

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, October 24, 2012, at 8:00 p.m. in the Council Room of City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Approval of the election of one new member to the Rye Fire Department.
5. Draft unapproved minutes of the regular meeting of the City Council held October 10, 2012, the Special Meeting held October 13, 2012, the Special Meeting held October 16, 2012, and the Special Meeting held October 18, 2012.
6. Mayor's Management Report
 - Update on the Boat Basin and Rye Golf Club
 - Capital Projects Update: Bond Referendum, Central Avenue Bridge, Sluice Gate
 - Update on the Midland Avenue Stop Sign
 - Update on outstanding union contracts
 - Legal Update
7. Presentation by Sustainable Playland Inc. on the agreement signed with Westchester County for *Reinventing Playland for the 21st Century*.
8. Financial Update by the City Comptroller providing 3rd quarter results.
9. Presentation by the Finance Committee on Rye Recreation.
10. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: (a) approval of General Orders revised as part of a comprehensive review of the Department Manual and (b) approval of revisions to General Order #103.10 "Deployment of Electro-muscular Disruption Device (Taser)".
11. Public Hearing to amend local law Chapter 31, "Police Pension Fund", Section 9, Accrual and Payment of Pensions, to increase the payment amount for the sole recipient of the fund.
12. Resolution to establish a temporary Committee to develop an RFP for the operation of Whitby Castle.
13. One appointment to the Rye Senior Advocacy Committee for a three-year term expiring January 1, 2015, by the Mayor with Council approval.
14. Designation of the Chair of the Rye Senior Advocacy Committee by the Mayor.
15. Residents may be heard on matters for Council consideration that do not appear on the agenda.

16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, November 7, 2012 at 8:00 p.m. including the presentation of the 2013 Budget. The City Council will hold Budget Workshops on Wednesday, November 14, 2012, Monday, November 26, 2012 and Wednesday, November 28, 2012 beginning at 8:00 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

* Office Hours of the Mayor by appointment by emailing dfrench@ryeny.gov.



CITY COUNCIL AGENDA

NO. 4

DEPT.: Fire Department

DATE: October 24, 2012

CONTACT: Chief Michael Taylor

AGENDA ITEM: Approval of the election of one new member to the Rye Fire Department.

FOR THE MEETING OF:

October 24, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the election of Kyle Fabio Ramalho-Rodrigues to the Poningoe Engine and Hose Company.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Board of Fire Wardens has advised that Kyle Fabio Ramalho-Rodrigues was elected into membership to the Poningoe Engine and Hose Company fire company and was approved by the Fire Wardens at their October 1, 2012 meeting.



Dear City of Rye City Council Members,

On October 1st, Kyle Fabio Ramalho-Rodrigues was voted into the Poningoe Engine and Hose Company of the Rye Fire Department. He was sponsored by Second Assistant Chief Michael Billington. His application, physical, arson report and background check are all completed and have been approved by the Board of Wardens. Kyle is a graduate from Rye High School and is a young man with a positive attitude to give back to the community he grew up in. On behalf of the City of Rye Fire Department we believe he would be a great addition to the membership. If there are any questions that you may have, my contact information is provided below.

Best Regards,
Acting Department Secretary Lieutenant Max D. Billington
mxbillington@gmail.com



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: October 24, 2012

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held October 10, 2012, the Special Meeting held October 13, 2012, the Special Meeting held October 16, 2012, and the Special Meeting held October 18, 2012.

FOR THE MEETING OF:

October 24, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the minutes of the Regular Meeting of the City Council held October 10, 2012, the Special Meeting held October 13, 2012, the Special Meeting held October 16, 2012, and the Special Meeting held October 18, 2012, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on October 10, 2012 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT (arrived at approximately 8:45)
RICHARD FILIPPI
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: PETER JOVANOVIICH, Councilman

The Council convened at 7:35 p.m. Mayor French made a motion, seconded by Councilwoman Parker and unanimously carried, to immediately adjourn into executive session to discuss Rye Golf Club and Boat Basin personnel issues. Mayor French made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the executive session at 8:23 p.m. The regular meeting convened at 8:27 p.m.

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. General Announcements

The County is ready to announce its recommendations regarding Playland. It was suggested that the City Manager attend the next Rye Town Park Commission scheduled for October 16th. Announcements were also made regarding various upcoming meetings and events in and around the community.

4. Draft unapproved minutes of the regular meeting of the City Council held September 12, 2012

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on September 12, 2012, as submitted.

Agenda Item 8 was taken out of order.

5. Mayor's Management Report

- Update on outstanding union contracts

This item was deferred.

- Rye Golf Club Update

Mayor French said that the City has a four point strategy on how to address issues at Rye Golf Club:

- *Operations.* An independent accounting audit firm has been hired to look at the operation. City Manager Pickup said issues were raised at the joint meeting in June and since then staff have been working on operational concerns. There are currently issues that have raised more immediate concern such as payments to temporary staffing agencies. The CPA firm of Reda, Romano & Company has been engaged to do initial financial work, with a recommendation and review within a 30-day period
- *City Policies regarding Conflict of Interest and Financial Disclosure.* The City is reviewing the policies with respect to public officials, City employees and Board members. Corporation Counsel Wilson said she has drafted a proposed Financial Disclosure Statement for categories of officials and employees within the City that would be filled out every year, with the information kept confidential. It is hoped that this will be accepted and approved by the Council in order to be in effect by January 1, 2013. It will require modifications to the current Code of Ethics regarding conflicts of interest.
- *Should the City be running Whitby Castle.* The City should look into this and possibly issue an RFP to determine if the City should continue to operate the Castle. A subcommittee of people will be put together with expertise in managing clubs and municipal finance as well as Golf Commission members in order to provide a strategy for putting together an RFP and making recommendations.
- *Employee Conduct.* City Manager Pickup said that the General Manager of the Golf Club is on Administrative Leave for 30 days. An active investigation is underway. Corporation Counsel Wilson said the Police Department is investigating the matter with the assistance of outside professionals.

Mayor French added that the Golf Club Commission's role is advisory and they do not get involved in the day to day operations of the Club.

Several members of the public addressed the Council on the topic. They included: *John Duffy, Gary Ahlert, Anthony Piscionere, Linda Lefkowitz, Chris O'Brien, Sis D'Angelo, Leon*

Sculti, Mack Cunningham, Bob DiMaggio, Al Vitiello, Ted Carroll, Doug Millar and Mike Wing. A lengthy discussion of the topic ensued with issues being raised about the City Manager's involvement in conducting the investigation; the City Council conducting the investigation through its powers in the Charter; the need for an independent auditor; conflict of interest, accountability and transparency at the Club; bringing the District Attorney into the investigation; using a professional services contract as opposed to issuing an RFP to engage RM Staffing; input the Golf Commission would have in terminating the General Manager; the possibility of hiring an outside agency to conduct an investigation instead of the Police Department; the policy of tips not going to the wait staff; the makeup of the subcommittee that will develop an RFP regarding operation of the club going forward; management of the City; and setting parameters of the investigation.

There was a discussion among the Council regarding the necessity of the Council taking control of the investigation. Councilman Sack suggested the Council should vote on taking over the investigation and that the accounting firm that has been hired should be put on hold until the Council decides who should do the audit. Corporation Counsel Wilson said that the City cannot force the Division of Public Integrity of the District Attorney's Office to conduct an investigation. It is their decision, based on the facts provided to them, whether they would rather have the Police Department conduct the investigation or if they want to do the investigation themselves. Ms. Wilson also advised that since the investigation involves someone in a Civil Service position the Council might want to seek the advice of Labor Counsel before adopting a motion. She suggested the Council adjourn into executive session to contact him.

Councilman Filippi made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn into executive session to contact Labor Counsel.

Councilwoman Parker made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the executive session. The regular meeting reconvened at 11:03 p.m.

Councilman Sack made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye declare itself the lead investigative body of the recent events at Rye Golf Club, and that the City Council will work in conjunction with Labor Counsel and law enforcement, as appropriate. Pursuant to that, the City Council will make its own determination as to any professional auditors or advisers that the City may retain.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote

The Council will hold a special meeting on Saturday, October 13th at 9:00 a.m. in the Mayor's Conference Room to further discuss the issue.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Rye Town Park and the Town of Rye v. The City of Rye* – The matter is fully submitted. There are two motions for summary judgment pending before Judge LaCava.
- *Butler v. Mathisson, et al* – The Planning Commission has indicated they would like to perfect the appeal of the Amended Decision of Judge Lorenzo that found that the Planning Commission acted outside of their authority. The recommendation is to coordinate the appeal in conjunction with the Mathissons. The Council must authorize this action.

6. Summary of the 2013 Budget Process and Consideration of setting the 2013 Budget Workshop schedule

Councilmember Killian made a motion, seconded by Councilwoman Parker and unanimously carried, to adopt the following Resolution:

RESOLVED, that the City Council hereby approves the Budget/Workshop Schedule as submitted by the City Manager:

November 7 - Budget Presentation
November 14 – Budget Workshop
November 26 – Budget Workshop
November 28 – Council Meeting/Budget Workshop
December 5 – Public Hearing on Budget
December 12 – Budget Workshop (if needed)
December 19 – Adoption of Budget

7. Consideration to set a Public Hearing for October 24, 2012 to amend local law Chapter 31, "Police Pension Fund", Section 9, Accrual and Payment of Pensions, to increase the payment amount for the sole recipient of the fund

Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to adopt the following Resolution:

WHEREAS, the Council wishes to amend Chapter 31 "Police Pension Fund", §31-7 "Payments from fund" of the Code of the City of Rye; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on October 24, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to Amend Chapter 31 “Police Pension Fund”, §31-7 “Payments from fund” of the Code of the City of Rye, to increase the annual sum to a widow by the cost of living adjustment.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 24th day of October, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Chapter 31 “Police Pension Fund”, §31-7 “Payments from fund” of the Code of the City of Rye, to increase the annual sum to a widow by the cost of living adjustment.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: October 17, 2012

Agenda Item 8 was taken out of order prior to Agenda Item 5.

8. Update on the Kirby Lane South Sanitary Sewer Special Assessment District project including final steps and close-out process

City Manager Pickup said that similar to what was done for the apportionment at the conclusion of the Kirby Lane North sewer project, costs will be laid out and public meetings will be held in order to offer residents an opportunity to pay in a lump sum or over a period of time. A meeting will be held on October 30th to review the preliminary information with the neighbors and there will be updates from the Engineer relating to the costs of the installation and concerns regarding the pump station. After residents determine how they wish to pay, the Council will have to go forward with bonding. At this point, the project has come in slightly under the bid budget and it is now up to the homeowners to make their individual connections. City Councilman Sack noted that the residents of Kirby Lane North have expressed their concerns that they were assessed the costs of certain infrastructure as part of the Kirby Lane North sewer project that will now benefit the residents in the Kirby Lane South Assessment District. There is concern that the residents of the newer sewer project will not be paying their fair share of the improvements. Mr. Sack asked how the issue would be addressed. City Manager Pickup said that there was an engineering aspect to the issue that is still to be determined regarding design, impact and utilization before a decision can be made regarding a fair share. Mayor French said that the Council is open to looking at the issue.

Several residents spoke on the topic. *Richard Slack, Richard Runes and Isobel Perry* (who read a letter on behalf of *David Cuttner*) all residents of the Kirby Lane North Sewer District, said that residents of the Kirby Lane South Sewer District should share in the costs of infrastructure that was built for the Kirby Lane North project but is now being used jointly by the Kirby Lane South project. They stressed the fact that Kirby Lane South had been included in the original project plans and then had opted out of the project, and that it is only fair that they should now share in the costs they would have originally shared in. *Eugene McGuire* a resident of the Kirby Lane South Sewer District said that the second project is not Phase II of the original project because it is a different type of sewer system than the Kirby Lane North system. The only reason that the Kirby Lane South sewer had to hook into the Kirby Lane North pumping station is because it is there. If it was not there the Kirby Lane South sewer would not need the pumping station.

City Manager Pickup said that the Engineer will be at the October 30th meeting and can address questions. He said that there are also issues related to the Special Assessment District law that would affect how a shared arrangement would work since an apportionment of costs has already been done for the earlier project. Research will have to be done on how changes could be made.

9. Consideration of request to remove a handicapped parking designation on Orchard Avenue

City Manager Pickup said that the recommendation to remove the handicapped parking designation came from residents of Orchard Avenue. The family that originally requested the designation of the handicapped space has moved and the space is no longer required. Corporation Counsel Wilson noted that under the City Code the City Manager has the ability to do this administratively.

10. Discussion of the dissolution of defunct City of Rye Boards and Committees

This agenda item was deferred.

11. Residents may be heard on matters for Council consideration that do not appear on the agenda

Jim Amico asked about the recommendation regarding the temporary Stop Signs at Midland Avenue and Palisade Road. City Manager Pickup said the Chairman of the Traffic and Pedestrian Safety Committee is waiting for feedback from committee members regarding the draft recommendation. Mr. Amico also urged the Council to fund afterschool crossing guards for the High School/Middle School area.

Jordan Glass, Esq., representing HealtheHarbor.com, read a statement regarding training for politicians in the time of Aristotle and said the City Council should have worked to prevent three illnesses that occurred in nearby communities. He said the Council should think about their role and what impact their activities will have on the future. *Ray Tartaglione* spoke about mosquitoes on Hen Island and positive West Nile Virus results within several miles of Hen Island. He said the City should have taken action on Hen Island to reduce exposure to West Nile Virus. City Manager Pickup said the County had reinspected Hen Island in September and made no recommendation for further action. Councilman Sack said he would like representatives of the County to come to a City Council meeting.

Mack Cunningham spoke about several issues:

- County determination on Playland. A neighborhood concern is that a Field House will be put up on the north side of the parking lot. The neighborhoods in the area will be impacted by what happens at Playland and the Council should be proactive on behalf of the residents.
- Safe Routes Grant application. The City did not receive state funding for similar projects on a prior grant application because it had already started work on the Boston Post Road Diet. The City should look to the current application for the opportunity to fund crossing guards.
- Update on the Sluice Gate. City Manger Pickup said that the sluice gate has been installed. There are issues about the connection of power. Verification testing and acceptance testing must be done. The biggest delay was on the programming of the actuators that raise and lower the gate and the second delay was on the delivery of the gate.

Councilman Sack spoke about discussions he has had with former Councilman Cunningham about early morning garbage pickup at Rye Town Park by the Village of Port Chester. Mr. Sack asked why this cannot be changed. City Manager Pickup said that the City Engineer has looked into having the City take this over and determined that it was an issue of cost because the City does not have the same equipment as the Village of Port Chester and would have to pay a contractor to do it.

12. Consideration of a request by the Rye Merchants Association (Rye Chamber of Commerce) to close a portion of Purchase Street on Sunday, November 25, 2012 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event

Councilwoman Parker made a motion, seconded by Councilwoman Killian and unanimously carried, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby approves the request of the Rye Chamber of Commerce to close a portion of Purchase Street on Sunday, November 25, 2012 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

13. Miscellaneous Communications and Reports

There were no reports made under this agenda item.

14. Old Business

City Manager Pickup reported on the Central Avenue Bridge Project. The pre-construction meeting has been held and a schedule will be posted on the website when available.

Mayor French said there was a meeting of a Communications Committee regarding publicizing the Bond Referendum. A draft fact sheet is being finalized for posting on the website.

Councilwoman Killian asked if the contract with CBRE and the Lease Extension with Lester's had been signed. City Manager Pickup said that the Lease Extension, which contained a minor modification in the rent terms and additional security and an Agreement with CRBE with modifications to some of the percentages and additional protections for the City, have been signed. The City is working with CBRE on a schedule of further meetings.

15. New Business

There was no new business discussed under this item.

16. Adjournment

There being no further business to discuss Councilwoman Parker made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 11:55 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on October 13, 2012 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: RICHARD FILIPPI
PETER JOVANOVIICH
Councilmembers

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked that the roll be called; a quorum was present to conduct official city business.

3. Authorization for Harris Beach, PLLC to represent the Planning Commission in an appeal *Butler v. Mathisson, et al. Planning Commission* and *v. Planning Commission in the Appellate Division, Second Department*
Roll Call.

Mayor French made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby authorizes Harris Beach, PLLC, at the rate of \$215.00 per hour, to represent the Planning Commission in perfecting an appeal to the Appellate Division, Second Department in the matter *Butler v. City of Rye Planning Commission and Mathisson*.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Killian, Parker and Sack
NAYS: None

ABSENT: Councilmembers Filippi and Jovanovich

The Resolution was adopted by a 5-0 vote

4. Investigation into Boat Basin

There was a discussion regarding whether the Council should oversee the investigation into issues at the Boat Basin, similar to the investigation of the Golf Club. City Manager Pickup said that Corporation Counsel and Labor Counsel advise that both investigations should be conducted similarly.

Mayor French made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye declare itself the lead investigative body of the recent events at Rye Boat Basin, and that the City Council will work in conjunction with Labor Counsel and law enforcement, as appropriate. Pursuant to that, the City Council will make its own determination as to any professional auditors or advisers that the City may retain.

ROLL CALL:

AYES: Mayor French, Councilmembers Parker and Sack
NAYS: Councilwoman Brett
ABSENT: Councilmembers Filippi and Jovanovich
ABSTAIN: Councilwoman Killian

The motion failed to pass

5. Motion to adjourn into Executive Session to discuss a personnel matter

Councilwoman Parker made a motion seconded by Councilwoman Brett and unanimously carried, to adjourn into executive session at 10:20 a.m.

The special meeting reconvened at 12:20 p.m.

6. Investigation into Boat Basin

The motion that failed to pass prior to the Council adjourning into executive session was again considered.

Mayor French made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye declare itself the lead investigative body of the recent events at Rye Boat Basin, and that the City Council will work in conjunction with Labor Counsel and law enforcement, as appropriate. Pursuant to that, the City Council will make its own determination as to any professional auditors or advisers that the City may retain.

ROLL CALL:

AYES: Mayor French, Councilmembers Killian, Parker and Sack
NAYS: Councilwoman Brett
ABSENT: Councilmembers Filippi and Jovanovich

The Resolution was adopted by a 4-1 vote.

7. Adjournment

There being no further business to discuss Councilwoman Parker made a motion, seconded by Mayor French and unanimously carried, to adjourn the meeting at 12:45 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on October 16, 2012 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor (Arrived at 8:20 p.m.)
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVICH
JULIE KILLIAN (arrived at 8:10 p.m.)
CATHERINE F. PARKER (Arrived at 8:12 p.m.)
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Motion to adjourn into Executive Session to discuss a personnel matter

The Council convened at 8:07 p.m. A quorum was present to conduct official city business. Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn into executive session at 8:08 p.m. to discuss a personnel matter. Councilman Sack made a motion, seconded by Councilman Jovanovich, and unanimously carried to adjourn the executive session at 11:29 p.m.

2. Adjournment

There being no further business to discuss Councilman Sack made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 11:30 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on October 18, 2012 at 8:30
A.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI (Arrived at 8:40 a.m.)
PETER JOVANOVIK
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

Councilman Jovanovich made a motion, seconded by Councilman Sack and unanimously carried to adjourn into executive session to discuss proposals received by law firms in connection with conducting an investigation into the Rye Golf Club.

The Council reconvened at 9:40 a.m.

Councilwoman Brett made a motion, seconded by Councilman Sack, to adopt the following Resolution:

RESOLVED, that the City Council of the
City of Rye will enter into an Agreement with
Brune & Richard LLP to conduct an investigation
into the Rye Golf Club.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,
Killian, Parker and Sack

NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote

3. Resolution to transfer funds from the Contingency account to fund legal services for a Council investigation pursuant to Article 6, Section C6-3 of the City Charter entitled “Investigations”
Roll Call.

Mayor French made a motion, seconded by Councilman Jovanovich, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby authorizes the transfer of \$30,000 from the Contingency Account to cover the cost of legal services in connection with the investigation into the Rye Golf Club.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,
 Killian, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote

4. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the meeting at 9:49 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: October 24, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

October 24, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manager provide a report on requested topics.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Mayor has requested an update from the City Manager on the following:

- Update on the Boat Basin and Rye Golf Club
- Capital Projects Update: Bond Referendum, Central Avenue Bridge, Sluice Gate
- Update on the Midland Avenue Stop Sign
- Update on outstanding Union contracts
- Legal update

**CITY OF RYE
MEMORANDUM**

TO: Mayor and Council
ALSO TO: S. Pickup, C. Miller, R. Coyne
FROM: Traffic and Transportation Committee
SUBJECT: Midland Avenue Stop Sign Test
DATE: October 16, 2012

The Traffic and Pedestrian Safety Committee (TPS) discussed the Midland Avenue Stop Signs at its Meeting on September 13. Mr. Amico was present at the Meeting and discussed his opinion also.

