A. All Department members below the rank of Chief shall refrain from speaking to the media directly, unless directed to do so by the Commissioner, the Deputy Commissioners, or the Public Communications Coordinator. All inquiries from the media should be referred to the Public Communications Coordinator.
- B. Information shall be released to the media as promptly as circumstances allow, without partiality and in as objective a manner as possible.
- C. Whenever any member of the Department releases information to the public (s)he shall make a conscientious effort to verify the accuracy of the information to be released.
- D. Sensitive criminal intelligence information, information that would compromise the integrity of an active investigation, information that would jeopardize a defendant's right to a fair trial, or information that would imperil legitimate safety or privacy concerns shall not be revealed
- E. The Department member shall only release information to those persons who are bona fide reporters or photographers employed by agencies of the electronic or print media. In handling telephone inquiries, members shall take reasonable steps to establish that the caller is a bona fide reporter.
- F. Any member of the Department becoming aware of information that may have media interest, shall promptly notify the Public Communications Coordinator, or in his/her absence, the senior on duty Command Officer.

9.3 INFORMATION THAT MAY BE RELEASED:

A. Non - criminal Incidents:

Only members of the Department with the rank of Chief or above shall provide the media with information regarding non-criminal incidents, (e.g. accidents, aided cases, floods, fires, natural disasters, etc.). Names of the parties involved, addresses and a description of the incident shall be provided.

- 1. In cases in which death results, victim identification shall be withheld pending notification of family. Inquiries may be referred to the Medical Examiner's Office.

B. Criminal Incidents:

1. Prior to Arrest

If a crime has been committed and an arrest has not yet been made, members of the Department with the rank of Chief or above, shall provide the media with the victim's name, address and a description of the details of the crime. Information that may unnecessarily imperil a successful investigation or prosecution shall not be revealed.

2. After Arrest

After arrest, the following information may be released:

- a. Facts and circumstances surrounding the crime and arrest. (i.e. time and place of arrest, resistance encountered, if suspect was armed, etc.).
- b. Identity of arresting officers and their assignments.
- c. Brief description of any evidence seized.
- d. Suspect's name, address, age and occupation.

3. After Commencement of Court Action

Once court action begins, all inquiries regarding the case shall be referred to the agency prosecuting the case (e.g. District Attorney, U.S. Attorney, etc.).

C. All members of the Department of the rank of Chief or above are authorized to release routine information about criminal and non-criminal incidents except when:

1. Media representatives appear at the scene of a criminal or non-criminal incident, a Chief or above at the scene shall provide the information to the media.
2. Another Departmental unit is in charge of the investigation, media inquiries shall be referred to that other Departmental unit.
3. Media inquiries regarding investigations conducted jointly with other law enforcement agencies, the media shall be referred to the agency in control of the investigation subject to an agreement approved by the Police Commissioner.

D. Uncertainty about releasing information to the media shall be resolved by seeking guidance from the Public Communications Coordinator, or in his/her absence, a member with the rank of Chief or above.

E. Requests for Interviews

1. On Duty Members

On-duty Officers, must obtain the permission from an Officer in the rank of Chief or above, before being interviewed, or making statements to the media other than in those circumstances specified in 8.9A and 8.9B above.

2. Off Duty Members

Any member of the Department who is off duty and elects to provide information to the media concerning any issue relating to the Police Department, either in writing, by interview, or otherwise, and has not received permission from the Police Commissioner, the Deputy Police Commissioner or the Public Communications Coordinator, must include a statement that they are not representing the Police Department and are not speaking on its behalf.