At the Meeting, the City Engineer presented the speed measurements to the Committee. Speed measurements had been performed along Midland Avenue both north and south of the intersection in both directions five times south of the intersection and four times north of the intersection. These were performed in May 2006 (after the accident), June 2007 (only south of the intersection), September 2011 (after the Stimulus Package improvements were installed), June 2012 (after the Stop Signs were installed but with School still in session), and July 2012 (after the Stop Signs were installed but with School not in session). After the Stimulus Package improvements were installed, there was a significant reduction in travel speeds. As projected at the previous Hearings, the travel speeds did increase after the installation of the Stop Signs as drivers tend to make up for lost time. The speeds were still generally less than before any modifications were made to the intersection, particularly the higher speeds experienced. The speed measurements do not indicate a speeding issue in the vicinity of the intersection and the 85th percentile speeds are close to the 30 mph speed limit.

The TPS was not in favor of the original installation of the Stops Signs based upon our observations, speed measurements, accident history, and the comments from various professional Traffic Engineers, as well as the City's Stop Sign Policy. The improvements to the intersection that were performed with the Stimulus Package, including the bumpouts, crosswalk and speed radar signs, did have significant impact in reducing the travel speeds and increasing pedestrian safety at the intersection. However, the Council decided to install the Stop Signs as a test.

One concern the Committee has, and was mentioned at previously at the Hearings regarding the signs, is that to continue to install then uninstall traffic control can be very confusing to drivers and cause further accidents.

Based upon the discussions at the meeting, including personal observations of the intersection by Committee members, that there have been no reported accidents at the intersection, and as the speeds measured are generally appropriate for that type of intersection, and particularly the confusion created by switching traffic control back-and-forth, the majority of the TPS Committee present at the meeting recommends that the Stop Signs remain installed. The TPS Chairman, based upon his professional opinion, and some other members of the TPS still do not recommend the Stop Signs based upon the previous arguments. After receiving the additional comments from the Committee Members, the vote was 5 to keep the signs in, three of which were based upon the fact that the signs are up and it would be confusing to now remove, to 4 against.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: October 24, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Presentation by Sustainable Playland Inc. on the agreement signed with Westchester County for *Reinventing Playland for the 21st Century*.

FOR THE MEETING OF:

October 24, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

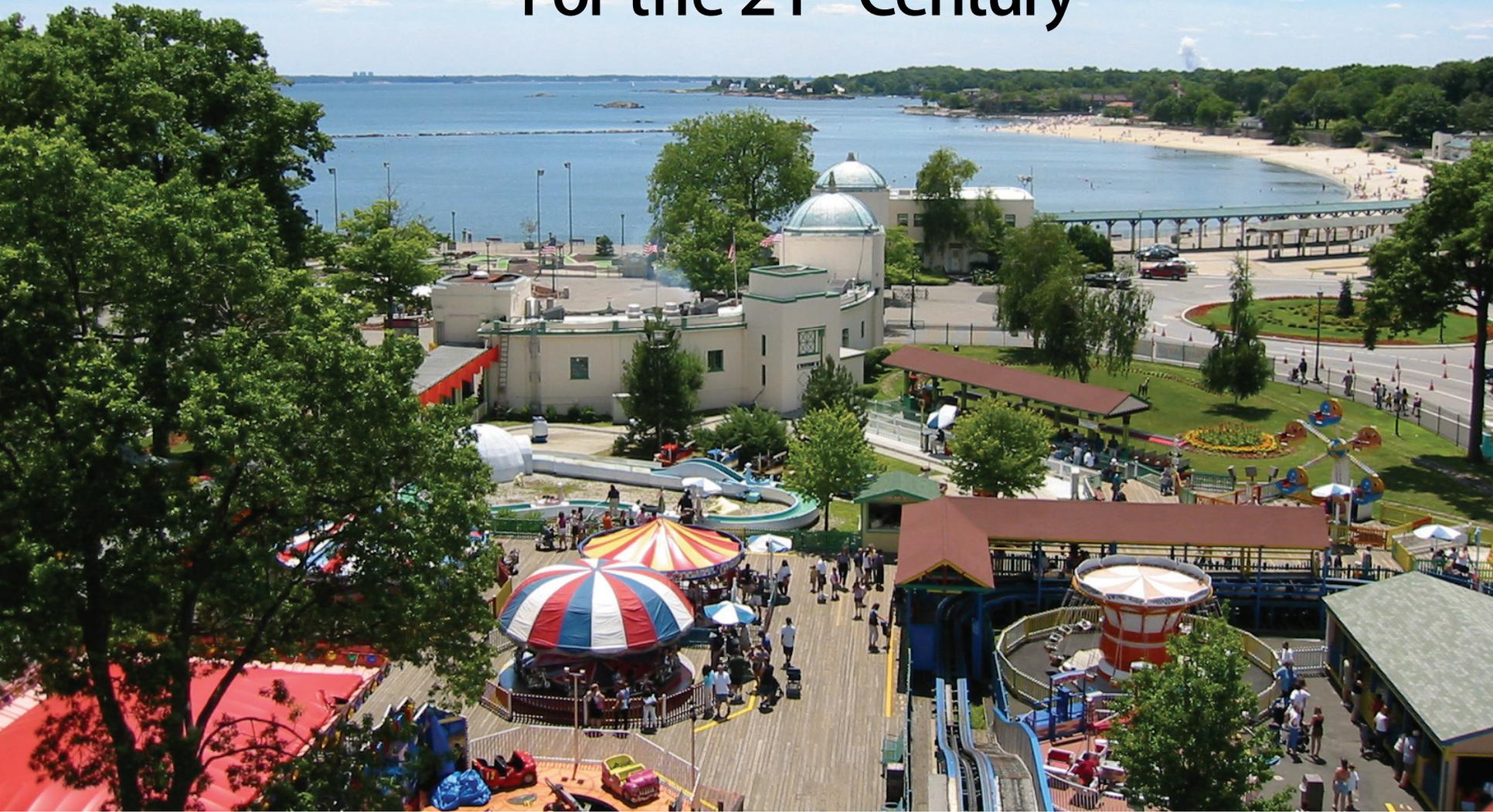
BACKGROUND:

A presentation will be made by members of Sustainable Playland Inc. on the agreement signed on October 11, 2012 with Westchester County for *Reinventing Playland for the 21st Century*.

See attached.

Reinventing Playland For the 21st Century

October 11, 2012



Westchester
gov.com

Westchester County Executive
County Board of Legislators

Robert P. Astorino, County Executive



Sustainable
Playland

Problem to be solved

What do you do with one of the most **beautiful** pieces of property anywhere whose amusement park has become an **untenable** drain on county taxpayers?

Course of Action

2010: Seek ideas

2011: Evaluate proposals

Economics

Environment

Entertainment

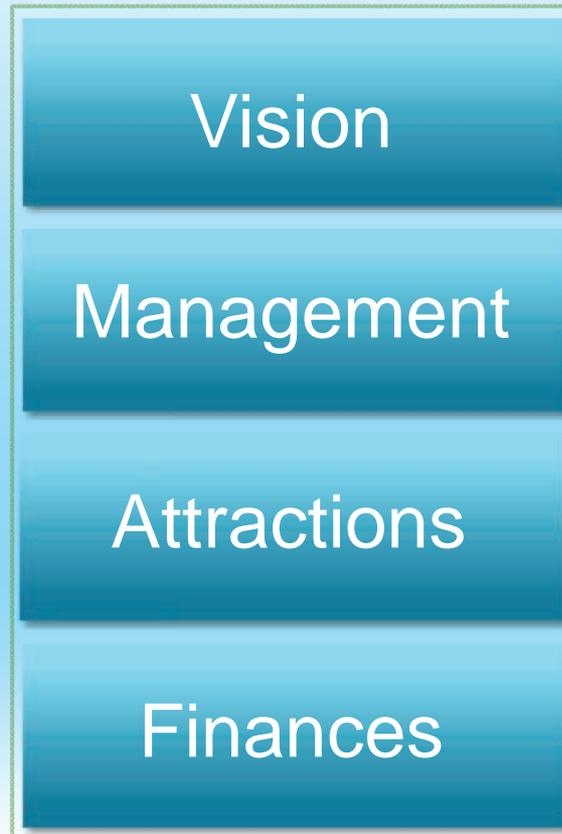
Experience

Expectations

2012: Set a new direction today

The Winning Combination

Sustainable Playland, Inc. (SPI)



The Winning Combination

Vision

Management

Attractions

Finances

- Community-based solution
- Broad appeal
- Year-round destination

The Winning Combination

Management

Vision

Attractions

Finances

- Experienced team with strong local ties
- Money in the bank
- Portfolio approach
(Increases upside and minimize risks)

The Winning Combination

Attractions

Vision

Management

Finances

- Amusement park rides
- Aqua zone and beach
- Outdoor ball fields
- Indoor Field House
- Renovated indoor ice rink
- New outdoor winter ice rink
- Great Lawn
- Multi-use Facility
- Restaurants

SPI Operating Model

- Free general admission
- Attractions grouped into zones
- Pay-as-you-go on attractions
with multi-ride discounts

Future Park Zones

REINVENTING PLAYLAND FOR THE 21ST CENTURY



AMUSEMENT ZONE Playland's historic rides will remain, including the Dragon Coaster and the Derby Racer, as well as Kiddyland and arcade games.

AQUA/BEACH ZONE Playland's beach area will feature more amenities including chair and sun umbrella rentals, cafes and activities such as water slides and floats.

FIELD ZONE Will provide a Field House for indoor sports plus outdoor athletic fields for soccer, lacrosse and other sports.

FOUNTAIN PLAZA ZONE Will feature year-round restaurants, cafes, outdoor dining, special events, as well as the Ice Casino.

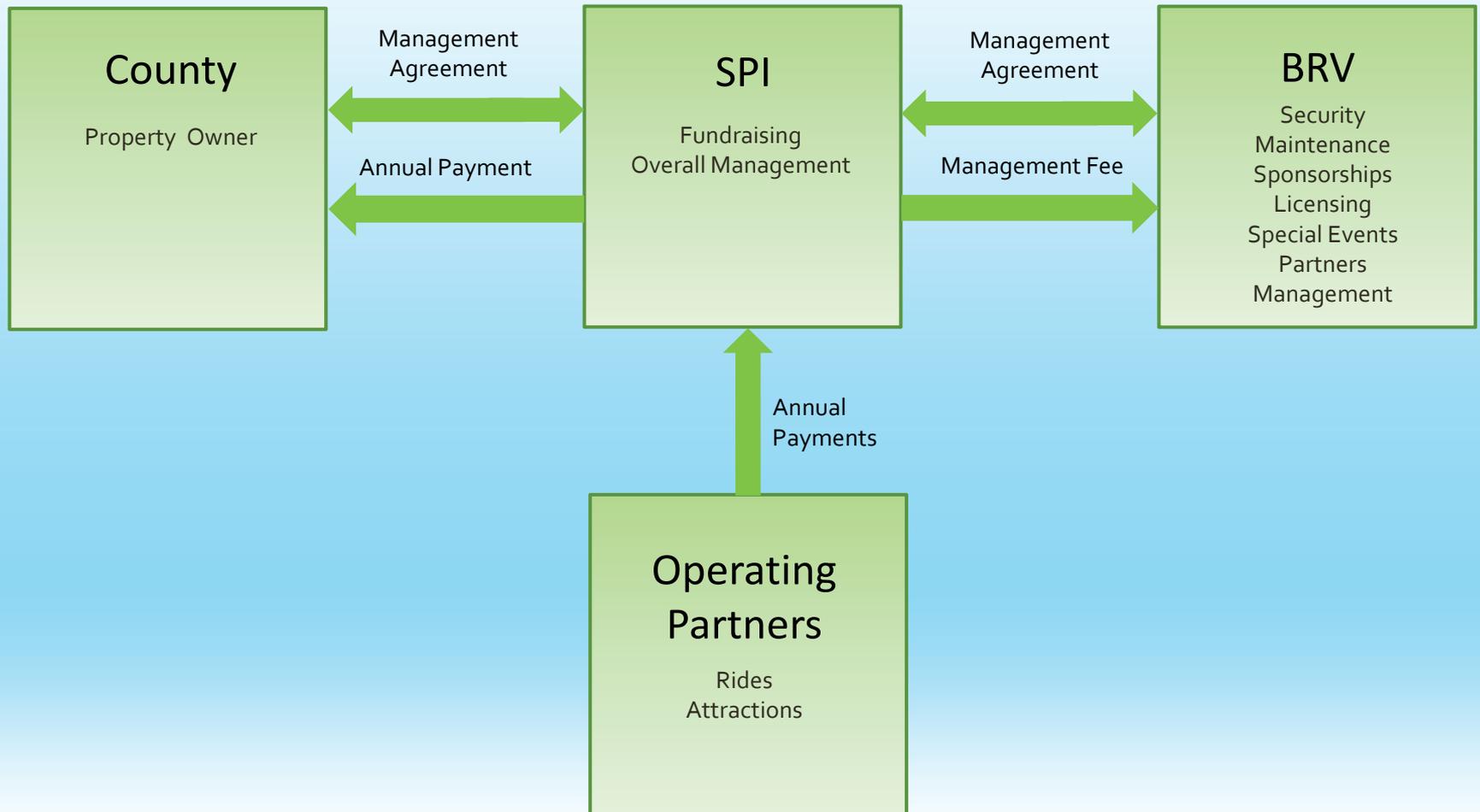
GREAT LAWN ZONE This area will feature the Central Promenade, which will remain open to the public year-round, as well as picnic shelters, mini-golf, a seasonal performance stage, and the historic Grand Carousel.

SHORE ZONE Will provide enhanced access to the Edith Read Wildlife Sanctuary, and feature the historic boathouse as well as boat and kayak rentals.

SPI Operating Partners

AREA	PARTNER	INVESTMENT
Amusement Park/Beach	Mega Funworks Steven Turk	Capital investment \$7 million
	Dream Park International Don McCrary	
Indoor Field House & Outdoor Fields	Westchester Sports Center John Abate/Eric DeGraw	Capital investment \$12.4 million
	Pinnacle Indoor Sports Norm Gill/Steve Michener	
Indoor & Outdoor Ice Skating	American Skating Entertainment Centers Shane Coppola	Capital investment \$600,000
Multi-Use Facility and Restaurants	Various operators	Capital investment \$6.6 million
Asset Manager	Dan Biederman Biederman Redevelopment Ventures	

Deal Structure



The Winning Combination

Finances

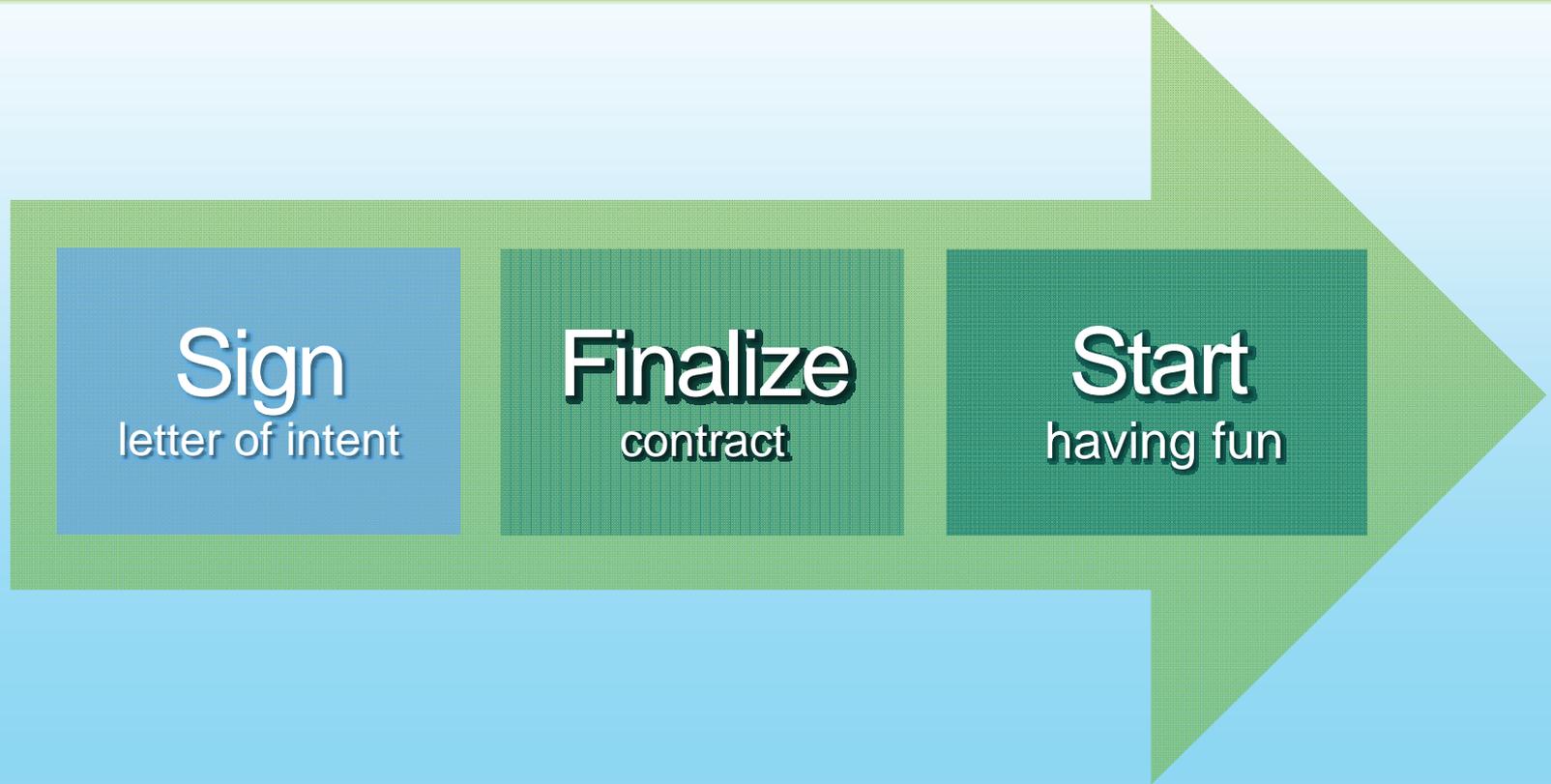
Vision

Management

Attractions

- \$34 million capital investment
- \$4 million up-front payment
- \$1.2 million base fee
- \$18 million in debt savings

Next Steps





CITY COUNCIL AGENDA

NO. 8 DEPT.: Finance Committee DATE: October 24, 2012
CONTACT: David Mullane, Finance Committee Chair

AGENDA ITEM: Financial Update by the City Comptroller providing 3rd quarter results.

FOR THE MEETING OF:
October 24, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: City Comptroller Joseph Fazzino will present a financial update providing 3rd quarter results.

See attached.



CITY OF RYE, NEW YORK

Interim Financial Report



Nine Months Ended September 30, 2012

Joe Fazzino
Acting City Comptroller
October 19, 2012

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Joe Fazzino
Acting City Comptroller
1051 Boston Post Road
Rye, New York 10580



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E-mail: jfazzino@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE

Department of Finance

October 19, 2012

To the Honorable Mayor, City Council and City Manager:

We are pleased to present the City of Rye, New York interim financial reports as of and for the nine months ended September 30, 2012, with comparative totals for the same period in 2011. The report is divided into three sections: this management introduction, the financial statements, and a glossary of terms.

It should be remembered that unlike our comprehensive annual financial report, these interim financial reports are prepared for the use of management as internal documents. These interim financial reports are unaudited and are not prepared in compliance with generally accepted accounting principles (GAAP) in that they do not include all funds of the city, do not include all GAAP-required statements and schedules, do not include notes to the financial statements, and are not necessarily formatted in accordance with GAAP.

General Fund

The General Fund constitutes the primary operating fund of the city, in that it includes all revenues and expenditures not required by law or policy to be accounted for in other funds.

Cable TV Fund

The Cable TV Fund is used to account for revenues received from the franchise holder for public access cable television programming, and the expenditure of funds related to the city's RCTV cable television operations.

K.T. Woods Permanent Fund

The K.T. Woods Permanent Fund accounts for \$20,000 bequeathed to the city by Katherine T. Woods. Under the terms of the agreement, the original \$20,000 must remain on deposit in perpetuity. The interest earned on the deposit is to be used as a "scholarship" to partially fund the salaries of Rye Nature Center interns who have demonstrated a dedication for the purposes of the Rye Nature Center. The agreement provides that other contributions may be made to the K.T. Woods Fund to increase the amount of available funding. The only expenditures of this fund are the amounts paid out for the aforementioned scholarship(s).

Debt Service Fund

The Debt Service Fund is used to account for the accumulation of resources to be used for the redemption of principal and interest on general long-term debt.