F. Statements by members of the Department must conform to the guidelines established by existing Rules and Regulations of the Department, specifically:

1. Chapter III, section 3.5 - TRUTHFULNESS
2. Chapter III, section 3.7 - DISCUSSING EVIDENCE
3. Chapter III, section 3.8 - DIVULGING POLICE INFORMATION
4. Chapter III, section 3.9 - INFORMATION WHERE THE CITY IS AN INTERESTED PARTY
5. Chapter III, section 3.10 - SPEECHES, STATEMENTS, ETC.
6. Chapter III, section 3.13 – TESTIMONY

9.4 INFORMATION THAT SHOULD NOT BE RELEASED

A. Information that will jeopardize an investigation, or impair a defendant's right to a fair trial, or unnecessarily intrude on the privacy of an individual shall not be revealed. These include but are not limited to:

1. Any prior criminal record of a defendant or implication that (s)he has one;
2. The identity and/or address of any witness;
3. The possibility of the defendant pleading guilty to a lesser charge;
4. Any opinion, stated or implied, as to the guilt or innocence of the accused or the quality of evidence collected;
5. Statements as to the character or reputation of a suspect, witness or victim or the credibility of any potential testimony;
6. Any possible connection with any uncharged crime or crime pattern;
7. The results of, or the refusal to take any test/examination (e.g. polygraph, paraffin, etc.)
8. Any admissions or statements made by the defendant;
9. The identity of a victim of a sex crime;
10. The identity of a suicide victim.

B. Juveniles and Youthful Offenders - Incidents or arrests involving juveniles or arrests, for which a person could be adjudicated as a youthful offender, shall be handled in the same manner as adults except that the suspect's name, address, photograph and any other identifying information shall not be released.

C. Members shall not pose any suspect, defendant, or witness for photographing by the media. Generally, members shall neither assist nor prevent media representatives from photographing an accused person who is in a public place while in police

custody. Where identification of the defendant by witnesses is an integral component of the criminal prosecution, Department employees shall take necessary precautions to prevent the media from photographing the defendant's face.

- D. Where the City is, or may become, a party in a law suit, the advice of the Corporation Counsel shall be sought prior to releasing any information.

9.5 INFORMATION TO BE RELEASED ONLY BY HIGHER AUTHORITY

- A. The following types of information shall be released to the media only by the Police Commissioner, the Deputy Police Commissioner, the Public Communications Coordinator, or a member of the Department acting at their direction:

1. Statistical information other than that which is contained in the Annual Report
2. Information necessary to alert the public of measures for their personal protection;
3. Mug shots or composites;
4. Departmental photographs (e.g. crime scenes, accidents, personnel, etc.)
5. Written press releases.
6. Investigations by the Internal Affairs Division.

B. Media Releases:

Written media releases will be considered when:

1. an incident generates public or media attention, or to respond to public concern; or
2. the Department is seeking assistance in solving a crime/incident; or
3. the Department wishes to publicize an upcoming Department sponsored event or occurrence.

All media releases shall be approved by the Police Commissioner or his designee, prior to release to the media. The Public Communications Coordinator shall then forward the release to the appropriate media representatives.

C. Press Conferences:

The decision to arrange a press conference rests with the Commissioner. The Public Communications Coordinator will notify the media and assist in coordinating the conference.

9.6 MEDIA ACCESS TO SCENES OF INCIDENTS

A. Media Representatives at the Scene of an Incident

1. Restricting Access to Crime Scenes

Regardless of whether a member of the media possesses a "Media Credentials" identification card, (s)he shall be restricted from entering the scene if:

- a. the scene is a private premises and the person in control of the premises has not authorized entry by the media,
- b. the scene has open access but the presence of the media will:
 - i. interfere with the police/emergency operation,
 - ii. jeopardize the integrity of evidence,
 - iii. endanger the safety of the media representative or others.

B. Photographs

Members of the media and the public may take photographs and videos of events occurring in public places subject to the above. Refer to M.O.P. Chapter 11.

C. Explain Reason for Restricted Access

In instances in which media representatives with "working press" identification cards are restricted from entering a scene, the officer in charge of the operation shall explain to them the reason for the restriction.

9.7 DUTIES OF THE PUBLIC COMMUNICATIONS COORDINATOR

A. The Public Communications Coordinator shall:

1. Assist news personnel in covering routine stories and at the scene of incidents;
2. Prepare and distribute news releases;
3. Arrange for and assist at news conferences;
4. Assist in crisis situations;
5. Coordinate the release of authorized information concerning departmental investigations and operations;
6. Issue written or verbal news releases to include problem traffic areas, temporary policy changes, etc., on an as-needed basis;
7. Assume control over the release of information to the news media and/or the public in the event of an exceptional incident;
8. Coordinate the release of information on departmental news meant to generate public interest;
9. Periodically meet with and maintain liaison with representatives of the media to resolve differences and improve relations between the media, the public and the Department;
10. Prepare informational articles, releases and demonstrations in order to more fully educate the public as to the mission of the Department;
11. Respond to questions and advise members of the Department concerning media relations and release of information.

B. The existence of a Public Communications Coordinator does not relieve any member of the Department from cooperating with the media.

9.8 ON-SCENE SENIOR COMMAND OFFICER'S RESPONSIBILITIES

The senior on-scene Command Officer shall:

- A. Keep the Police Commissioner, Deputy Commissioners and Public Communications Coordinator informed of the progress of any significant police/emergency operation in which they are involved, as well as any information that might generate public interest.
- B. When in command of any incident, keep the media informed, consistent with this policy.
- C. In the absence of the Public Communications Coordinator, make decisions on the release of information to the media consistent with this policy.

9.9 FREEDOM OF INFORMATION REQUESTS

The Buffalo Police Department will respond to initial requests within five (5) business days.

1. If the Department responds to the request in the affirmative, then said request will be granted and given within 20 business days.

FAIR TRIAL/FREE PRESS GUIDELINES

The City of Buffalo Police Department will adhere to the Fair Trial/Free Press Guidelines established in New York State the following procedures reflect those guidelines:

1. Release of Information: All news releases and media requests shall be forwarding to and handled by the Buffalo Police Department Public Communications Coordinator.
2. Telephone contact: The Public Communications Coordinator may release information to members of the news media via telephone if the coordinator is sure of the identity of the caller.
3. Death: In the case of death, the victims name shall be held pending notification of family.

10.0 PUBLIC TRANSPORTATION

10.1 POLICY

The Niagara Frontier Transit Authority is responsible for public transportation in Erie and Niagara Counties. It is the policy of the Buffalo Police Department to fully cooperate with the NFTA as it carries out its functions.

10.2 NIAGARA FRONTIER TRANSPORTATION AUTHORITY (NFTA)

The NFTA operates the downtown bus terminal, the airport, the light rail rapid transit, the port of Buffalo and most of the bus service throughout Erie and Niagara Counties. It also operates its own police force.

10.3 NFTA POLICE

The NFTA Police have full police authority to exercise jurisdiction on any NFTA property. Incidents occurring on any NFTA bus or light rail rapid transit car or on NFTA

property shall be handled by the NFTA Police. Employees of the Buffalo Police Department shall assist the NFTA Police whenever they are called upon to do so.

11.0 PUBLIC UTILITIES

11.1 POLICY

It is the policy of the Buffalo Police Department to fully cooperate with the public utilities as their personnel provides service to the public.

11.2 CABLE TELEVISION

Members shall fully cooperate with security personnel of the current cable provider in the investigation of the theft of cable television service within the City of Buffalo.

11.3 ELECTRIC SERVICE

National Grid (1-800-867-5222) is the public utility that provides electricity to the city. In instances in which electrical wires are down or arcing, or lamp poles are down or are not operating, National Grid should be called. Employees of the Department shall cooperate with National Grid security personnel in the investigation of claims of theft of electrical service.

11.4 NATURAL GAS SERVICE

National Fuel Gas (800-444-3130) is the public utility responsible for providing natural gas service to the city. In all instances of natural gas leaks, National Fuel Gas shall be called immediately. Employees of the Department shall cooperate with National Fuel Gas security personnel in the investigation of claims of natural gas service.