Boat Basin Fund

The Boat Basin Fund is used to account for the revenues and expenses of the DePauw Municipal Boat Basin. The Boat Basin Fund is an enterprise fund, operating in a manner similar to a private business enterprise.

Golf Club Fund

The Golf Club Fund is used to account for the revenues and expenses of the Rye Golf Club. Like the Boat Basin Fund, the Golf Club Fund is an enterprise fund.

Risk Retention Fund

The Risk Retention Fund is used to account for general liability insurance and risk management services provided to various city departments, charging each department a “premium” for such services.

Building and Vehicle Maintenance Fund

The Building and Vehicle Maintenance Fund is used to account for the acquisition, operation, maintenance and disposition of the city’s buildings and vehicles that are not otherwise accounted for in other funds.

Respectfully submitted,

Joe Fazzino
Acting City Comptroller

FINANCIAL STATEMENTS

City of Rye, New York
General Fund
Comparative Balance Sheets
As at September 30

	2012	2011
Assets:		
Cash and cash equivalents	\$ 29,866,361	\$ 28,004,510
Investments	-	7,511
Taxes receivable	7,039,634	5,919,124
Accounts receivable	58,906	49,802
Due from other funds	2,676,705	2,309,760
Due from other governments	19,679	26,450
Prepaid expenditures	860,094	378,425
Total Assets	\$ 40,521,379	\$ 36,695,582
Liabilities:		
Accounts payable	496,877	\$ 115,090
Accrued liabilities	842,365	352,925
Retained percentages	1,359	907
Customer deposits	510,589	421,192
Due to other funds	196,040	467,915
Due to other governments	21,557,284	20,542,089
Deferred revenues	551,235	525,609
Total Liabilities	24,155,749	22,425,727
Fund Balance:		
Reserved for encumbrances	392,395	398,974
Reserved for workers compensation	834,400	834,400
Reserved for compensated absences	1,307,234	1,265,202
Reserved for prepaid expenditures	860,094	378,425
Reserved for advances	708,702	1,334,183
Reserved for specific purposes	490,181	571,011
Unreserved:		
Appropriated	539,386	1,074,633
Designated for specific purposes	1,143,717	2,233,184
Undesignated	10,089,521	6,179,843
Total Fund Balance	16,365,630	14,269,855
Total Liabilities and Fund Equity	\$ 40,521,379	\$ 36,695,582

City of Rye, New York
General Fund
Comparative Statements of Revenues by Source and Expenditures by Object
For Nine Months Ended September 30

	2012 Budget (Full Year)	2012 Actual (YTD)	2011 Budget (Full Year)	2011 Actual (YTD)
Revenues:				
Property taxes and related items	\$ 20,266,310	\$ 20,198,646	\$ 19,831,725	\$ 19,624,635
Non-property tax items	2,295,365	1,170,558	2,280,000	1,190,982
Charges for services	1,633,530	1,527,643	1,551,880	1,425,350
Charges to other governments	88,245	77,475	84,745	90,023
Use of money and property	345,542	253,487	366,033	262,734
Licenses and permits	1,718,705	1,990,097	1,677,470	1,598,114
Fines and forfeitures	613,200	461,242	593,200	472,623
Sale of property and compensation for loss	53,100	87,829	85,860	43,850
Miscellaneous	159,742	186,710	137,650	271,365
Interfund revenues	446,409	340,131	446,409	340,131
Intergovernmental revenues	2,318,623	1,026,067	2,363,868	648,415
Interfund transfers in	35,000	35,000	-	-
Total Revenues	29,973,771	27,354,885	29,418,840	25,968,222
Expended:				
Salaries and wages	11,798,705	8,571,547	11,749,885	9,020,089
Equipment	302,151	114,726	378,693	149,072
Materials and supplies	2,537,729	1,145,992	2,522,069	2,726,900
Contractual costs	7,835,638	5,733,754	7,858,764	5,797,053
Employee benefits & taxes	7,777,038	4,406,781	7,366,518	3,874,574
Interfund transfers out	261,896	274,216	617,544	625,835
Total Expended	30,513,157	20,247,016	30,493,473	22,193,523
Revenues over/(under) expenditures	(539,386)	7,107,869	(1,074,633)	3,774,699
Appropriated fund balance	539,386	-	1,074,633	-
Net change in fund balance	\$ -	\$ 7,107,869	\$ -	\$ 3,774,699

City of Rye, New York
 General Fund
 Comparative Statements of Revenues and Expenditures
 by Program
 For Nine Months Ended September 30

	2012 Budget (Full Year)	2012 Actual (YTD)	2011 Budget (Full Year)	2011 Actual (YTD)
Revenues:				
Unallocated	\$ 24,974,698	\$ 22,257,475	\$ 24,586,193	\$ 21,693,938
General government	757,486	593,377	750,900	579,551
Public safety	1,727,029	1,813,425	1,723,937	1,465,983
Transportation	1,266,630	1,135,132	1,215,907	1,020,094
Recreation and culture	1,096,523	1,066,556	1,035,098	1,105,713
Home and Community services	116,405	453,920	106,805	102,943
Undistributed	35,000	35,000	-	-
Total Revenues	29,973,771	27,354,885	29,418,840	25,968,222
Expended:				
General government	\$ 3,930,385	\$ 2,294,437	\$ 3,889,340	\$ 3,735,954
Public safety	13,959,476	9,209,005	13,437,430	8,856,307
Transportation	3,490,024	2,169,831	3,753,379	2,586,303
Recreation and culture	4,057,925	3,007,762	4,074,314	3,194,527
Home and Community services	5,075,347	3,553,661	4,974,010	3,447,141
Transfers out and contingency	-	12,320	365,000	373,291
Total Expended	30,513,157	20,247,016	30,493,473	22,193,523
Revenues over/(under) expenditures	(539,386)	7,107,869	(1,074,633)	3,774,699
Appropriated fund balance	539,386	-	1,074,633	-
Net change in fund balance	\$ -	\$ 7,107,869	\$ -	\$ 3,774,699

City of Rye, New York
Cable TV Fund
Comparative Balance Sheets
As at September 30

	2012	2011
Assets:		
Cash and cash equivalents	\$ 461,260	\$ 310,980
Investments	-	112,625
Accounts receivable	-	-
Due from other funds	-	-
Due from other governments	-	-
Prepaid expenditures	4,409	3,081
Total Assets	\$ 465,669	\$ 426,686
Liabilities:		
Accounts payable	\$ 736	\$ 131
Accrued liabilities	-	-
Retained percentages	-	-
Due to other funds	-	-
Due to other governments	-	-
Deferred revenues	-	-
Total Liabilities	736	131
Fund balance:		
Reserved for encumbrances	1,761	58,039
Reserved for workers comp	300	300
Reserved for compensated absences	10,968	14,434
Reserved for prepaid expenditures	4,409	3,081
Unreserved:		
Appropriated	64,553	55,358
Undesignated	382,942	295,343
Total fund balance	464,933	426,555
Total Liabilities and Fund Equity	\$ 465,669	\$ 426,686

City of Rye, New York
Cable TV Fund
Comparative Statements of Revenues and Expenditures
For Nine Months Ended September 30

	2012 Budget (Full Year)	2012 Actual (YTD)	2011 Budget (Full Year)	2011 Actual (YTD)
Revenues:				
Non-property tax items	\$ 300,000	\$ 159,178	\$ 260,000	\$ 168,823
Charges for Services	\$ 375	\$ 825	\$ 500	\$ 375
Use of money and property	200	279	400	132
Miscellaneous	50,265	50,791	50,350	50,265
Interfund transfers in	-	-	-	-
Total Revenues	350,840	211,073	311,250	219,595
Expended:				
Salaries and wages	150,572	96,890	151,140	105,501
Equipment	66,735	21,050	89,658	37,229
Materials and supplies	19,819	5,061	21,334	10,311
Contractual costs	55,777	34,065	49,802	9,449
Employee benefits & taxes	122,490	33,481	54,674	44,732
Interfund transfers out	-	-	-	-
Total Expended	415,393	190,547	366,608	207,222
Revenues over/(under) expenditures	(64,553)	20,526	(55,358)	12,373
Appropriated fund balance	64,553	-	55,358	-
Net change in fund balance	\$ -	\$ 20,526	\$ -	\$ 12,373

City of Rye, New York
K.T. Woods Permanent Fund
Comparative Balance Sheets
As at September 30

	2012	2011
Assets:		
Cash and cash equivalents	\$ 20,134	\$ -
Investments	-	20,128
Accounts receivable	-	-
Due from other funds	-	-
Due from other governments	-	-
Prepaid expenditures	-	-
Total Assets	\$ 20,134	\$ 20,128
Liabilities:		
Accounts payable	\$ -	\$ -
Accrued liabilities	-	-
Due to other funds	-	-
Due to other governments	-	-
Deposits	-	-
Total Liabilities	-	-
Fund equity		
Appropriated fund balance	(15)	(40)
Reserved nonexpendable	20,000	20,000
Reserved expendable	149	168
Total Fund Equity	20,134	20,128
Total Liabilities and Fund Equity	\$ 20,134	\$ 20,128

City of Rye, New York
K.T. Woods Permanent Fund
Comparative Statements of Revenues and Expenditures
As at September 30

	2012 Budget (Full Year)	2012 Actual (YTD)	2011 Budget (Full Year)	2011 Actual (YTD)
Revenues:				
Use of money and property	\$ 15	\$ 6	\$ 40	\$ 10
Miscellaneous revenues	-	-	-	-
Total Revenues	<u>15</u>	<u>6</u>	<u>40</u>	<u>10</u>
Expended - Interfund transfers out	-	-	-	-
Revenues over/(under) expenditures	15	6	40	10
Appropriated fund balance	(15)	-	(40)	-
Net change in fund balance	<u>\$ -</u>	<u>\$ 6</u>	<u>\$ -</u>	<u>\$ 10</u>

City of Rye, New York
Debt Service Fund
Comparative Balance Sheets
As at September 30

	2012	2011
Assets:		
Cash and cash equivalents	\$ 206,605	\$ -
Investments	-	63,236
Due from other funds	120,609	622
Total Assets	\$ 327,214	\$ 63,858
Liabilities:		
Accounts payable	\$ -	\$ -
Accrued liabilities	-	-
Due to other funds	221,251	6,322
Total Liabilities	221,251	6,322
Fund balance:		
Appropriated fund balance	79	21,176
Reserved for debt	105,884	36,360
Total fund balance	105,963	57,536
Total Liabilities and Fund Equity	\$ 327,214	\$ 63,858

City of Rye, New York
Debt Service Fund
Comparative Statements of Revenues and Expenditures
For Nine Months Ended September 30

	2012 Budget (Full Year)	2012 Actual (YTD)	2011 Budget (Full Year)	2011 Actual (YTD)
Revenues:				
Property Taxes	\$ 141,373	\$ 189,536	\$ -	\$ 101,521
Use of money and property	-	26	-	258
Interfund transfers in	261,896	261,896	252,544	252,544
Total Revenues	403,269	451,458	252,544	354,323
Expended:				
Debt principal	246,918	223,831	142,176	199,508
Debt interest	156,430	128,129	131,544	158,314
Interfund Transfers Out	-	-	-	-
Total Expended	403,348	351,960	273,720	357,822
Revenues over/(under) expenditures	(79)	99,498	(21,176)	(3,499)
Appropriated fund balance	79	-	21,176	-
Net change in fund balance	\$ -	\$ 99,498	\$ -	\$ (3,499)

City of Rye, New York
Boat Basin Fund
Comparative Balance Sheets
As at September 30

	2012	2011
Assets:		
Cash and cash equivalents	\$ 405,067	\$ 696,576
Investments	-	2,326
Accounts receivable	950	950
Due from other funds	-	-
Due from other governments	317,500	317,500
Prepaid expenses	12,517	1,656
Property, plant & equipment	3,728,428	3,238,429
Accumulated depreciation	(1,680,576)	(1,111,726)
Total Assets	\$ 2,783,886	\$ 3,145,711
Liabilities:		
Accounts payable	\$ 296,979	\$ 220,111
Accrued liabilities	-	-
Retained percentages	-	-
Due to other funds	271	12
Due to other governments	3,098	3,086
Deferred revenues	-	-
Compensated absences	31,071	35,250
Total Liabilities	331,419	258,459
Fund Equity:		
Reserved for encumbrances	5,500	291,025
Reserved for workers compensation	13,200	13,200
Reserved for prepaid expenses	12,517	1,656
Retained earnings	2,421,250	2,581,371
Total Fund Equity	2,452,467	2,887,252
Total Liabilities and Fund Equity	\$ 2,783,886	\$ 3,145,711

City of Rye, New York
Boat Basin Fund
Comparative Statements of Revenues and Expenditures
For Nine Months Ended September 30

	2012 Budget (Full Year)	2012 Actual (YTD)	2011 Budget (Full Year)	2011 Actual (YTD)
Revenues:				
Charges for services	\$ 608,200	\$ 566,443	\$ 607,200	\$ 560,236
Use of money and property	400	333	500	280
Sale of property and compensation for loss	-	-	-	-
Miscellaneous	-	(6)	-	-
Interfund revenues	-	-	-	-
Intergovernmental revenues	-	22,368	-	-
Interfund transfers in	-	-	-	-
Total Revenues	608,600	589,138	607,700	560,516
Expended:				
Salaries and wages	222,684	140,862	218,935	157,351
Equipment	275,235	15,913	359,678	19,136
Depreciation	343,164	257,373	44,139	33,102
Materials and supplies	38,482	21,574	38,242	21,188
Contractual costs	120,179	83,351	119,880	84,272
Employee benefits & taxes	144,007	62,009	189,227	59,852
Interfund transfers out	-	-	-	-
Total Expended	1,143,751	581,082	970,101	374,901
Net increase/(decrease) in retained earnings	\$ (535,151)	\$ 8,056	\$ (362,401)	\$ 185,615

City of Rye, New York
Golf Club Fund
Comparative Balance Sheets
As at September 30

	2012	2011
Assets:		
Cash and cash equivalents	\$ 2,461,172	\$ 2,483,670
Investments	-	63,116
Accounts receivable	4,487	2,895
Due from other funds	-	-
Due from other governments	-	-
Prepaid expenses	57,184	21,776
Property, plant & equipment	17,718,159	17,718,159
Accumulated depreciation	(8,112,784)	(7,742,449)
Total Assets	\$ 12,128,218	\$ 12,547,167
Liabilities:		
Accounts payable	\$ 520,077	\$ 355,490
Accrued liabilities	-	-
Retained percentages	-	-
Customer deposits	267,189	211,644
Bonds payable	2,260,987	2,589,201
Due to other funds	-	47
Due to other governments	18,885	25,554
Deferred revenues	-	-
Compensated absences	81,897	77,910
Total Liabilities	3,149,035	3,259,846
Fund Equity:		
Reserved for encumbrances	297,496	768,580
Reserved for workers compensation	51,900	51,900
Reserved for prepaid expenses	57,184	21,776
Retained earnings	8,572,603	8,445,065
Total Fund Equity	8,979,183	9,287,321
Total Liabilities and Fund Equity	\$ 12,128,218	\$ 12,547,167

City of Rye, New York
Golf Club Fund
Comparative Statements of Revenues and Expenditures
For Nine Months Ended September 30

	2012 Budget (Full Year)	2012 Actual (YTD)	2011 Budget (Full Year)	2011 Actual (YTD)
Revenues:				
Charges for services	\$ 5,094,550	\$ 4,613,041	\$ 4,852,525	\$ 4,514,480
Concessions	1,700,000	1,505,485	2,200,000	1,526,588
Use of money and property	1,000	896	7,000	1,005
Sale of property and compensation for loss	-	-	-	-
Miscellaneous	-	1,863	-	1,375
Interfund revenues	-	-	-	-
Intergovernmental revenues	-	-	-	-
Interfund transfers in	-	-	-	-
Total Revenues	6,795,550	6,121,285	7,059,525	6,043,448
Expended:				
Salaries and wages	1,045,199	830,688	1,093,230	845,816
Equipment	241,672	41,356	232,500	27,533
Depreciation	383,740	287,811	481,584	361,197
Materials and supplies	1,937,589	1,402,273	2,016,439	1,498,612
Contractual costs	2,846,826	2,280,178	3,173,912	2,230,631
Debt interest	107,895	76,223	118,295	83,627
Employee benefits & taxes	743,001	346,961	716,885	348,076
Interfund transfers out	-	-	-	-
Total Expended	7,305,922	5,265,490	7,832,845	5,395,492
Net increase/(decrease) in retained earnings	\$ (510,372)	\$ 855,795	\$ (773,320)	\$ 647,956

City of Rye, New York
Risk Retention Fund
Comparative Balance Sheets
As at September 30

	2012	2011
Assets:		
Cash and cash equivalents	\$ 612,709	\$ -
Investments	-	479,696
Accounts receivable	158,755	129,457
Prepaid expenses	45,414	40,079
Due from other funds	-	-
Total Assets	\$ 816,878	\$ 649,232
Liabilities:		
Accounts payable	\$ -	\$ 10,642
Accrued liabilities	412,000	444,000
Total Liabilities	412,000	454,642
Fund Equity:		
Reserved for encumbrances	6,624	30,267
Reserved for prepaid expenses	45,414	40,079
Retained earnings	352,840	124,244
Total Fund Equity	404,878	194,590
Total Liabilities and Fund Equity	\$ 816,878	\$ 649,232

City of Rye, New York
Risk Retention Fund
Comparative Statements of Revenues and Expenditures
For Nine Months Ended September 30

	2012 Budget (Full Year)	2012 Actual (YTD)	2011 Budget (Full Year)	2011 Actual (YTD)
Revenues:				
Use of money and property	\$ 250	\$ 239	\$ 1,000	\$ 192
Interfund revenues	712,286	534,214	693,069	519,800
Sale of property and compensation for loss	-	6,158	-	-
Total Revenues	712,536	540,611	694,069	519,992
Expended:				
Materials and supplies	-	-	-	-
Contractual costs	750,365	526,087	697,511	558,514
Total Expended	750,365	526,087	697,511	558,514
Net increase/(decrease) in retained earnings	\$ (37,829)	\$ 14,524	\$ (3,442)	\$ (38,522)

City of Rye, New York
 Building and Vehicle Maintenance Fund
 Comparative Balance Sheets
 As at September 30

	2012	2011
Assets:		
Cash and cash equivalents	\$ 2,807,829	\$ 118,736
Investments	-	2,677,652
Accounts receivable	24,263	-
Due from other funds	410,969	442,915
Due from other governments	2,892	8,310
Allowance for Receivables	-	-
Prepaid expenses	105,334	75,869
Property, plant & equipment	41,083,332	40,628,427
Accumulated depreciation	(12,911,641)	(11,754,506)
Total Assets	\$ 31,522,978	\$ 32,197,403
Liabilities:		
Accounts payable	\$ 950,960	\$ 739,250
Accrued liabilities	-	-
Retained percentages	112,271	116,903
Security Deposits	41,667	41,667
Bonds and notes payable	12,083,863	13,285,721
Due to other funds	2,122,854	2,000,000
Due to other governments	-	-
Deferred revenues	-	-
Compensated absences	76,117	84,603
Total Liabilities	15,387,732	16,268,144
Fund Equity:		
Reserved for encumbrances	289,270	236,225
Reserved for prepaid expenses	105,334	75,869
Reserved for workers comp	25,800	25,800
Retained earnings	15,714,842	15,591,365
Total Fund Equity	16,135,246	15,929,259
Total Liabilities and Fund Equity	\$ 31,522,978	\$ 32,197,403

City of Rye, New York
 Building and Vehicle Maintenance Fund
 Comparative Statements of Revenues and Expenditures
 For Nine Months Ended September 30

	2012 Budget (Full Year)	2012 Actual (YTD)	2011 Budget (Full Year)	2011 Actual (YTD)
Revenues:				
Use of money and property	\$ 290,342	\$ 241,637	\$ 289,833	\$ 237,893
Sale of property and compensation for loss	25,000	7,463	20,000	7,295
Miscellaneous	-	4,000	-	1,343
Interfund revenues	3,680,423	2,760,327	3,855,046	2,891,277
Intergovernmental revenues	30,000	1,956	37,000	-
Interfund transfers in	255,129	-	85,000	85,000
Total Revenues	4,280,894	3,015,383	4,286,879	3,222,808
Expended:				
Salaries and wages	674,727	491,142	711,439	502,520
Equipment	35,500	11,534	126,714	21,732
Depreciation	1,187,043	890,289	1,061,144	795,870
Materials and supplies	1,012,800	612,599	996,514	653,511
Contractual costs	232,909	168,801	243,362	156,806
Debt interest	463,990	263,184	505,746	283,118
Employee benefits & taxes	687,330	241,636	662,819	211,853
Interfund transfers out	-	-	-	-
Total Expended	4,294,299	2,679,185	4,307,738	2,625,410
Net increase/(decrease) in retained earnings	\$ (13,405)	\$ 336,198	\$ (20,859)	\$ 597,398

City of Rye, New York
Payroll Agency Fund
Comparative Balance Sheets
As at September 30

	2012	2011
Assets:		
Cash and cash equivalents	\$ 15,197	\$ 39,026
Investments	-	
Accounts receivable	1,293	-
Due from other funds	-	-
Due from other governments	-	-
Total Assets	\$ 16,490	\$ 39,026
Liabilities:		
Accounts payable	\$ -	\$ -
Accrued liabilities	-	-
Due to other funds	-	-
Due to other governments	-	-
Withholdings and deposits	16,490	39,026
Total Liabilities	\$ 16,490	\$ 39,026

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GLOSSARY OF TERMS

The following glossary of terms may be helpful in the reading of these reports:

Appropriated Fund Balance - the amount of fund balance that was designated in the budget representing the amount needed to be added to estimated revenues to equal appropriations.

Appropriations - The legal authorization granted by the City Council to make expenditures or incur obligations for specific purposes.

Contractual Costs - This category of expenditures was established to capture the cost of charges for services by other funds, and costs associated with professional and contracted maintenance services.

Employee benefits & taxes - The category of expenditures representing the cost of benefits provided to employees by the city, including the city's share of FICA (Social Security and Medicare), MCTM tax, health insurance (including dental and vision where applicable), and retirement contributions.

Encumbrances - Commitments related to unperformed contracts for goods or services.

Encumbrances Rolled Forward - The amount represented by encumbrances (purchase orders) outstanding at the end of the previous fiscal year, which are brought forward into the current fiscal year. "Rolling" the encumbrances forward automatically increases the amount of appropriations, as this amount had been reserved at year-end from the fund balance.

Equipment - As used in the interim financial reports, the category of expenditures representing the purchase of equipment costing less than \$15,000 per functional unit (cost center). Equipment costs equal to or greater than \$15,000 are normally funded through the Building and Vehicle Maintenance or Capital Projects Fund.

Estimated Revenues - The amount of revenues estimated to be raised in the budget. Estimates may be on any combination of past performance, current activity, and/or anticipated events.

Expenditures - Decreases in net financial resources.

Fiscal Year - the twelve-month period associated with the financial activity of the city. In the City of Rye, the fiscal year is the same as the calendar year (January 1 through December 31).

Materials and Supplies - The category of expenditures which includes the costs of most goods and services, such as office supplies, telephone, postage, maintenance items, service contracts, etc.

Proprietary Fund - A fund that is operated similar to a commercial establishment. Budgets in these funds are used for planning purposes but do not appear in the general purpose financial statements issued at year-end. Certain expenses, such as depreciation, are recorded in these funds.

Revenues - (1) Increases in the net current assets of a governmental fund type from other than expenditure refunds and residual equity transfers. (2) Increases in the net total assets of a proprietary fund type other than expense refunds, capital contributions, and residual equity transfers.

Salaries and wages - The category of expenditures that includes payments to individuals performing work for the city as employees, as defined by the Internal Revenue Service. Salaries and wages include payments to full-time, part-time, seasonal and temporary employees, for regular and overtime work.

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CITY COUNCIL AGENDA

NO. 9 DEPT.: City Manager's Office DATE: October 24, 2012
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Presentation by the Finance Committee on Rye Recreation.

FOR THE MEETING OF:
October 24, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:
A presentation will be made by members of the Finance Committee on Rye Recreation.

Memorandum

To: Mayor French and the City Council
From: Rye Finance Committee
Re: Rye Recreation Department
Date: October 9, 2012

This report to the members of the Rye City Council has been prepared by the Rye City Finance Committee as part of its work to identify ways to improve Rye's overall cost structure. The specific area that was reviewed and is discussed herein is the Rye Recreation Department ("Rye Rec"). We have analyzed financial data for this department, and have interviewed Sally Rogol, Superintendent of the department, as well as Bart DiNardo, Chairperson of the Recreation Commission. We have also been given access by the former City Controller, Jean Gribbins, to the financial details that support the financials for the Rye Recreation Department.

Executive Summary

1. Most of Rye Rec's programs (as they define them) are not producing enough revenues to cover their associated direct costs. In 2011, only the Camps showed a surplus, but this is before adding to the costs some amount for the overhead of the camp as well as the cost to use the fields. The combined net loss of all programs before allocation of overhead/fixed costs was \$176 thousand in 2011. The following table breaks out the numbers by program.

	Revenues (\$m)	Expenses (\$m)	Net (\$m)	Revs/Exps
Athletics	\$147	\$211	(\$64)	70%
Adult Rec (Seniors)	\$10	\$135	(\$125)	7%
Camps	\$613	\$489	\$124	125%
Rec Programs	\$109	\$166	(\$57)	66%
Tennis	\$80	\$99	(\$19)	81%
Spec'l Events	\$120	\$155	(\$35)	77%
Sub total direct	\$1,079	\$1,255	(\$176)	86%

2. The pricing model used to set fees for each program/class does not take into consideration the overhead associated with running the department, maintaining the fields, or operating the Recreation Center. The combined overhead net cost in 2011 was \$1,149,000.

	Revenues (\$m)	Expenses (\$m)	Net (\$m)	Revs/Exps
Administration	\$0	\$403	(\$403)	NA
Fields and Parks	\$48	\$560	(\$512)	9%
Rec Center	\$53	\$287	(\$234)	18%
Sub total indirect	\$101	\$1,250	(\$1,149)	8%
Combined total	\$1,180	\$2,505	(\$1,325)	47%

3. The parks and fields are in need of improvements and there is not a mechanism, such as a sinking fund or a reserve fund, to set aside any funds toward these expenditures. The majority of improvements that must be made, although significant, are more routine than the typical municipal capital investments, and thus should probably be considered part of the annual operating budget process for Rye Rec rather than as occasional capital improvements.

4. In contrast to Rye Rec's overall operations, which are not expected to break even, the other recreational asset of the City, specifically the Rye Golf Club, is operated as an enterprise fund, and is expected to charge members sufficiently to break even, although admittedly this has not recently been the case. It is appropriate to question whether the city's recreational programs should not also be priced to break even, including some proportion of the overhead and capital expenditures required.

Background:

1. Rye Rec has made progress since 2010 when it was asked to improve its revenue to expense ratios from 35% to 50%. In 2011 this ratio was 47%. Total revenues, from user fees, were \$1.2million and total expenses were \$2.5 million. This improvement has come from increasing the user fees as well as slowing the growth rate in expenses through the elimination of several positions.
2. It appears that maintaining the ratio of revenues to expenses at 47 to 50% will be more challenging in years to come, as expense reduction through job eliminations is no longer a viable option. Therefore, expenses are not likely to grow as slowly in the next few years as they have over the past 3 years (expenses grew 1% in 2009, 5% in 2010, and 2% in 2011) Most likely, expenses will grow faster than 2% unless programs are eliminated, since healthcare and pension costs are projected to continue growing at substantial rates for the next few years. As a result of faster growing expenses, revenues will have to increase considerably to maintain the ratio of

revenues to expenses at 50%. In fact, if expenses increase at the rate of 5%, revenues must increase at double that rate to achieve the 50% level of revenues to expenses.

3. One scenario which was considered in the past by the Finance Committee was for Rye Rec to collaborate with the Rye YMCA. This concept came from the belief that Rye Rec did not have enough programs to meet community demands, and therefore, might be able to join forces by co-sponsoring classes and programs with the Rye YMCA. Moreover, there was a belief that while the Rye Y needed more space, e.g. fields and indoor spaces, the Rye Rec had excess capacity and could thus offer space in return for program sharing. Having reviewed the Rye Rec programs as well as actual usage of the Rec's fields and meeting spaces, we believe that such a complimentary situation does not exist. In fact, the Rye Rec has numerous programs, with many participants, and does not have enough fields to meet the ever-growing demands of recreational users.
4. Rye Rec offers a wide variety of programs for youth, adults, seniors, and the general community. In most cases, there is a specific user fee to take a class or participate in an offering. The pricing model for these classes/programs is designed to recover the direct marginal costs of offering the programs, e.g. the incremental cost of having an instructor and supplies. The Rye Rec Superintendent sets the prices, and tries to bring in "a little extra" through pricing, to cover situations where a program is not fully subscribed. The costs to manage the department and maintain the parks, fields and the recreation center, are not considered in pricing of programs. The combined overhead costs are \$1.149 million (see top of page 2). The Finance Committee believes some of these costs should be factored into the price of programs that are offered through Rye Rec.
5. Rye Rec's program for seniors is substantially underpriced when viewed against the direct expense of offering the programs. In 2011, the fees paid by seniors were roughly \$10 thousand and the marginal cost of delivering these programs was \$135 thousand. There were 275 individual members of the Senior Club, which uses the Rye Rec building for its activities but does not pay any fees for the use of the building or for the support provided by part time staff members. In effect, the net cost of the senior programs, before consideration of the overhead, was \$125 thousand. The fact that Rye Rec is offering senior programs well below the marginal cost is at odds with the other Rye Rec program offerings, and should be evaluated by both the City Council as well as the Commission.
6. One of the reasons that the Rye Rec's programs are attractive to members of the community is that they are relatively inexpensive to Rye residents. For example, a 9 week yoga program at the Rye Rec for grades 1 to 5(1 hour weekly) costs \$125. An 8 week yoga program at the Rye Y for younger children (45 minutes weekly) costs \$210 to a non member and \$150 to a member. Another example is the Rye Rec's summer camp, which costs an average of \$121 per week (\$730 for six weeks). The camp had a considerable waiting list in the spring of 2012. The Rye Y's summer camp costs \$243 per week (\$1,950 for eight weeks). This is not to suggest that Rye Rec is in direct competition with the Rye YMCA, but it seems striking that the city's offerings are priced so much lower than the Y's, even before the Y membership fee is included in the cost of the Y camp. We believe that Rye Rec should review its pricing, to take into consideration that it is not currently charging enough to pay for any of the Recreation Department's overhead. Since

Rye Rec has a waiting list for its camp, a higher fee might be tested in 2013 to determine if that affects demand for the program. Please note that both Rye Rec and Rye YMCA make scholarships available to those who are unable to pay the camp fees.

7. Rye Recreation oversees and maintains the city's recreational fields and parks. These fields and parks are used steadily through the year, except in winter. Rye Rec offers sports and camp programs using these fields/parks, and also allows third parties to use the fields/parks, for a modest fee. Rye Rec charges \$15 per person (per season) for the use of the field in the case of Rye Rec programs like flag football, youth baseball, field hockey, etc and also charges third party users such as Babe Ruth and Little League the same fee. Rye City School District teams do not pay a fee, as there is some reciprocal use of the School District's fields by Rye Rec. Some third party local teams use other fields, for example Rye Country Day School, for a substantial fee. They are willing to pay the fee because they perceive the quality of those fields to be superior. According to Bart DiNardo, the Rye fields require continuing capital investment in order to keep them in good condition, especially the field at the Rye Nursery, which has drainage problems. There is no money in the Rye Rec operating budget to invest in these fields, and as such, it is a matter of time before the fields will not meet the needs of the users, some of whom can afford to go elsewhere. As long as Rye Rec is running at a deficit of \$1million plus, there is probably no appetite to add to the deficit by asking the taxpayers to fund capital improvements to the fields as well. The Rye Rec commission should put forth some suggestions to bring in more revenue from users or sponsors to pay for the ongoing and future capital maintenance of the fields.

8. As a matter of fiscal principles, it is notable that Rye residents who choose to take advantage of the city-owned golf and pool facility are required to pay fees which are expected to generate a breakeven result for Rye Golf Club. Residents of Rye who choose to take advantage of Rye Rec programs are not being charged the full cost of their operation. This disparity in how recreational user fees are subsidized (or not) by the city is worth reviewing. As long as the city offers recreational programs that are priced at less than full cost, there will be an inherent unfairness to members of the golf club (swimmers and golfers) whose fees are covering 100 per cent of the costs, while the fees of those who play field sports and take classes at the Rec are paying less than 50 per cent of the total costs.



CITY COUNCIL AGENDA

NO. 10A DEPT.: Police DATE: October 24, 2012
CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department: (a) approval of General Orders revised as part of a comprehensive review of the Department Manual

FOR THE MEETING OF:

October 24, 2012

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: (a) Approval of General Orders revised as part of a comprehensive review of the Department Manual.

IMPACT: Environmental Fiscal Neighborhood Other:
Enhancement of the operational effectiveness of the Department.

BACKGROUND: The Department Manual was published in 1998. Although it has been revised in piecemeal fashion as needed, it has not undergone a complete review.

A comprehensive review of the Department Manual has been commenced, with the goal of completing the process during 2012. The following General Orders are submitted for review and approval as the first installment of that process:

- 101.2 Mission Statement
- 101.4 Goals and Objectives
- 102.2 Order of Rank
- 102.3 Authority and Command
- 102.4 Job Classifications
- 103.2 Legislative Restrictions/Off Duty Employment
- 104.2 P.B.A. Bulletin Board
- 104.3 Uniform Classifications
- 104.4 Annual Inspection of Uniforms and Equipment
- 111.04 Processing of Recovered Firearms: "Crime Guns"
- 113.19 Confrontation Situations

- 113.20 Hate Crimes
- 114.3 Emergency Mobilization
- 114.8 Mutual Aid
- 116.2 Promotions and Appointments
- 116.9 Procedure for Determining Claims Pursuant to General Municipal Law §207-c
- 120.7 Disciplinary Matters
- 121.2 Awards and Recognition
- 103.8 Use of Mobile Notebook Computers
- 118.1 Department Records
- 118.9 Employee Personal History Form
- 119.4 Guardian Calling Program

Copies of the proposed orders are attached in "strike and replace" format. They have been provided to the Rye Police Association for review pursuant to the provisions of the collective Bargaining agreement.

- 113.20 Hate Crimes
- 114.3 Emergency Mobilization
- 114.8 Mutual Aid
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Copies of the proposed orders are attached in "strike and replace" format. They have been provided to the Rye Police Association for review pursuant to the provisions of the collective Bargaining agreement.

CITY OF RYE POLICE DEPARTMENT

General Order #101.2	New <input checked="" type="checkbox"/>	Revised <input type="checkbox"/>
Supersedes:		
Subject: Mission Statement		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 1
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

The principal mission of the Police Department is to preserve the rights of citizens and reduce fear in the community through the prevention of crime, protection of persons, property, and the maintenance of order in public places; to preserve the quality of life pursuant to Rye City Code statutes and to anticipate and respond to events that threaten public order and the protection of life and property.

It is essential all members remember that in the execution of their duties they act not for themselves, but for the good of the public. They shall respect and protect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, and sound judgement.

Police Officers must seek and preserve public confidence by demonstrating impartial service to law, and by offering service and trust to all members of the public.

It is the express policy of this department that Police Officers will use force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force when it is necessary upon any particular occasion for achieving a police objective.

CITY OF RYE POLICE DEPARTMENT

General Order #101.4	New [x]	Revised []
Supersedes:		
Subject: Goals and Objectives		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 2
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

The greater the understanding of what the department hopes to accomplish, the greater the chances for success will be. It is important that all members of our organization be appraised of department goals and objectives, and how these goals and objectives will be accomplished.

POLICY:

It will be the policy of the City of Rye Police Department that Division Supervisors will set goals and objectives for their respective divisions, and submit them to the Police Commissioner with their annual report.

~~No later than February 1st of each year, individual~~ ~~division supervisors~~ ~~commanders~~ will meet with the Police Commissioner annually to examine and evaluate the following:

1. Annual report of division activities for the previous year.
2. An assessment on whether or not the division succeeded in obtaining their goals and objectives for the previous year.
3. Goals and objectives for the coming year, and the rationale behind how they were set. The goals and objectives may be modified by the Commissioner to more accurately reflect the global position of the department concerning all divisions.

Such goals and objectives shall include but not be limited to:

1. Identify, Investigate and Deter Criminal Activity

Accomplished by:

- a. Increased foot patrol.
- b. Respond as quickly and safely as possible to calls for service.

- c. Investigate fully all reported incidents of crime and pursue all solvability factors.
- d. Communicate with the local news media regarding crime patterns or significant incidents.

2. Increase the Level of Service to the Community by:

- a. Scheduling work shifts around the calls for service.
- b. Limit the number of officers allowed off at one time.
- c. Constant monitoring of calls for service and planning accordingly.
- d. Limited special assignment and/or details in order to maintain an adequate number of officers to answer calls for service.

3. To Continue to Maintain Standards Complying with the New York State Law Enforcement Accreditation Program

Accomplished by:

- a. Designating an accreditation officer.
- b. Continually monitoring our Department's General Orders for changes, deletions or improvements.
- c. Maintaining contact with Accreditation Council.

4. Maintain the Safe and Efficient Flow of Traffic

Accomplished by:

- a. Maintaining a yearly update of ~~the a MVA~~ pin map ~~located in the Staff Services office of~~ motor vehicle accidents.
- b. Direct enforcement action against those areas or violators that are determined to be factors in the cause of accidents.
- c. Use selective enforcement techniques.

CITY OF RYE POLICE DEPARTMENT

General Order #102.2	New [x]	Revised []
Supersedes:		
Subject: Order of Rank		
Date Issued 05/16/05	Date Effective 05/16/05	Page 1 of 2
Issuing Authority: William R. Connors, Police Commissioner		

PURPOSE

To establish the rank structure of the City of Rye Police Department.

POLICY

It shall be the policy of this Department to adhere to its order of rank/chain of command in order to avoid conflicts and promote unity of command.

Police Commissioner

It shall be the duty of the Police Commissioner to administer the Police Department of said City, of which Department he/she shall be the Chief Executive Officer, and he/she shall have full control of the members thereof.

Sworn Rank Structure

1. Police Commissioner
2. Police Lieutenant
3. Detective Sergeant/Sergeant
4. Detective/Police Officer

Presence of Equal Rank

Command is exercised by virtue of office or special assignment of officers who are eligible by law to exercise command. Subject to direction from higher command, a commanding officer has direct control over all members and employees within his command. When officers of equal rank are present and in the performance of the same operation, the senior ranking officer shall be in command, except as outlined in section 102.3 of this Manual.

When two Sergeants are assigned to perform duty on a particular tour as the result of an overlap in the duty schedule, the senior Sergeant will be designated the Tour Supervisor and will be in command of that tour. If more than one Sergeant is assigned to a tour for reasons other than an overlap in the schedule, i.e., "drop down" day, training assignment, or other duties, the Sergeant assigned to the squad normally scheduled to work during that tour will be designated the Tour Supervisor, and will be in command of activities during that tour.

Seniority

Seniority is determined first by rank, then by continuous service in rank, then by date of appointment to the City of Rye Police Department and then by highest score on Civil Service list from which appointments were made.

Obedience to Laws, Ordinances, Rules and Regulations

Definition

Employees of the department will obey all Federal and State Laws. They will also obey all laws and ordinances of the department and of other municipalities in which the employees may be present. Employees will obey all rules, regulations, directives and orders as may be issued by the department. The term "employee" includes both sworn and non-sworn personnel.

Authority

Employees of the department will obey all lawful orders issued to them by competent authority.

Violation of Law

Supervisory officers of the department will not knowingly or willfully issue any order in violation of any law or ordinance or of any rule, regulation, general or special order of the department. Supervisory officers are responsible and will be held accountable for the performance of employees working on their tour.

Obedience to Orders

Employees will promptly obey any lawful order of a superior officer regardless of assignment. This will include any order relayed to them by an employee of the same or lesser rank.

No employee of the department is required to obey any order which is contrary to the laws of the United States, State of New York, or ordinances of the community; however, such refusal to obey is the responsibility of the employee and he will be required to justify his action and will be held responsible for his actions or lack of action.

CITY OF RYE POLICE DEPARTMENT

General Order #102.3	New [] Revised [x] Supersedes: 102.3 issued 7/29/98
Subject: Authority and Command	
Date Issued 12/15/03	Date Effective 12/15/03
Page 1 of 2	
Issuing Authority: William R. Connors, Police Commissioner	

General Duties

Command is exercised by virtue of office, or special assignment of officers who are eligible by law to exercise command. Subject to direction from higher command, a commanding officer has direct control, and shall issue lawful orders to all members, and employees within his command.

At the scene of a police incident, the uniformed member of the service assigned to the post concerned shall be in command, until relieved by a higher-ranking member of the service. If officers of equal rank are present at the scene, and neither is the assigned post officer, the senior officer shall be in command unless relieved by a higher-ranking member.