11.5 TELEPHONE SERVICE

Verizon, Time Warner and V.O.I.P. are the public utilities responsible for providing local telephone service to the City. In all instances in which telephone lines are down, your corresponding service provider shall be called.

A. Unlisted Telephone Numbers

In emergency circumstances, the telephone company will reveal information concerning an unlisted telephone number. The 911 Communications Lieutenant can contact the carrier and request the information. Refer to M.O.P. Chapter 9.

12.0 AUTOMOBILE REPOSSESSORS

12.1 POLICY

Taking repossession of automobiles is a civil remedy available to certain lien holders. It requires that the repossession take place without a breach of the peace. It is the policy of the Buffalo Police Department to refrain from aiding a person in repossessing any item. The sole function of the Department in these circumstances is to prevent a breach of the peace.

12.2 NOTICES TO POLICE

Any person or representative of a firm or corporation responsible for retaking a motor vehicle pursuant to the provisions of law shall, immediately following such repossession, personally appear at the police stationhouse in the locality where such repossession occurred and give notice of that fact.

12.3 NOTICES TO THE DEPARTMENT OF MOTOR VEHICLES

Such person or representative repossessing a motor vehicle shall, within twenty-four (24) hours, notify the Department of Motor Vehicles in the form required by the Commissioner of Motor Vehicles.

A. Delivery of Number Plates to DMV

The person repossessing shall deliver the number plates of such motor vehicle to the local office of DMV and give notice of the repossession, including the name and address of the person or firm repossessing the vehicle.

B. Notice to Owner

The owner of such repossessed vehicle shall be notified by the reposessor within twenty-four (24) hours either personally or by registered or certified mail directed to his/her last know address.

C. Method of Repossession

Unless the motor vehicle can be repossessed without a breach of the peace, it shall be repossessed or retaken by legal process. Under no circumstances is a violation of the criminal law permissible.

12.4 DISTRICT RESPONSIBILITY

A. Department employees receiving notice of a repossession shall make a note of:

1. the date, time and place of repossession,
2. the date and time reported to the police,
3. the person repossessing the vehicle including, the firm's name and address,
4. the location where the vehicle was taken to,
5. the vehicle owner's name and address,
6. a description of the repossessed vehicle including make, model, color, year and plate number.

B. The above information shall be immediately reported to City Court Booking. The employee making the notification shall make a note of the name of the person in the Auto Registration Unit to whom the information was given.

13.0 COOPERATING WITH OTHER LAW ENFORCEMENT AGENCIES INVOLVED IN PERSONNEL INVESTIGATIONS

13.1 POLICY

It is the policy of the Buffalo Police Department to fully cooperate with outside law enforcement agencies as those agencies investigate misconduct by their own members.

13.2 MISCONDUCT - DEFINED

For purposes of this section misconduct shall include any behavior that would constitute an offense, or any other behavior that would bring discredit to the employee's law enforcement agency.

13.3 REPORTING MISCONDUCT

- A. Whenever an on duty employee of the Buffalo Police Department becomes aware of misconduct involving an employee of an outside law enforcement agency, the misconduct shall be immediately reported to the *Internal Affairs Division* through the chain of command.
- B. In the event that an on duty employee becomes involved in an investigation alleging misconduct by an employee of an outside law enforcement agency and the employee of the outside agency is present, the District Supervisor shall be called and the Supervisor shall take appropriate action.
- C. The *IAD Inspector* will be responsible for contacting the outside employee's agency and apprising them of all pertinent facts and of any action taken by the Buffalo Police Department. *The IAD Inspector* shall also forward to the Commissioner a complete written report of the circumstances.
- D. The Commissioner shall forward a copy of the *IAD* Inspector's report to the Chief/Commissioner of the outside agency.

13.4 FULL COOPERATION REQUIRED

When an outside law enforcement agency is conducting an internal investigation concerning allegations of misconduct by one of its members, it is the duty of all employees of the Buffalo Police Department to extend their fullest cooperation to the member of the outside agency conducting the investigation.