If more than one sergeant is present at the scene of an incident, the sergeant designated as the Tour Supervisor shall be in command unless relieved by a higher-ranking member.

Duties and Responsibilities:

A member who succeeds to any command or duty, stands in regard to his duties, in the same situation as his predecessor. The member relieved shall turn over to his successor all lawful orders relating to that position in force at the time, and all funds and properties pertaining to it. He/she shall receive, upon request, receipts showing the condition of each article so transmitted.

An officer relieving or temporarily filling the position of a superior, in an acting capacity, shall be vested with all the authority and responsibilities of the superior, but the acting officer shall not interfere with, countermand, or modify the lawful orders previously issued by the superior, except in extreme emergency. However, when such action is taken, a report shall be made to the Police Commissioner through the chain of command, in writing, stating the reasons therefore ~~in such instances~~.

Members acting in the capacity of a higher rank shall be accorded the same obedience and respect as the permanent ranking officer.

Should a lawful order conflict with any previous lawful order issued by any other ranking officer or with any department or provision of the Department Rules and Regulations, the member to whom such order is issued shall respectfully call attention to the conflict. ~~responsibility~~ Responsibility for countermanding the original order then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed.

Issuance of orders to a subordinate does not relieve a ranking officer from the responsibility to see that the lawful orders are obeyed. Ranking officers shall not perform the duties regularly assigned to a subordinate when the subordinate is available to perform them.

Adherence to the chain of command shall not be by-passed except in an emergency.

A ranking officer may exercise command over subordinates not under his or her regular command when ~~ever~~ in his/her judgment such action is necessary in order not to jeopardize the police purpose or the reputation of the Department.

Ranking officers in command of the various branches of the Department shall establish methods, techniques and procedures best suited for the accomplishment of the functional objectives of their particular bureaus/divisions. Such procedures and techniques shall be subject to the approval of the Commissioner and shall not be in conflict with the law or any rule or lawful order of the Department. Whenever authority is delegated to a member of the Department, he/she shall be held accountable for the proper use of such authority.

In order to maintain a proper chain of command, a member will, as a general rule, be required to take direct orders from and be responsible to, one ranking officer. Ranking officers, however, shall exercise direct command over lower ranks outside their usual command in all situations where the police purpose or the reputation of the Department is jeopardized; or if no other provision is made for personnel temporarily unsupervised. If a ranking officer requires a subordinate, not of his command, to leave a regular assignment, the ranking officer so directing will inform the subordinate's supervisor as soon as possible.

At every level within this Department, personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities.

Each department employee will be held fully accountable for the use of, or failure to use, delegated authority. Any employee who has any questions concerning his/her delegated authority should bring such questions to the attention of his/her supervisor.

Any gross improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.

CITY OF RYE POLICE DEPARTMENT

General Order #102.4	New [] Revised [x] Supersedes: 102.4 issued 11/1/96
Subject: Job Classifications	
Date Issued 07/22/98	Date Effective 07/22/98
Page 1 of 15	
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner	

Duties and Responsibilities

The Police Department ~~and its Police Force have~~has the ~~power and it is their~~ duty to:

1. Protect life and property.
2. Prevent ~~c~~Crime.
3. Detect and arrest offenders.
4. Preserve the public peace.
5. Enforce all laws and ordinances over which the Police Department has jurisdiction.

Head of Department, Subordinates

1. There shall be a Department of Police, the head of which shall be the Commissioner of Police who shall be appointed by the City Manager, and he shall serve at the pleasure of the City Manager. The Commissioner of Police shall have at least the qualifications and experience specified by the Council.
2. In addition to the Commissioner of Police, the Council shall determine the number of Lieutenants, Sergeants and Patrolmen, all of whom shall be appointed by the Commissioner.
3. The Commissioner of Police shall appoint, as vacancies in the Department occur, all officers and members thereof. He/she may also appoint Bay Constables and special officers for such purposes and upon such occasions as he/she may deem proper if not in conflict with law or this chapter.
4. The Mayor and City Manager shall be ex-officio members of the Police force of the City and shall have all of the powers conferred upon police officers.

5. The Police Commissioner shall, when he/she deems it necessary for the good of the Department, suspend or remove any officer or employee whom he/she may appoint or employ, except as otherwise provided by law.

Powers and Duties

1. The Department of Police shall have all functions customarily performed by a police department, and shall exercise all powers and perform all duties pertaining to or necessarily incident thereto.
2. Under the supervision of the City Manager, the Commissioner of Police shall promulgate and enforce rules and regulations governing police discipline, practices and procedures for the administration of the Department and for the discipline and efficiency of the police force. The rules and regulations shall be approved by the Council before becoming effective. He/she shall have authority to administer oaths and take evidence, affidavits and acknowledgments in all proceedings relating to the Department.

In addition, the Commissioner of Police Shall:

- a. Exercise the powers to request and grant public assistance as provided in 209-m of the General Municipal Law.
- b. Be responsible for the administration, supervision and training of the auxiliary police and shall coordinate the same with the City Manager.
- c. Be responsible for the administration and supervision of Police Officers assigned to policing and enforcing all laws and ordinances applicable to the Rye Town Park and the maintenance of order therein.
- d. Assist the City Manager in the administration of flood, disaster and other emergency plans.
- e. Be responsible for the administration, in coordination with other municipalities, for an emergency ambulance service on behalf of the inhabitants of the City.
- f. Institute and formulate, in coordination with the heads of other Departments of the City, safety programs to reduce accidents and avoid injury or damage to persons and property.
- g. Perform such other duties as may be prescribed by law, the Council or the City Manager.

Patrol Division

The assigned activities, functions, and responsibilities of the Patrol Division are:

1. Protective patrols.
2. Control of assemblies.
3. Traffic control and direction
4. Vehicle and Traffic Law enforcement.
5. Motor vehicle accident investigation.
6. Parking control.
7. Escorts.
8. Service of arrest warrants and summonses.
9. Protection of persons and property.
10. General crime prevention.
11. Police service calls.
12. Preliminary investigations of crime.
13. Emergency services.
14. Enforcement of Revocation and Suspension Orders.
15. Radar equipment.
16. School Crossing Guards.
17. Traffic Safety.
18. Maintenance of police vehicles.
19. Traffic surveys.
20. Traffic signs, controls, devices, etc.
21. Safety equipment.

Patrol Division Commander

The Patrol Division Commander shall be responsible for all matters pertaining to the operation of the Patrol Division.

1. His/her administrative duties shall include planning, organizing and directing the activities of assigned personnel and maintenance of harmonious relationships with other police divisions and agencies.
2. He/she shall promptly obey and transmit all orders of the Commissioner, insuring uniform interpretation and full compliance.
3. He/she shall exercise authority commensurate with his/her responsibility and be held accountable for the effectiveness of the Division.
4. Ordinarily, his/her hours of duty shall be in accordance with the needs of the Division, but he/she shall be available for duty at all times in case of special need or emergency.
5. He/she shall familiarize himself/herself with administrative policy and execute effective programs for the efficient performance of the Division within his/her area of responsibility.
 - a. Prevention and suppression of crime.
 - b. Protection of life and property.
 - c. Apprehension and prosecution of offenders.
 - d. Preservation of the peace.
 - e. Enforcement of regulatory measures
6. He/she shall analyze crime and incident reports, using facilities of the Detective Division and Staff Services to determine trends as a basis for ~~practical development~~effective deployment of resources and direction of operations.
7. He/she shall examine time and activity reports to insure proper deployment and control of division personnel.
8. He/she shall be diligent in enforcing the observance of high ethical standards in the operations and conduct of division personnel.
9. He/she shall collaborate with other division heads and staff officers for the purpose of:
 - a. Organizing and conducting a progressive program of personnel training.
 - b. Improving personnel working conditions for maximum efficiency and morale.

c. Adequately recognize outstanding personnel performance.

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d. Improving efficiency and cooperation in areas of common responsibility.

e. Advancing the Public Relations Program for promoting public confidence and support.

f. Using personnel records for individual guidance and improvement.

g. Insuring the proper and economical use of Departmental property and equipment.

h. Promoting personnel and vehicle safety.

10. He/she shall systematically investigate all cases of apparent or alleged misconduct by division personnel, preparing reports and report his findings to the Police Commissioner.

11. He/she shall, when required, assist with inquiries and investigations involving members of the division.

12. He/she shall at all times keep informed of the affairs and activities of his division and be assured that he duties of his/her subordinates are properly discharged.

13. He/she shall at irregular and unannounced times visit all units and areas under his/her command, inspecting them for condition, efficiency of operation, and conformity with Rules and Regulations, initiating corrective action or disciplinary measures as required.

14. He/she shall exercise general supervision and inspection of all public places within the City and assure compliance of laws and ordinances.

15. He/she shall insure prompt reporting to proper authority all instances of negligence, violation of law or other matters falling within the jurisdiction of Federal, State or local agencies.

16. He/she shall submit required reports reflecting the problems, services and activities of the division.

17. He/she shall insure that all necessary orders, instruction and communications are available for outgoing platoons.

18. He/she shall be responsible for the safe, expeditious, movement of vehicles and the enforcement of laws, ordinances and regulations governing traffic.

19. He/she shall be diligent to prevent overt acts arising from the development of group tensions, unlawful assembles or strikes and take appropriate action.

20. He/she shall be responsible for the repression of crime and the

enforcement of laws, ordinances and regulations pertaining to criminal activities.

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21. He/she shall, with specific instructions, establish the required details and assignments necessary to carry out the functions related to his/her division. He/she shall be guided in his/her assignment by the needs of the department and assign personnel where they will be most useful and efficient.
22. He/she shall observe ~~the~~ probationary patrol officers assigned to his/her division and prior to the expiration of their probationary period, he/she shall ~~submit to the Commissioner a detailed written report describing~~ evaluate their appearance, intelligence, discipline, efficiency, initiative, general adaptability to police work and their overall ability to obtain desirable results, and advise the Police Commissioner. He/she shall ~~in his/her report include a statement~~ make recommendations as to whether or not, in his/her opinion, each individual officer should receive permanent appointment.
23. He/she shall perform such other duties as may be assigned to him/her by the Police Commissioner.
24. He/she has overall responsibility for ensuring a safe and free flow of vehicle and pedestrian traffic ~~within~~ in the City. His/her administrative duties shall include planning, organizing and directing the activities of assigned personnel and the maintenance of harmonious relationships with other police divisions and agencies.
25. He/she shall prepare ~~an~~ annual performance evaluations of all Sergeants under his/her supervision and submit them to the Police Commissioner.

Duties of Patrol Sergeant

1. Supervisory members will be responsible for the enforcement of all laws and ordinances, department rules and regulations, orders, procedures, discipline, punctuality, attendance, appearance, good order and efficiency of members within ~~his~~ their assigned jurisdiction ~~purview~~.
2. Supervisory member will:
 - a. Perform specific duties and functions as assigned by his/her superior officer.
 - b. Obey all lawful orders.
 - c. Perform assigned tasks.
 - d. Provide leadership and guidance in developing loyalty and dedication to the police profession.
 - e. Train, direct, supervise and evaluate members in their assigned duties. Recommend remedial or disciplinary actions for

inefficient, incompetent or unsuitable members.

- f. Communicate orders, information and instructions.
- g. Inform his/her relief of all necessary police matters.
- h. Be present at prescribed roll calls.

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- i. At unannounced intervals, inspect personnel, vehicles and equipment.
- j. Take appropriate action in regards to absentees and any deficiencies in patrol officers and equipment.
- k. Insure that departmental resources are used effectively.
- l. Insure that recovered property is handled in accordance with department orders.
- m. Account for all monies and valuables received, processed, and disbursed in conformance with department orders.
- n. Inquire into the circumstances of all arrests to assure that all persons are handled in conformance with department orders.
- o. Know and conform to the current bail provisions of the Criminal Procedure Law.
- p. Report promptly matters of police importance to his/her Superior Officer.
- q. Insure that all appropriate City Departments are informed of emergencies which require their attention.
- r. Direct activities of subordinate members for the purpose of achieving the objectives of ~~t-hethe~~ Police Department.
- s. Perform those duties of the members of the ~~foree-Department~~ that are applicable to him/her.
- t. When in uniform, maintain a military bearing and render military courtesy to superior officers.
- u. The Patrol Sergeant shall inspect the outgoing platoon.
- v. The Patrol Sergeant shall follow up complaints and see that they receive proper attention.
- w. The Patrol Sergeant shall patrol the entire City. He/she shall visit each Patrol Officer at irregular intervals and supervise their activities.
- x. The Patrol Sergeant shall inspect without delay, the activity

sheets of Patrol Officers presented to him/her at the expiration of their tours of duty, certify such inspection by his/her signature, record any pertinent information, and take the proper action with respect thereto.

- y. ~~Maintain proper roll~~ Serve as a role model for members under his/her command at all times, on and off duty.
- z. He/she shall prepare an annual evaluation report of each member of his/her platoon and submit them to the Patrol Commander.

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Detective Division

The assigned activities, functions and responsibilities of the Detective Division are:

1. Investigation of Crimes.
2. Identification services
3. Warrants
4. Wire-tap requests
5. Intelligence gathering
6. Vice control
7. Analyze Crime Reports and Trends.
8. Transmit and receive fingerprints
9. Conduct follow up on complaints
10. Maintenance of police vehicles and equipment assigned to the Detective Division.
11. Respond to requests for letters of good conduct.
12. Uniform Crime Reports.

Detective Division Commander

The Detective Division Commander shall be responsible for matters pertaining to the operation of the Detective Division.

1. He/she shall be responsible for ~~the solution of all major crimes and for the further~~ investigation of all felony and serious misdemeanor cases.
2. He/she will have the responsibility of planning, organizing and directing the activities of ~~the~~ assigned personnel and will maintain harmonious relationships with other divisions and allied agencies.

3. He/she shall exercise authority commensurate with his responsibility and be accountable ~~directly~~ to higher authority.
4. He/she shall promptly obey and transmit all orders from higher authority, ~~insuring uniform interpretation and full compliance.~~
5. Ordinarily his/her hours of duty shall be in accordance with the needs of the division, but he/she shall be available for duty at all times in cases of special need or emergency.
6. He/she shall examine reports for conformity with the procedure for complete investigation and reporting, referring improper or incomplete reports through channels for correction.

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7. He/she shall analyze crime and incident reports daily, using facilities of the Staff Services Division to determine trends as a basis for deployment of personnel and direction of operations.
8. He/she shall inspect time and activity reports of assigned personnel, to insure proper direction and control.
9. He/she shall be responsible for assigning vacations, holidays, overtime and leaves for personnel assigned to the Division. He/she shall maintain a sufficient working force to conform to the needs of the division.
10. He/she shall be diligent in enforcing the observance of high ethical standards in the operation and conduct of Division personnel.
11. He/she shall collaborate with other division heads and staff officers for the purpose of:
 - a. Conducting a progressive program of personnel training.
 - b. Improving personnel working conditions for maximum efficiency and morale.
 - c. Adequately recognizing outstanding performance of assigned personnel.
 - d. Improving efficiency and cooperation in areas of common responsibility.
 - e. Advancing the public relations program for promoting public confidence and support.
 - f. Using personnel records for individual guidance and improvement.
 - g. Insuring the proper and economical use of division property and equipment.
12. He/she, shall at all times, be aware of the affairs of the division and be assured that the duties of his/her subordinates are properly discharged.
13. He/she shall, at irregular and unannounced times, visit all units and areas under his/her command, inspecting them for condition, efficiency and conformity with regulations and orders, initiating corrective action as indicated.

14. He/she shall be responsible for the maintenance of proper records and reports of the division.
15. He/she shall acquire ~~all possible~~ information concerning places in the City known to be or suspected of being frequented by criminals ~~or questionable characters~~, and direct the attention of the detective force to such places. When criminals are arrested he/she shall, when possible, take ~~the~~ necessary steps to assure that personnel of the department are familiar with their appearance, history, methods and habits. He/she shall arrange for interviews with all persons held for investigation~~s~~, ~~or~~ persons charged with serious crimes and assist members of the division in preparing cases for proper presentation in court.

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16. He/she may assign any member of the division to special investigations when required. He/she shall keep higher authority informed of such special assignments.
17. He/she shall insure prompt reporting to proper authorities of any violation of law or other matter falling within the jurisdiction of such authority.
18. He/she shall maintain files on general criminal intelligence. The files will contain information on known and suspected members of criminal organizations and their activities, place of residence, associates and other pertinent data. He shall forward to proper agencies information of violations of law outside the jurisdiction of this department.
19. He/she shall be responsible for the repression of crime through the apprehension of criminals and the proper conduct~~ing~~ of investigations in order to accomplish this goal.
20. The Detective Division shall investigate and prepare a case on all felony crimes ~~as per order of the Commissioner~~, serious misdemeanors, and others investigated incidents that merit further investigation, or as directed by the Police Commissioner. Follow-up investigations shall be conducted on preliminary investigations whether instituted by the Patrol Division or otherwise.

Duties of Detectives

1. Members assigned as detectives will hold the permanent rank of ~~Patrolman~~Police Officer.
2. Members of the Detective Bureau shall be under the direction of the Detective ~~Bureau~~Division Commander. They are charged particularly with the investigation of criminal cases in the City, the arrest~~ing~~ of criminal offenders, the ~~locating~~location of missing persons, the recovery of lost or stolen property and the proper processing of fugitive requisitions. They shall have ~~the~~ responsibility ~~of~~for all conditions pertaining to or relating toward the fostering of crime.

3. They shall acquire a thorough knowledge of the penal law and code of criminal procedure and the elements that constitute criminal acts in violation of the various sections thereof; and shall have a thorough knowledge of the rules of evidence. They shall familiarize themselves with the criminal element, acquiring knowledge of their practices, hangouts, and associations, and acquaint themselves with the various methods adopted by criminals in commission of crime and evading detection.
4. They shall follow up each case assigned to them until there is a final official disposition of such case. They shall interview and advise complainants in person, at reasonable intervals, of the status of the case under investigation, in which the complainant is concerned.

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5. They shall cooperate with all members of the Department in the prevention and detection of crime, the arrest of criminals and the enforcement of all laws and ordinances.
6. They shall be assigned hours by the Detective Bureau Commander. At the completion of each tour of duty, they shall submit necessary reports of their activities and supplementary offense reports on previously assigned offenses. They shall keep their Commanding Officer advised of the progress and development of cases to which they are assigned.
7. They shall keep themselves neat and clean, properly armed and their appearance shall be businesslike and presentable, unless under specific orders of a superior officer in the line of duty.
8. The fact that a detective is detailed to special duty in the detection and prevention of crime shall not be construed as relieving him/her of the responsibility of taking prompt action in the matter of any violation of the laws, ordinances, rules and regulations, coming to his/her attention.
9. All lost, found, or stolen property coming into the hands of members of the Department shall be thoroughly checked and recorded by the Detective Division immediately, and they shall make the proper effort to locate the owner of such recovered property.
10. They shall be held accountable for the condition, care and proper use of the motor vehicles under their supervisioncontrol.
11. Members of the Department who are acting detectives shall be guided by these regulations and shall be supervised by the detective-Detective bureau-Division personnel.
12. Detectives, unless otherwise directed, will wear dress shirts, tie and jacket. These provisions will not apply to detectives on special details requiring other dress, such as uniforms or undercover plain

clothes.

| Staff Services/Records Division

The assigned activities, functions and responsibilities of the Records Division is to provide staff support to the Police Department.

1. Maintain central records file
2. Process & maintain all alarm permit applications and related records
3. Correspondence

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4. Secure training aids and equipment
5. Maintain and file departmental reports and records
6. Generate special reports
7. Provide overall planning support to the Office of the Police Commissioner
8. Conduct research projects as required.
9. Review applications for Taxi License and Registration.
10. Any such other duties as may be assigned by the Commissioner.
11. Review computer entries for accuracy.
12. Returning deficient paperwork to any tour supervisor who is responsible for immediate corrections and refiling.

| 13. Maintain the Department's Information technology systems.

Crime Prevention Unit

The function of the Crime Prevention Unit is to educate the citizens of Rye in methods of protecting their person and their property.

The Crime Prevention Officer will perform the following functions:

1. Public education regarding methods of home, business and personal security.
2. Security analysis of residents homes and business establishments.
3. Coordination of Operation I.D.

4. Coordination of neighborhood block watch groups.
5. Liaison with State Office of Crime Prevention.
6. Maintain liaison with other police departments' Crime Prevention Units for the purpose of keeping abreast of changing modes of criminal operation.
7. Keep abreast of new crime prevention techniques for dissemination to the public.

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Juvenile Aid Unit Youth Officer/Youth Division

1. Prevention of Juvenile delinquency and crime among minors
2. Enforce laws specifically relating to children.
3. Public Relations.
4. Maintain Liaison with schools.
5. Maintenance of equipment and vehicles assigned to the Division.

The assigned activities, functions and responsibilities of the Juvenile Division are:

1. To enforce the Laws, Rules and Regulations involving youth arrests and activities.
2. To develop liaison with Cultural, Civic and Religious organizations within the City of Rye which will assist the department in youth activities.
3. To develop liaison with surrounding Police Departments and Agencies other agencies involved in youth activities.
4. To develop working relationships as well as resources with Federal, State and Local-local Agencies agencies.

5. To be aware of all the youth activities in the Community by developing liaison with the Patrol ~~Force~~ Division as well as the ~~Youth~~ youth of the ~~Community~~ community on a one to one basis.
6. To assist the Police Commissioner in the application for grants in order to ~~get~~ obtain funding for youth ~~sponsored~~ programs from Federal, State and Local assistance agencies.
7. To develop within the Rye Police Department an interest in the youth of the community and to assist in youth development programs.
8. To develop an open line of communication with the Patrol ~~force~~ Division and the Patrol Lieutenant by instituting ~~weekly~~ periodic meetings and discussing youth activities and youth crime problems.
9. To develop an open line of communication with the Detective Division in order for the formal/informal exchange of information along mutual interest lines and establishing ~~weekly~~ periodic meetings with the Detective Commander as needed.
10. To develop ~~an open Youth Division Office in the high~~ liaison with the local schools to give the Youth Officer better access to the information that is being taken by ~~the High Schools~~ school administrators and assisting the schools with crime problems.

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11. To develop educational and enforcement activities regarding drug abuse within the City of Rye.
12. To take part in broad community activities regarding the youth program and the police department within the City of Rye.
13. To assist the Commissioner in developing:
 - a. Community service activities
 - b. Using the general obligations law in excessive cases of vandalism
14. May develop educational programs with correctional facilities for the youth of Rye who are current problems in the area of juvenile delinquency in an effort to reduce desire on the part of these youths.
15. To assist the Police Commissioner in any and all other activities as assigned.

Police Dispatcher (any Officer, Sergeant or Lieutenant assigned to desk)

1. The dispatcher's post shall ~~contain be~~ the immediate area of the desk. He/she shall not leave his/her post unless properly relieved. The Dispatcher is responsible for the interception, and timely relay of all radio, telephone and teletype information.
2. When a dispatcher leaves his/her post, he shall place a competent member of the service in charge. When the dispatcher is relieved, he/she shall notify his/her relief as to where he/she may be located during his/her time away from the desk.
3. Except as otherwise directed by a superior officer, the dispatcher shall not permit anyone behind the desk except members of the department on official business.
4. During his/her tour of duty, the dispatcher is responsible for proper receipt of all complaints and messages.
5. The dispatcher shall notify the Patrol Supervisor of any specific duty assignments and inform the patrol sergeant of any other necessary information or alarms so that they may be read to the outgoing platoon.
6. The dispatcher shall complete all necessary forms and records during his/her tour of duty.
7. Dispatchers will devote full time to the duties of the office.
8. The dispatcher will certify with his/her signature on the duty time sheet the correctness of same.
9. The dispatcher will stop all civilians at the desk and inquire as to their business. He will direct them to the proper division and announce their visit and obtain permission before the person is permitted to proceed.

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10. The dispatcher shall, at all times, in their dealing with members of the Department and the public, display ~~an example of intelligence,~~ efficiency, promptness, accuracy, trustworthiness and courtesy.
11. It shall be the duty of the dispatcher to insure that persons shall not unnecessarily congregate in the desk area.
12. He/she shall notify the patrol supervisor if a member of the department is absent from his/her post or fails to make required radio calls.
13. The dispatcher shall be observant, discreet and logical in the performance of his/her duty. The dispatcher shall obey strictly and execute promptly, all lawful orders issued by their superiors.
14. The dispatcher shall perform such other duties as may be prescribe by proper authority.
15. The dispatcher shall make prompt, accurate and necessary entries of the official business on ~~the calls for service sheets, and in~~ ether appropriate departmental records ~~and the computer~~ in the manner prescribed for making and keeping such records.

| 16. During his/her tour of duty, a dispatcher is responsible for the receipt
| of
| all telephone messages received by him/her, and ~~the~~any necessary action
| thereon. He/she shall call the attention of the patrol supervisor to
| all matters of importance, such as unusual occurrences and important
| messages, or conditions requiring his/her attention.

CITY OF RYE POLICE DEPARTMENT

General Order #103.2	New []	Revised [x]
Supersedes: 103.2 issued 05/15/00		
Subject: Legislative Restrictions/Off Duty Employment		
Date Issued 05/16/05	Date Effective 05/16/05	Page 1 of 4
Issuing Authority: William R. Connors, Police Commissioner		

POLICY

It is the policy of this department to inform officers of departmental policies and also the rules and regulations of this department. It is further the policy of this department to inform officers of existing legislative restrictions relative to their employment as a police officer.

A.B.C. Law

Members shall not have any interest, either directly or indirectly, in the manufacture or sale of alcoholic beverages or to offer for sale, or recommend to any licensee, any alcoholic beverage.

No member shall be employed in any retail licensed establishment where the consumption of alcoholic beverages is permitted on premise except when authorized by the ABC Board and Commissioner of Police.

NOTE: employment in a licensed establishment for off premise consumption (deli, etc.) is not prohibited under this procedure.

New York State Election Law, Section 17-110
Misdemeanors concerning...members of any police force

Any person who being a Police Commissioner or any officer or member of any police force in this State:

1. Uses or threatens or attempts to use his official power or authority, in any manner, directly or indirectly in aid of or against any political party, organization, association, or society, or to control, affect, influence, reward or punish, the political adherence, affiliation, action, expression or opinion of any citizen; or
2. Appoints, promotes, transfers, retires, or punishes an officer or member of a police force, or asks for aids in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or for or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society, or
3. Solicits, collects, or receives any money for any political fund, club, association, society or committee, is guilty of a misdemeanor.

Racing, Wagering, and Breeding Law

Members of the department shall not hold, directly or indirectly, any proprietary interest, stock, office or employment with any firm, association or corporation which:

1. Is licensed by the Wagering and Breeding Board to conduct pari-mutual racing.
2. Conducts its occupation, trade or business at racetracks at which pari-mutual race meets are conducted.
3. Own or leases to any enfranchised or licensed association or corporation a racetrack at which pari-mutual racing is conducted.
4. Participates in the management or any franchised holder or licensee conducting pari-mutual racing.

There are also several restrictions stated in the Public Officers Law, Article 4 and the General Municipal Law, Article 18. These sections impose restrictions on officers relative to the following:

1. Officers are not allowed to accept any type of gift or service with a value exceeding \$25.00 which may be inferred that same was accepted to influence the officers in the performance of his/her official duty.
2. Officers are forbidden to disclose any confidential information learned in the course of their employment.
3. Officers, due to a conflict of interest, are restricted relating to services they may provide to the employing government.

These sections of law also impose several affirmative duties:

1. Officers must disclose any interest in any contract the City may enter.
2. Officers must disclose any interest in any real property for which a variance is made.

As these sections of law are lengthy, it is the responsibility of the individual officer to become familiar with sections of these laws that may apply to their specific circumstances if conflicts of interest develop. Law books covering these sections are on file with the Clerk's ~~office-Officeand-Public Law Library~~.

Section 208-d of the General Municipal Law permits Police Officers to engage in outside employment for a maximum of 20 hours a week. The section reads as follows:

"Notwithstanding the provision of any general, special or local law or any rule or regulation of any Police Department or Commissioner or head thereof, any member of a Police force of a City may engage in extra work for another employer outside his/her regular hours of duty for not exceeding 20 hours per week provided that such extra work does not interfere or conflict with his/her regular duties as a member of the force or his/her availability for emergency duty nor effect his/her physical condition to the extent that it impairs his ability to efficiently perform such duties and further provided that the type of employment shall first be approved by the Police Commissioner."

Definitions: Off Duty Employment shall mean:

- a. Self-employment of any kind.
- b. Any act of employment wherein you receive any type of compensation for services provided.
- c. What has been referred to as "side jobs" - a short term, occasional job.

It is the policy of this department to permit officers to engage in outside employment within the confines of Section 208-d of the General Municipal Law and in conformance with all applicable State and Federal Laws. The following rules and regulations shall govern such outside employment by members of the Rye Police Department.

1. All Police Officers who desire to engage in outside employment shall submit a secondary employment request to the Office of the Police Commissioner. (see attached)
 - a. A separate request shall be filed for each secondary position.
 - b. Secondary employment shall be renewed annually; renewal requests are to be submitted to the office of the Police Commissioner not later than May 1st of each year.
2. That secondary employment request shall contain the position, employer, location, duties, hours of work and total hours of work per week.
3. All members of the Police Department are prohibited from performing secondary employment while on sick or injured leave or while assigned to transitional duty.
4. Such employment shall not interfere with their obligation to be called for duty at any time of day or night for emergencies, special assignment and overtime duty.
5. A Police Officer working off duty within the "City of Rye" limits and in public view, such as working traffic or in the business district, shall wear the full police uniform with badge and firearm.
6. No officer will work either "inside" a private business or private property side job while wearing a police uniform.
7. Regulation 5 & 6 above may be modified by the prior written approval of the Police Commissioner
8. A Police Officer working off duty in uniform shall be under the supervision of the Police Commissioner and on duty officers.

Reasons for Denial: Request for secondary employment may be denied for any of the following reasons:

1. Where the applicants sick time indicates secondary employment may impair his ability to discharge police obligations.

- | 2. Any officer who has had a poor sick leave record ~~will~~may be denied off duty employment, self employment, side jobs or overtime.
3. Where in the opinion of the Police Commissioner, hours of secondary employment would conflict with normal police working hours.
4. Where secondary employment obligations are such that they may possibly bring the Police Department or the applicant into disfavor or disrespect or involve the officer in violations of the Rules and Regulations of the Department.
5. When secondary employment hours would be in excess of 20 hours.
6. When secondary employment is in violation of any State or Federal Law.

SECONDARY EMPLOYMENT REQUEST

TO: Police Commissioner
FROM:
SUBJECT: Permission for Secondary Employment
DATE:

Please be advised that I request to work at a secondary position. The following information is submitted:

Position/Employer: _____

Location: _____

Duties: _____

Hours of Work: _____

Total Hours of Work per week: _____

Approved: _____

Disapproved: _____

William R. Connors
Police Commissioner

WRC/gk

REQUESTS MUST BE RENEWED PRIOR TO MAY 1ST OF EACH YEAR

CITY OF RYE POLICE DEPARTMENT

General Order #104.2	New [x]	Revised []
Supersedes:		
Subject: P.B.A. Bulletin Board		
Date Issued 07/22/98	Date Effective 07/22/98	Page 1 of 1
Issuing Authority: William A. Pease R. Connors , Police Commissioner		

It will be the policy of this Department to allow the P-B-A-Rye Police Association to maintain a bulletin board at Police Headquarters. All items posted on the bulletin board must have the prior approval of the P-B-A-Rye Police Association President.

Guidelines

It will be the Tour Supervisor's responsibility to check the PBA Bulletin Board at the start of his tour and at least once during his/her tour. Any items posted that would be viewed as inappropriate or insensitive material that constitutes contributing toward making the work place a hostile work environment shall be removed. Upon removal, a report will be written by the Tour Supervisor which will ~~contain~~include the date and time the item was removed. The report will be attached to the item and put with the daily paper work to be sent to the Police Commissioner's Office.

CITY OF RYE POLICE DEPARTMENT

General Order #104.3	New [x]	Revised []
Subject: Uniform Classifications		
Date Issued 02/17/06	Date Effective 02/17/06	Page 1 of 4
Issuing Authority: William R. Connors, Police Commissioner		

DRESS UNIFORM (CLASS A)

To be worn for ceremonies, promotions, funerals, etc., or as directed by supervisory authority:

- 8-point cap
- Summer blouse
- Long sleeved shirt with tie
- ~~Dress-Duty/Dress~~ Trousers
- Shined shoes
- White gloves
- Equipment belt (leather, basketweave design) with "Sam Browne" shoulder strap. White metal buckle for police officers; yellow metal buckle for detectives and above. Worn with authorized holster, double magazine pouch on same side as holster, and handcuff case (worn on back center of belt).

PATROL UNIFORM

To be worn by members performing patrol duty in uniform:

WINTER (Class B)

- Long sleeved shirt with tie or turtleneck worn beneath shirt (Turtleneck may be work without long sleeved shirt if worn under an outer garment)
- Duty jacket (heavy or light weight) or "V"-neck military-style sweater
- Duty trousers
- Black shoes or boots, shined
- Black gloves
- Full equipment belt (leather, basketweave design) without Sam Browne shoulder strap

8-point cap

Authorized concealable body armor

Optional: "Trooper" style winter hat may be worn between November and March

Optional: knit watch cap with "RYEPD" logo may be authorized by the Tour Supervisor when the temperature for the tour is expected to be below 15 degrees Fahrenheit and inclement winter weather (i.e., snow, sleet, freezing rain) is predicted by the National Weather Service

Optional: Body armor may be worn in authorized quilted cover under an outer garment (quilted vest cover will not be worn as an outermost garment).

SUMMER (Class B)

Long sleeved shirt with tie

Duty jacket or V-neck military-style sweater

Duty trousers

Black shoes or boots, shined

Black gloves

Equipment belt (leather, basketweave design) without Sam Browne shoulder strap

8-point cap

Authorized concealable body armor

Optional: Summer cap (with perforated frame)

SUMMER (Class C)

Members of the Department are authorized to wear the short sleeved uniform shirt at their option between May 1st and November 1st, and may be authorized to wear the short sleeved uniform shirt by the Tour Supervisor during other periods when the outdoor temperature, as forecast by the National Weather Service, is predicted to be above 65 degrees Fahrenheit during a given tour.

Short-sleeved shirt without tie

Duty trousers

Black shoes or boots, shined

Black gloves

Equipment belt (leather, basketweave design) without Sam Browne shoulder strap

8-point cap

Authorized concealable body armor

Optional: Summer cap (with perforated frame)

ADMINISTRATIVE UNIFORM (Class D)

To be worn by members performing administrative duties in uniform:

WINTER:

No cap
Long sleeved shirt and tie or turtleneck
Duty trousers
Black shoes or boots
Optional: equipment belt (leather, basketweave design) without Sam
Browne shoulder strap
Optional: "V"-neck military-style sweater

SUMMER

No cap
Short-sleeved shirt without tie
Duty trousers
Black shoes or boots
Equipment belt (leather, basketweave design) without Sam Browne
shoulder strap (optional)
Optional: "V"-neck military-style sweater

Specialized Units:

Because of the specialized nature of the duties performed by members of certain units, members assigned may wear the authorized golf-type shirt, navy blue in color, with Department patches on both sleeves, City of Rye Police Department shield embroidered on the left breast, "City of Rye Police" embroidered or silk-screened on back, and the member's name and rank embroidered on the right breast. They will be worn by members assigned to the following units, when specifically authorized for a specific tour for duties being performed during that tour. Shirts will not be worn off duty.

Bicycle Unit: Golf shirt/black bicycle pants or shorts, authorized navy/royal blue outer garment, nylon duty belt, black sneakers.

Firearms and Tactics Unit: Golf Shirt/Tan BDU-style trousers

Car Seat Technicians: Golf shirt/tan BDU-style trousers.
Equipment belt optional.

Marine Unit: Golf shirt/blue BDU-style trousers or shorts, personal flotation devices (when on vessel), nylon duty belt, embroidered baseball cap, black sneakers or appropriate footwear.
Optional: tan golf shirt and tan BDU-style trousers or shorts during hot weather; navy blue windbreaker jacket; "firefighter"-style sweatshirt with regulation patches and embroidery.

Training Uniform

For attendance at training or other events, as directed, uniformed members of the service may be authorized to wear the following:

Training Uniform: Authorized golf-type shirt, navy blue in color, with City of Rye Police Department shield embroidered on the left breast, "City of Rye Police" on back, and the member's name and rank embroidered on the right breast; tan BDU-style trousers. Shirts will not be worn off duty. Equipment belt is optional, unless specified for the type of training being conducted.

CITY OF RYE POLICE DEPARTMENT

General Order #104.4	New [<input checked="" type="checkbox"/>]	Revised [<input type="checkbox"/>]
Subject: Annual Inspection of Uniforms and Equipment		
Date Issued 03/31/08	Date Effective 03/31/08	Page 1 of 2
Issuing Authority: William R. Connors, Police Commissioner		

Purpose:

To ensure that uniformed members of the Department are properly equipped and that their uniforms and equipment are serviceable and maintained in accordance with Department standards.

Procedure:

1. Annually, prior to February 15th of each year, sergeants will inspect the uniforms and equipment of uniformed members of the Department under their supervision to verify that each member is in possession of at least the minimum equipment listed below, and that it is in serviceable condition:

3 long-sleeved shirts	1 uniform tie
3 short-sleeved shirts	1 all-purpose helmet
2 pairs BDU trousers	1 set Personal Protective Equipment (PPE)
2 pairs dress trousers	1 duty rig with holster
1 dress blouse	1 reflective traffic vest
1 winter "Cruiser" jacket	1 bullet resistant vest
1 lightweight "Bomber" jacket	1 portable radio with case
1 raincoat	Department-issued firearm
1 cap cover	
1 8-point uniform cap	

2. Sergeants will ensure that each member is in possession of a valid New York State driver's license.

3. Sergeants will inspect each member's Department Manual to ensure that it is updated, and will verify the inspection on the attached sheet, which will be inserted in each member's Department Manual immediately following the index.

4. The Patrol Lieutenant will conduct these inspections for Sergeants. The Commanding officer, Detective Division will conduct inspections for members assigned to the Detective Division
5. Deficiencies will be brought to the attention of the members concerned and they will be directed to correct them within ten (10) days of the inspection.
6. Supervisors will forward a Supplementary report to the Patrol Lieutenant prior to March 1st of each year verifying that the inspections have been completed, listing any deficiencies, and noting corrective action taken.



CITY OF RYE

POLICE DEPARTMENT

DEPARTMENT MANUAL RECORD OF INSPECTION

Issued to: Rank: _____ Name: _____

Inspected by: Rank: _____ Name: _____ Date: _____

CITY OF RYE POLICE DEPARTMENT

General Order #111.04	New [x] Supersedes:	Revised [x]
Subject: Processing of Recovered Firearms: "Crime Guns"		
Date Issued 06/15/09	Date Effective 06/15/09	Page 1 of 3
Issuing Authority: William R. Connors, Police Commissioner		

I. PURPOSE: UCR Crime Statistics show that the use of firearms in the commission of violent crimes continues to be a challenge faced by all law enforcement agencies.

There are several important procedures that should be strictly followed by law enforcement agencies every time a crime gun is recovered. This procedure is designed to clarify exactly what constitutes a firearm classified as a "crime gun" and the process that every law enforcement agency should complete, without exception, whenever a crime gun is recovered.

II. POLICY: In order to enhance both local and global law enforcement efforts, the City of Rye Police Department will ensure that recovered firearms classified as "crime guns" are processed in a manner that maximizes their investigative value.

III. DEFINITIONS:

DCJS: The New York State Division of Criminal Justice Services.

Department: The City of Rye Police Department.

Crime Gun: Any firearm (handgun or long gun) seized that was unlawfully possessed; used in a crime; suspected to have been used in a crime; or recovered under circumstances requiring investigation.

IV. PROCEDURE: The following three-step procedure is to be completed without delay in every instance in which a firearm classified as a crime gun comes into the possession of this Department.

STEP ONE – GINQ Check:

Conduct an NCIC/NYSPIN **GINQ** check to determine if the recovered crime gun may have been reported lost or stolen.

1. If a positive response is received, member will follow NYSPIN hit confirmation procedures for stolen guns.

a. Send a **GLOC** (Stolen/Lost Gun Locate message). The **GLOC** will send a message to the agency who reported the gun as lost or stolen that the firearm has now been located or seized (Ref: NYSPIN Operating Manual – Chapter 2 – Section 4.3.1)

2. If a negative response is received, make a NYSPIN Recovered Gun Entry.

a. Utilize the **GREC** message Entry Screen to create a record in NYSPIN and NCIC against which a later entry will hit in the event the gun is reported lost or stolen at a later date. (Ref: NYSPIN Operating Manual – Chapter 2 – Section 4.4.1)

STEP TWO – GGUN Entry:

Send the formatted NYSPIN **GGUN** message to the NYS Criminal Gun Clearinghouse (Ref: NYSPIN Operating Manual – Chapter 2 – Section 4.4.1). NOTE: Submitting agencies should ensure that their correct ORI is included to expedite the delivery of information. Agencies should also make every effort to ensure that complete and accurate firearm descriptive information is provided.

- a) Sending the **GGUN** message satisfies legislatively mandated reporting requirements and adds critical information to the Criminal Gun Clearinghouse database. **GGUN** submissions automatically generate a legislatively mandated trace request through the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center; trace results are returned to the submitting agency by ATF personnel via U.S. mail.
- b) **GGUN** submissions are analyzed and checked against existing databases; an acknowledgement of receipt and any pertinent information regarding the crime gun is returned to the submitting agency by Criminal Gun Clearinghouse personnel via NYSPIN.

Information regarding defaced firearms (handguns and long guns) can and should be submitted using the GGUN teletype message. If the serial number on a defaced firearm is subsequently restored by the crime lab, the agency should notify the Criminal Gun Clearinghouse of the change by calling (518) 786-2194. Notifying the CGCH will serve two purposes: (1) the original **GGUN** entry will be updated with the restored serial number by CGCH staff, and (2) ATF will be notified so that a trace of the weapon can be initiated. (Note: **Do not make another entry into GGUN as it will result in a duplicate entry.**)

STEP THREE – Submit to Firearms Laboratory:

- a) Submit the recovered crime gun to the appropriate firearms laboratory in a timely manner. Also submit any recovered unfired ammunition for laboratory test fire purposes. As appropriate, recovered weapons should be preserved for latent prints and possible DNA testing.

- b) Submitting a recovered firearm (handgun or long gun) to the lab for processing may provide law enforcement agencies with information that can:
1. Link Violent Crimes
 2. Link Violent Crimes to Weapons
 3. Identify the Sources of Weapons
- c) All recovered crime guns should be submitted to the appropriate firearms lab so that other testing can take place, with particular attention being paid to auto-loading weapons. Lab testing includes the identification and testing of firearms (handguns and long guns), microscopic comparisons of projectiles and cartridge casings, and serial number restorations. Appropriate items will result in a NIBIN (National Integrated Ballistic Information Network) entry.

It is important to note that failing to submit a gun to the lab for testing is a lost opportunity to determine if the gun recovered by an agency was used in the commission of another crime either in this jurisdiction or in another jurisdiction. For this reason alone, it is critical that all recovered crime guns, whether a handgun or a long gun, be submitted to the appropriate crime lab for complete testing in a timely manner. It is a critical component of solving cases and having a statewide database of recovered crime guns.

DCJS reviews the information submitted by each agency in the Monthly Gun Data Report. **The expectation is that for every crime gun recovered, there will be a corresponding GGUN entry and lab submission.**

CITY OF RYE POLICE DEPARTMENT

General Order #113.19	New [x]	Revised []
Subject: Confrontation Situations		
Date Issued 03/31/08	Date Effective 03/31/08	Page 1 of 3
Issuing Authority: William R. Connors, Police Commissioner		

I. PURPOSE:

To safely resolve confrontations between members of the service, both on and off duty, in which a Police Officer's identity is not apparent.

II. SCOPE:

The type and circumstances of encounters between members of the service - whether in uniform or civilian clothes, both on and off duty - are so varied that the encounters defy all-encompassing guidelines. In such encounters, the actions of the members in the first few seconds are of vital importance. It must be absolutely clear in the minds of all members of the service that in any confrontation, the burden of proving identity rests on the CONFRONTED OFFICER, whether on or off duty. The CHALLENGING OFFICER, however, also has a responsibility to use sound tactics and judgment in approaching the situation.

III. DEFINITIONS:

CHALLENGING OFFICER - For the purpose of this procedure, the sworn member of the Department who comes upon the scene where an unidentified armed person is observed will be called the challenging officer.

CONFRONTED OFFICER - The uniformed member of the service (usually civilian clothed) either on or off duty, who may be armed and taking police action and whose identity and objectives are not immediately apparent to the challenging officer.

IV. PROCEDURE:

When on duty sworn personnel, whether uniformed or civilian clothed, respond to a scene and challenge an unidentified armed person, who may be an on duty or off duty sworn member of the service or an enforcement officer from an outside criminal justice agency, uniformed members of the Department shall comport themselves in accordance with the protocols contained herein.

CHALLENGING OFFICER

1. Immediately take cover to the rear, not to the side, of the person being challenged, if possible.

NOTE: A challenge from the rear allows more time for the challenging officer to evaluate the subject's reactions and also give the challenging officer a tactical advantage. A challenge from the side reduces response time. Utilize any cover available (car, garbage can, lamppost, mailbox, etc.). Any object is a form of protection, even though its value might be only of a concealment nature.

2. Identify self in a loud clear voice, stating "Police Don't Move."

NOTE: Avoid using directives that are contradictory such as, "Don't move and raise your hands." This will only confuse the person. Avoid using slang terms such as "Freeze" or "Hold It."

CONFRONTED OFFICER

3. Remain motionless even if it means a fleeing suspect may escape.
 - a. Do not turn body, especially if holding a firearm.
4. Inform the challenging officer that he/she is a police officer and obey all directions from the officer making the challenge.

CHALLENGING OFFICER

5. Request person to give exact location of identification and to produce identification slowly, in a controlled manner, if person states he/she is a police officer.

NOTE Civilian clothed sworn members of the service should make it a practice to carry their shields in a pocket opposite their shooting hands. The IDENTIFICATION CARD is the primary form of identification and must always be carried, but the shield need not be carried when an officer is not armed.

CONFRONTED OFFICER

6. Inform challenging officer of exact location of identification before moving.
7. Produce identification slowly, in a controlled manner, without unnecessary movement.

CHALLENGING OFFICER

8. Examine credentials to insure:
 - a. Validity, and
 - b. Photo or description (if any) fits individual.
9. Remain alert until you are completely satisfied as to the person's identity.
10. Return credentials, if satisfied with identification.
11. Prepare Supplementary Report.

CHALLENGING OFFICER

12. Request tour supervisor and/or supervisory officer of on duty member to respond if there is concern about the manner in which the situation was handled.

RESPONDING SUPERVISOR

13. Have members involved report to Headquarters.

DIVISION COMMANDER - CHALLENGING OFFICER

14. Determine duty status of members involved.
15. Confer with commanding officer of confronted member(s) involved, and conduct an investigation.
16. Interview members involved.
17. Interview supervisory officers and witnesses, if appropriate.
18. Inform member involved of results of investigation and counsel member on weaknesses and corrective measures taken, if appropriate.
19. Prepare a report of findings and recommendations and forward to Police Commissioner.

CITY OF RYE POLICE DEPARTMENT

General Order #113.20		New [x]	Revised [x]
		Supersedes:	
Subject: Hate Crimes			
Date Issued	Date Effective		
11/09/11	11/09/11	Page 1 of 9	
Issuing Authority: William R. Connors, Police Commissioner			

I. PURPOSE

This policy is established to assist employees in identifying and investigating hate crimes and assisting victimized individuals and communities.

II. POLICY

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority. This Department shall employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this Department shall be mindful of and responsive to the security concerns of victims and their families.

III. DEFINITIONS

A. New York State Penal Law §485.05 Hate Crimes.

1. A person commits a hate crime when he or she commits a specified offense and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is

correct.

2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

For purposes of this section:

- (a) the term "age" means sixty years old or more;
- (b) the term "disability" means a physical or mental impairment that substantially limits a major life activity.

A. Specified Crimes Pursuant To Penal Law §485.05, "Hate Crimes"

The crimes that can be charged under the Hate Crime statute are listed in Attachment A.

B. Penal Law § 240.31 Aggravated harassment in the first degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

- 1. Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; or
- 2. Commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section 240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section 240.30 or he or she has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years; or
- 3. Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property;
- 4. Sets on fire a cross in public view; or
- 5. Etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the

owner or operator of such building or real property.

Aggravated harassment in the first degree is a class E felony.

C. Penal Law § 240.30(3) Aggravated harassment in the second degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, he or she:

(3) Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct.

Aggravated harassment in the second degree is a class A misdemeanor. The additional crimes that can be charged under the Hate Crime statute are listed in Attachment A.

IV. PROCEDURES

A. Goals

1. Responding personnel shall conduct a thorough and complete investigation in all suspected and/or confirmed hate crime incidents.
2. Officers should make every effort to become familiar with organized hate groups operating in the community and police contacts should be documented.

B. Initial Response Procedures

Initial responding officers at the scene of a suspected hate crime shall take preliminary actions deemed necessary, including, but not limited to, the following:

1. Secure the scene. Steps should be taken so that the initial situation does not escalate. This includes but is not limited to:
 - a. Stabilizing injured victims and requesting medical aid.
 - b. Providing protection to victims and witnesses by increased police presence.
 - c. Securing the crime scene and ensuring the collection and photographing of physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
2. Identify criminal evidence on the victim if applicable.
3. Request the assistance of a translator or counselor when necessary.
4. Request the assistance of an investigator and supervisor.
5. Conduct a preliminary investigation and record information on:
 - a. the identity of suspected perpetrators,

- b. the identity of witnesses, including those no longer at the scene,
 - c. prior bias-motivated occurrences in the immediate area or against the same victim. (confer with Detective Division, NYSIC (518) 786-2100 and/or the Westchester Intelligence Center #####),
 - d. statements made by suspects; exact language is critical.
6. Arrest suspected perpetrators if probable cause exists.
- a. Conduct interview and attempt to establish motive
 - b. Consult with prosecutor if there is a question as to proper criminal charges
7. Ensure that necessary preliminary actions have been taken and brief the responding supervisor as to those actions. During the investigation, responding personnel should look for possible signs that the incident may be a hate crime, such as:
- The motivation of the perpetrator or lack of motive.
 - Statements made by the perpetrator.
 - The presence of multiple perpetrators.
 - The display of offensive symbols, words or acts.
 - Was any hate literature found in the possession of the suspect?
 - Is the victim the only person of a particular group at a park or facility?
 - Is the victim from a different racial, ethnic, religious group than the perpetrator?
 - The absence of any motive. The brutal nature of a particular incident could denote a hate crime, particularly when the perpetrator and victim do not know each other.
 - The perpetrator's perception of the victim, whether accurate or not.
 - The date, time or circumstances of the occurrence, such as on a religious holiday, or an event occurring at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.
 - Multiple incidents occurring in a short time period and all the victims were of the same identifiable group.
 - Were the real intentions of the perpetrator racial, color, religious or ethnic oriented, or were there other reasons such as pranks, unrelated vandalism, or a dispute arising out of a non-bias related disagreement?
 - Incident occurred in proximity to an establishment that could be associated with one of the protected classes.
 - The perpetrator targeted a particular portion of the victim's body; i.e. Sikh victim forcibly having his hair cut, or a victim targeted for his/her sexual orientation being attacked near or around his or her genitalia.
 - The victim's perception that he/she was selected because he/she was a member of an identifiable group.
8. Note that the mere mention of a bias remark does not make an incident bias motivated, just as the absence of a remark does not make an incident without bias.
9. Be cognizant of dual motivation by some suspects. Example: A suspect may be looking to commit robberies but specifically targets elderly victims.

C. Supervisory Responsibilities

The Tour Supervisor shall confer with the initial responding officer(s), ensure that necessary preliminary actions have been taken, and make appropriate notifications. The supervisor shall request any additional personnel necessary to accomplish the following:

- 1. Provide immediate assistance to the crime victim.**
 - a. Express the law enforcement agency's official position on the importance of these cases, and describe the measures that will be taken to apprehend the perpetrators.**
 - b. Express the department's interest in protecting victims' anonymity whenever possible.**
 - c. Allow the victim a period in which to express his or her immediate concerns and express his or her feelings.**
 - d. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.**
 - e. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, a family clergyman or departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services. Provide information regarding New York State Crime Victims Board.**
 - f. Tell the victim about the probable sequence of events in the investigation and prosecution.**
 - g. Explain security measures and precautions to the victim.**
- 2. Ensure that officers and investigator conduct a thorough preliminary investigation.**
- 3. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime.**
- 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.**
- 5. Implement measures to ensure the safety of the victim.**

D. Investigators' Responsibilities

Investigators shall conduct a complete and thorough follow-up investigation and recommend to Commanding Officer whether the incident should be classified as a hate crime. They shall ensure that appropriate assistance is being provided to hate crime victims, to include the following measures when appropriate:

- a. Contact the victim periodically to determine whether he or she is receiving adequate and appropriate assistance.**
- b. Provide ongoing information to the victim about the status of the criminal**

investigation.

c. Attempt, whenever possible, to conduct all interviews with victims at their convenience and minimize, to the degree possible, interactions in which victims have to relate the incident.

E. Incident Report Preparation

Incident reports should clearly indicate the following information:

- Offense – Hate Crime designated Penal Law
- Victim age, gender, race, and ethnicity (when victim(s) is an individual(s))
- Offender age, gender, race, and ethnicity (when available)

The narrative portion of the Incident report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. The specific bias motivation of the perpetrator should be documented (Ex: selected victim because he was Hispanic, Jewish, Muslim, etc...)

Arrest Processing

The Hate Crimes law is a sentencing enhancement statute. Thus, when the specified crime is a misdemeanor or a class C, D, or E, felony, the hate crime shall be deemed to be one category higher. For example, if a defendant is alleged to have committed an Assault in the second degree, which is a "D" felony and it is alleged that the assault was a hate crime, then upon a conviction the assault is deemed to be a "C" felony and the sentence imposed will be based upon the sentencing range for a "C" felony. "A" and "B" felonies charged as hate crimes stay the same but are subject to higher penalties.

It is important to realize that a class A misdemeanor charged as a hate crime is deemed a class E felony. This may affect the manner in which the case is handled (e.g., arraignment, bail, grand jury).

Reporting of hate crime arrests is statutorily required. It is essential that if an individual is being charged with a hate crime, the arrest is properly coded.

When an arrest is being processed for a hate crime, the Arresting Officer is required to use the Penal Law code with the letter "H" to highlight and make the distinction. The letter "H" is applied to the subdivision of the PL section. In those cases where no subdivision exists, a double zero is used with the letter "H". Use caution when using the automated booking system to ensure that the correct offense is selected.

Examples:

PL section 120.00, subdivision 1 – Assault 3rd

- 120.00(01H), when it is a Hate Crime

PL Section 140.15 – Criminal Trespass 2nd

- 140.15 (00H), when it is a Hate Crime

Note: Do not use the letter H when not charging a hate crime or the arrest will be

reported as a hate crime arrest by DCJS.

Accusatory Instrument

1. As the Legislature made clear in the language of Penal Law section 485.00, the victim of a hate crime is society as a whole. It is apparently for that reason that the hate crime statute does not require specification of any particular person, only "a person." It is the attribute of the protected class (i.e., sex, race, sexual orientation, etc.), not the name of any particular individual member or members of that class which is of importance. Accordingly, the manner in which to allege a hate crime is to set forth the particular attribute of the protected class which is claimed to have motivated the defendant, and not name any particular person or persons. The indictment can simply allege that the defendant committed the underlying crime in whole or in substantial part because of a belief or perception of the race, or sex, or sexual orientation, etc, of "a person." Likewise, when alleging aggravated harassment in the first degree, the accusatory instrument need only allege prohibited conduct directed toward a class of individuals.

2. The accusatory paperwork filed with the court should also list the "H" designator. The narrative portion of the accusatory incident must include the elements and facts of the crime that demonstrate that the victim was intentionally selected or the act was intentionally committed because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

Records Management Section

1. Assist department in complying with state hate crime reporting requirements.
 - a. Submit all incidents of reported hate crimes to DCJS each month using the State form 3294. Forms must be submitted each month. If no hate crimes were reported, departments must complete the form by checking the "Nothing to Report (NTR)" box.
 - b. Report monthly, by submitting a duplicate copy of form 3294, to the Regional or County Crime Analysis Center in accordance with any county or local laws.

G. Community Relations and Crime Prevention

Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's identification group as a whole. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report those crimes. This is particularly important if an upward trend has been identified in these crimes. Towards this end, this agency's community relations function, or officers so assigned, shall perform the following:

1. Provide victim(s) with a point of contact in the department to whom they can

- direct questions or concerns, and keep them informed of the case progress including the end result of the investigation or prosecution.
2. Protect the privacy of the victim and their families as much as possible.
 3. Provide any direct assistance reasonably possible and referral assistance to the victim and the family of the victim.
 4. Meet with neighborhood groups, residents in target communities and other identified groups, to allay fears, emphasize the agency's concern over this and related incidents, reduce the potential for counter-violence and reprisals, and provide safety, security, and crime prevention information.
 5. Engage the media as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
 6. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
 7. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.
 8. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

Sources: International Association of Chiefs of Police (IACP) Model Policy
New York State Police Policy
Clinton County Sheriff's Department General Order
State of New York Attorney General's Hate Crime: Manual for Prosecutors
Nassau County Police Department Procedure
New York City Police Department Hate Crimes Task Force
Westchester County Department of Public Safety Crime Analysis Unit Section
273.01 (3) of the Laws of Westchester County
New York City Anti-Violence Project
Westchester District Attorney's Office

ATTACHMENT "A"**SPECIFIED CRIMES PURSUANT TO PENAL LAW §485.05, "HATE CRIMES"**

A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:

- (a) the term "age" means sixty years old or more;
- (b) the term "disability" means a physical or mental impairment that substantially limits a major life activity.

CITY OF RYE POLICE DEPARTMENT

General Order #114.3	New [x]	Revised []
Supersedes:		
Subject: Emergency Mobilization		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 2
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

Police Emergency Mobilization Plan

The City of Rye Police Department Emergency Mobilization Plan consists of three (3) phases.

1. Phase I, the hold-over of a current shift.
2. Phase II, Phase I expanded to include the personnel of selected sections/units, and the call-in of the next scheduled shift.
3. Phase III, Phase II expanded to include the call in of all sworn and non sworn staff and the notification of extra departmental officials and resources; i.e., City Manager, other Police Agencies, etc.

Authorization:

1. A Phase I Emergency Mobilization may be authorized by the Commanding Officer of the Patrol Division or the on duty Sergeant. A Phase I Mobilization requires the immediate notification of the Patrol Lieutenant~~-on-call~~. Whenever possible, the Lieutenant ~~on-call~~ should be consulted prior to the implementation of a Phase I.
2. A Phase II and III Emergency Mobilization may be authorized by the Police Commissioner or a Lieutenant~~-on-call~~.
3. The Commissioner or his designee authorizing a Phase III shall arrange for broadcast of the EMP on local news media when appropriate.

Procedures:

1. In the event of a phase II or III Mobilization, the ~~Duty Sergeant~~Tour Supervisor will:
 - a. Direct headquarters personnel that complainants be informed that the police department is presently only available to respond to critical service requests; and suspend calls for service not involving danger to life and property.

b. Insure that all off duty personnel are notified and advised that an EMP is in effect ~~-, and to-~~ To report for duty in uniform and ready for assignment.

NOTE: Personnel will report to headquarters unless directed otherwise by headquarters personnel or by standing orders.

c. Off duty personnel will also be notified of specific areas to avoid while in transit.

The EMP plan shall be tested ~~at least annually~~ periodically.

EMERGENCY MOBILIZATION: Telephone Instructions

Use only the following message format. Make sure the recipient of the call understands that this is an emergency call and that the officer is to report to his/her office. (NOTE: Certain officers have specialized duties which may require that they report to locations other than their normal assignment. If an officer questions his/her reporting location, instruct him/her to report as previously directed.

"This is (give your name) of the Rye Police Department. An emergency mobilization has been ordered. _

Is this Officer _____?" (if not, can he be reached? Where? (telephone number). If unable to locate or you get an answering machine, leave message to have officer report to his office as follows:

"The Police Commissioner has ordered an emergency mobilization. Report to the Rye Police Department immediately, for your assignment." (IF instructed, add "It is recommended that you avoid the _____ area of the City.")

Operators are to record the answer on the roster as follows:

1. If answer is received properly, note "OK".
2. If no answer, note "NA".
3. If message left, note "ML".
4. If wrong number, note "WN".

CITY OF RYE POLICE DEPARTMENT

General Order #114.8	New []	Revised [x]
Supersedes: 114.8 issued 05/16/05		
Subject: Mutual Aid		
Date Issued 07/19/11	Date Effective 07/19/11	Page 1 of 23
Issuing Authority: William R. Connors, Police Commissioner		

PURPOSE:

To establish guidelines for requesting or providing police assistance to or from other law enforcement agencies.

BACKGROUND:

From time to time, other law enforcement agencies such as neighboring police departments, county, state and federal law enforcement agencies, call upon each other for assistance. Sometimes the assistance needed is within the City of Rye, such as when an accident occurs on the New York State Thruway, Cross Westchester Expressway or Playland Parkway, while in other cases, the assistance is needed outside the City, such as when a neighboring police agency requires support during a response to an accident.

POLICY:

The policy of this Department is to provide assistance to another law enforcement ~~agency~~ agencies whenever possible, taking into consideration the following factors:

- Whether the situation for which assistance is being requested is life threatening;
- Whether providing assistance will result in a reduction in the number of officers available for calls for service within the City to a level that may be considered hazardous to the public or other members of the Department ~~-i~~;
- Whether the department is able to provide the assistance being requested.

When it is necessary for this department to request assistance from another law enforcement agency, members shall take into consideration the following factors:

1. Location
2. Number of personnel needed
3. Seriousness of the incident

Agency Jurisdiction

Several law enforcement agencies have jurisdiction within the confines of the City of Rye. When another law enforcement agency has jurisdiction over a particular location in the City of Rye, e.g., an occurrence on the Metro North Railroad tracks, such other law enforcement agencies shall have the primary responsibility for response and investigation of any incidents within their jurisdiction.

The following law enforcement agencies have primary jurisdiction in the following areas:

1. Westchester County Department of Public Safety on Playland Parkway, Playland Amusement Park, Marshland Conservancy and parts of the John Jay Property.
2. The Metropolitan Transportation Authority (MTA) Police Department on the property of the Metro North Commuter Railroad.
3. New York State Police on Interstate 287, Interstate 95 and all adjacent state land.

PROCEDURE:

Providing Assistance Within the City

1. The tour supervisor is authorized to approve a request for assistance when he/she determines that providing such assistance may help to mitigate the effects of the incident or prevent the situation from deteriorating, when without such assistance the requesting law enforcement agency could not provide sufficient resources in time to mitigate the effects of the incident or prevent it from deteriorating.
2. If the request for assistance involves a non-emergency situation, such as investigative assistance, the tour supervisor shall contact the appropriate division commander depending on the assistance being sought.

Providing Assistance Outside the City

1. Upon receipt of a request for assistance, the Department member receiving such request shall determine if the situation involves life and death, or may deteriorate to a life and death situation if assistance is not immediately provided. If so, the tour supervisor shall determine if the department can actually provide the assistance, or whether some other agency can provide the assistance needed in less time than this Department.
2. If, after evaluating all available information, the Tour Supervisor receiving the request for assistance determines that the Department can provide the assistance being requested, and do so faster than some other agency, the tour supervisor may provide the assistance, or authorize providing assistance.

3. If, after evaluating all available information, the Department member receiving the request for assistance determines that the Department cannot provide the assistance, or should not provide the assistance, the Department member shall deny the request and immediately notify his/her supervisor.
4. If the situation is not one ~~of life and death~~ life threatening and is not likely to deteriorate to ~~a life and death situation~~ that level, the department member receiving the request shall gather the following information and notify the tour supervisor:
 - a. Name of the requesting jurisdiction.
 - b. Name and return phone number of person making the request.
 - c. Nature of the request.
 - d. Location where assistance is needed, and
 - e. What assistance is being requested.
5. The tour supervisor is authorized to approve such a request when he/she determines that providing such assistance may help to mitigate the effects of the incident or prevent the situation from deteriorating, when without such assistance, the requesting law enforcement agency or some other law enforcement agency, could not provide sufficient resources in time to mitigate the effects of the incident or prevent it from deteriorating.

~~The If the~~ assistance to be provided is of a minor nature, such as traffic assistance at an accident scene on a street that borders the City of Rye and some other jurisdiction. ~~While providing such assistance,~~ the officer providing such assistance shall remain available to respond to a call ~~for~~ service within the City of Rye, if required.

Requesting Assistance From Other Agencies

1. Requests for assistance from other police agencies regarding minor incidents (e.g., traffic, response to the area of a crime, notifications, etc.) shall be handled by the desk officer and/or tour supervisor. Consider the following resources and their location and proximity to the location of the incident.
 - a. Port Chester Police Department - 939-1000
 - b. Harrison Police Department - 967-5111
 - c. Rye Brook Police Department - 937-1020
 - d. Mamaroneck Village Police Department - 698-2400
 - e. NYSP Dispatch - 524-0200 or 518-436-2823
 - f. Westchester County Police - 864-7700
 - g. New York State Police (Hawthorne) - 769-2600
 - h. MTA Police - 212-340-2723
2. In the event of major emergencies, serious incidents, mass processing and transportation of prisoners or any other event beyond the scope of the department's resources, the tour supervisor shall be guided by General Order #114.1, "Unusual Occurrences/Major Incident Response". He/she shall cause notification in accordance with General Order 114.2, "Supervisory Notification and Response". Upon the tour supervisor's

authorizing the request for mutual aid, the communications officer shall follow the operational procedures for the use of the HOT LINE in activating the Police Mutual Aid and Rapid Response Plan.

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- a. All personnel should familiarize themselves with the Westchester County Police Mutual Aid and Rapid Response Plan.
3. State and/or militia assistance will be summoned as directed by the Westchester County Police Mutual Aid and Rapid Response Plan.
4. Federal assistance will be summoned when it has been determined necessary by a superior officer (i.e., Part I crimes committed in a federal institution).

Routine Police Operations Outside City of Rye

1. To ensure members' safety when conducting police operations such as surveillance or the service of search or arrest warrants outside the city limits, the following procedures will be ~~standard practice~~ followed.
 - a. When it is possible to do so without compromising the investigation, personnel performing a police function outside the City of Rye will notify the local law enforcement agency in that jurisdiction of the following:
 1. Nature of operation.
 2. Number of officers involved.
 3. Whether the officers involved are uniformed or non-uniformed.
 4. Vehicles involved.
 5. Duration of the operation.
If warranted, inter-agency communications should be established prior to the beginning of the operation.

Concurrent Jurisdiction Involving Other Law Enforcement Agencies

1. It is the policy of this Department to work in cooperation with other law enforcement agencies, particularly in situations where concurrent jurisdiction exists, ensuring that the rights and responsibilities of all agencies are kept in appropriate perspective.
2. In situations involving federal and local concurrent jurisdiction such as banking institutions or post office installations, federal authority will be considered ~~to be the primary authorization~~. This authority can be conceded at the discretion of the federal officials.

Westchester County Mutual Aid and Rapid Response Plan

1. If a request for assistance involves activation of the Westchester County Mutual Aid and Rapid Response Plan, Zone C, which includes City of Rye, this Department is obligated to respond. Zone C includes the following municipalities:
 - a. New Rochelle
 - b. Larchmont
 - c. City of Rye
 - d. Rye Brook

- e. Port Chester
- f. Harrison
- g. Mamaroneck Village

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- h. Mamaroneck Town
- i. Pelham
- j. Pelham Manor
- k. Scarsdale
- l. Eastchester
- m. Tuckahoe
- n. Bronxville

- 2. Any requests for mutual aid to or from the City of Rye Police Department shall be granted in conformance with the Mutual Aid and Rapid Response Plan, which is referenced in an Inter-Municipal Agreement executed by all participating entities. Authority for mutual aid response originates in §209-m of the New York State General Municipal Law.

This agreement (unsigned copy attached) entered into by all police agencies in Westchester County and is made available here for review.

Deployment of personnel to a situation that has the potential to involve the long term usage of City of Rye Police Department personnel must be approved by the Police Commissioner. Additionally, in such a long term event, the situation must be reviewed at least twice daily by the Commissioner or his designee. The Police Commissioner will decide at what point to adjust this department's level of assistance.

Any member of the City of Rye Police Department who is assigned to another jurisdiction under this agreement will continue to abide by all rules, regulations and procedures of the Rye Police Department. A Rye Police Officer will, however, follow all lawful commands from any superior officer designated to give such under this agreement.

Reporting

- 1. In all instances where this department provides or requests assistance from an outside law enforcement agency, the action of member(s) of this department will be fully and promptly documented in an Incident/Complaint Report.

APPENDIX "A"

TERMS OF INTERMUNICIPAL AGREEMENT REGARDING THE WESTCHESTER COUNTY
MUTUAL AID/RAPID RESPONSE PLAN

AGREEMENT made this _____ day of _____
, 2010 by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of
New York, having an office and place of business in the
Michaelian Office Building, 148 Martine Avenue, White Plains,
New York, 10601

(hereinafter referred to as the "County")

and

THE «MUNICIPALITY», a municipal corporation of
the State of New York having an office and place of business
at
«Address», «City», New York, «Zip_Code»

(hereinafter referred to as a "City, Town or Village," as
applicable)

WHEREAS, the purpose of the Mutual Aid and Rapid Response Plan for
the Police Departments of Westchester County, New York (the "Plan") is
to formalize operational procedures for Law enforcement assistance to
participating agencies; and

WHEREAS, the Signatory Municipalities have executed the Plan by
which each member agrees to make available its police personnel and
equipment to the others upon the occurrence of a condition which is
beyond the scope of its police resources; and

WHEREAS, due to prevailing world, national and local security situations, the ever increasing flow of intelligence, and actual threats directed against once benign sites and facilities, the parties desire

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that the Plan be flexible and subject to review and revision as necessary in a timely manner; and

WHEREAS, the Signatory Municipalities desire, inter alia, to ratify the Agreement described herein and agree on the procedures for timely review and revision of the Plan; and

WHEREAS, said Plan is governed by and liabilities and costs are apportioned pursuant to the provisions of New York State General Municipal Law ("General Municipal Law") Section 209-m which provides, inter alia, that absent agreement to the contrary, the municipality receiving police aid (the "Requesting Municipality") shall reimburse the municipality providing such aid (the "Assisting Municipality") for any money paid by it for police salaries and other expenses incurred by it including damage to, or loss of, equipment and supplies.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST: Definitions

(1) Chief Executive Officer: The officer within a Signatory Municipality who is authorized pursuant to General Municipal Law Section 209-m to request or grant a request for police assistance from another Signatory Municipality.

(2) Department Head: Any police chief, Commissioner or other official in command or acting command of the police department or police force of a Signatory Municipality.

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(3) Requesting Municipality: Any Signatory Municipality requesting the assistance of the police force of another Signatory Municipality pursuant to the terms of this Agreement.

(4) Assisting Municipality: Any Signatory Municipality providing assistance to a Requesting Municipality pursuant to the terms of this Agreement.

(5) Emergency: Shall have its common dictionary definition.

(6) Signatory Municipality: All municipalities that have signed this Agreement, including the County.

SECOND: The Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York and the Westchester County Arson Zone Plan (collectively the "Plan"), are annexed hereto and incorporated herein as Schedule "A". The Parties further agree to the Plan, as same may be amended from time to time in accordance with the review and revision procedures set forth in said Plan.

THIRD: This Agreement shall commence on July 31, 2010 (the "Commencement Date") and terminate on July 30, 2015, unless terminated sooner in accordance with the provisions hereof. Any prior agreement signed by a party for this purpose shall be deemed terminated upon the commencement of this Agreement.

FOURTH: The Signatory Municipalities hereby agree to render appropriate police services to any Requesting Municipality whenever the Chief Executive Officer of that municipality deems the general public interest requires it. All such requests for assistance shall be made by the Chief Executive Officer or Department Head of the Requesting

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Municipality and granted by the Chief Executive Officer or Department Head of each Assisting Municipality as set forth in the Plan.

FIFTH: The cost of police services provided pursuant to this Agreement shall be paid by the Requesting Municipality subject to the following exceptions:

(a) The police services provided by the County shall be without cost to the Requesting Municipality.

(b) The police services provided by each Assisting Municipality shall be reimbursed as provided in Section 209-m of the General Municipal Law, as same may be amended, except as provided above in Paragraph (a).

(c) The Requesting Municipality shall reimburse the County and each Assisting Municipality for all liability for damages arising out of acts performed by the Assisting Municipality in rendering aid. In addition, the Requesting Municipality shall provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly resulting from the rendering of aid by the County and each Assisting Municipality. Notwithstanding the foregoing, the Requesting Municipality shall not be liable for any damages resulting from any intentional wrongs or reckless conduct by the police force of the Assisting Municipality.

(d) The requesting Municipality shall reimburse the County and each Assisting Municipality for all expenses incurred pursuant to the provisions of Section 207-c of the General Municipal Law, as same may be amended, and for any award of compensation made pursuant to the Workers' Compensation Law for salaries and expenses paid to officers of the

General Order 114.8 Page 10 of 23

County and each Assisting Municipality who are injured while rendering assistance to the Requesting Municipality pursuant to the Agreement.

SIXTH: Any party to this agreement may withdraw at any time, upon thirty (30) days written notice to each of the other parties, and thereafter such withdrawing party shall no longer be a party to this Agreement; but this Agreement shall continue to exist among the remaining parties.

SEVENTH: (a) The Westchester County Chiefs of Police Association ("WCCOPA") shall be responsible for the administration and future amendments or revision of the Plan. Administration shall entail, but not be limited to, the development of an organized effort, identification of county-wide special equipment, and interface with auxiliary services and agencies for the development of protocols and assumed responsibilities.

(b) A sub-committee of the WCCOPA will review the Plan at least once a year and formulate recommendations for amendments or revisions as necessary.

EIGHTH: The rights and obligations set forth in this Agreement shall be binding upon and shall inure to the benefit of each municipality which has executed this Agreement with the County.

NINTH: As to any signatory municipality, this Agreement shall not be enforceable until signed by both parties and all applicable legal approvals have been obtained.

TENTH: If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable,

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the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

ELEVENTH: In addition to the aforementioned General Municipal Law Section 209-m, this Agreement shall be subject to any applicable laws, rules and regulations.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
George N. Longworth
Commissioner - Sheriff

THE «MUNICIPALITY»

By _____
Name:
Title:

Approved by the Westchester County Board of Legislators on the 6th day of June, 2005.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 25th day of February, 2010.

Approved as to form and manner of execution:

Sr. Assistant County Attorney
County of Westchester
S/Altschil/DPS/Mutual Aid/Police IMA 2010.doc

MUNICIPALITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK)

) ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 2010, before me personally came _____, to me known, and known to me to be the _____ of _____, the municipal corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she, the said _____ resides at _____ and that he/she is the _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____, certify that I am the
(Officer other than officer signing contract)

_____ of the _____
(Title) (Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the _

(Law under which organized, e.g., the New York Village Law, Town Law, General
Municipal Law)

named in the foregoing agreement that _____ who signed said
(Person executing agreement)

agreement on behalf of the Municipality was, at the time of execution _____
_____ of _____
(Title of such person),

the Municipality, that said agreement was duly signed for on behalf of said
Municipality by

authority of its _____ thereunto duly
authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
ss.:
COUNTY OF WESTCHESTER)

On this ____ day of _____, 2010, before me personally
came _____ whose signature appears above, to me known, and know
to be the _____ of _____

(Title)

the municipal corporation described in and which executed the above certificate, who being by me duly sworn did depose and say that he, the said _
resides at _____,
he/she is the _____ of said municipal corporation.

(Title)

Notary Public County

APPENDIX B

THE MUTUAL AID AND RAPID RESPONSE PLAN
FOR THE POLICE DEPARTMENTS OF
WESTCHESTER COUNTY, NEW YORK

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PURPOSE

To establish procedures for the Police Departments of Westchester County to provide the uninterrupted delivery of police service during those situations that exceed the resources of any individual Department.

BACKGROUND

It is the responsibility of the police to be prepared and guided when dealing with major incidents whether they are criminal in nature or natural disasters. rapid response and sound planning can often prevent loss of life, damage to property and prevent an incident from escalating.

POLICY

It is the policy of the Police Departments of Westchester County to promptly provide Mutual Aid and Rapid Response in the form of manpower and equipment under the County Mutual Aid and Rapid Response Plan, (hereinafter referred to as the "Plan") upon the request of any participating agency.

DEFINITIONS

1. Mutual Aid and Rapid Response Incident: An incident requiring activation of the Mutual Aid and Rapid Response is defined as a major incident or occurrence which necessitates a Police Department, within Westchester County, to summons immediate wide scale assistance.

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2. Major Incidents: Means any event, generally of an emergency nature, that involves actual or potential personal injury or property damage arising from a natural disaster, manmade disaster, civil disturbance or terrorist action.

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3. Natural Disaster: Means those incidents in which the forces of nature threaten the lives, safety or property of numerous persons; i.e., floods, hurricanes, earthquakes, explosions, tornadoes, landslides, drought, infestation or significant snowfall/blizzard.

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4. Manmade Disaster: Means incidents in which the forces of man threaten the lives, safety or property of numerous persons; i.e., nuclear/radiological accidents, chemical spills, major railroad accidents or aircraft crashes.

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5. Civil Disturbance: Means an action by any group that poses a substantial threat to peace, life or property or any tumultuous or violent activity that creates a Grave risk of causing public alarm.

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6. Terrorist Action: Is defined as a politically motivated, hostile action taken by a person or group whose intent is the commission of violent acts designed to instill fear, communicate a message and/or demand some governmental action.

7. Requesting Agency: A Police Department located within the geographical confines of the County of Westchester that is requesting Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.

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8. Responding Agency: A Police Department located within the geographical confines of the County of Westchester that is responding to a request for Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York. Formatted: Bullets and Numbering
9. Zone Coordinator: Each Zone of response will designate a Zone Coordinator, who shall be responsible for coordinated Zone response; e.g., response to locations outside of Westchester County as well as coordination of mock activations of the Plan. Formatted: Bullets and Numbering
10. Incident Command System: The accepted system to be utilized to coordinate multi-agency responses to incidents. Formatted: Bullets and Numbering
11. Incident Commander: Is defined as the highest ranking member of the requesting Department at the scene, or his/her designee. Formatted: Bullets and Numbering
12. Inner Perimeter: Is defined as the immediate area of containment around an incident site. Formatted: Bullets and Numbering
13. Outer Perimeter: Is defined as the peripheral control area surrounding the inner perimeter, providing a safe zone for access to or egress from the inner perimeter as well as defining the limit of access by unauthorized persons. Formatted: Bullets and Numbering
14. Staging Area: Is defined as a location selected generally within the outer perimeter to facilitate arriving resources and personnel responding for assignments. Formatted: Bullets and Numbering
15. Command Post: Is defined as the post from which the Incident Commander and his staff coordinate the Department's response to a major emergency. Formatted: Bullets and Numbering

LEGAL CONSIDERATIONS

16. General Municipal Law §209-M. Outside service by local police: civil disturbance control. Formatted: Bullets and Numbering
 - A. (Subdivision 2) Notwithstanding the provisions of any general, special or local law, or any county, city or village charter, the Chief Executive Officer of a local government, whenever he deems that the public interest requires it, may request the Chief Executive Officer of any other local government to detail, assign and make available for duty and use in the local government for which the request is made, any part of the forces, equipment and supplies of the Police Department, police force or parkway police force of the local government of which the request is made. The Chief Executive Officer of the local government of which the request is made is hereby authorized and empowered to grant the request so made.
 - B. (Subdivision 3) A local government may, by local law, delegate to the Chief of Police of its Police Department or police force, the powers hereby granted to the Chief Executive Officer to request and grant police assistance.
 - C. (Subdivision 4) If the Chief Executive Officer of any such local government is absent or disabled, the Chief of Police of the local government may make any such request or may grant any such request, as the case may be.
 - D. (Subdivision 5) The local government receiving police aid pursuant to this Section shall assume the liability for all damages arising out of any act performed in rendering such aid and shall reimburse the assisting local government of any monies paid by it for salaries or for other expenses incurred by it including damage to or loss of equipment and supplies. As assisting local government may assume such loss, damage expenses or cost for such equipment and supplies and donate such services to the receiving local government. While engaged in duty and rendering such services in such local government, the Officers and members of such Police Department or police force shall have the same powers, duties, rights, benefits, privileges and immunities as if they were performing their duties in the local government in and by which they are normally employed.

ZONES OF RESPONSE

17. County-Wide participants shall consist of the following Departments:

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Department	Rapid Response	Delayed Response
A. Metropolitan Transportation Authority Police Department; Four (4)	Ten	(10)
B. New York State Police;	Eight (8)	Twelve (12)
C. New York City Department of Environmental Protection; Three (3)	Ten	(10)
D. Westchester County Department of Public Safety	Eight (8)	Twenty (20)
TOTALS:	Twenty-Three (23)	Fifty-Two (52)

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18. When a County-Wide participant requests assistance to this Plan, they will become a member of any Zone in which they have the need for assistance.

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A. E.g., assistance for an event at Tibbett's Brook Park, a County park, the Westchester County Department of Public Safety will be a member of Zone "B" for the purpose of requesting aid.

B. For an event at the Croton/Harmon Train Station, the Metropolitan Transportation Authority Police Department will be a member of Zone "A" for the purpose of requesting aid.

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19. When a County-Wide participant receives a request for assistance under this Plan, they will become a member of the Zone from which the request for assistance is being made and will respond accordingly.

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20. Zone "A" (ADAM) shall consist of the following Departments:

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Department	Rapid Response	Delayed Response
A. Bedford (Town);	One (1)	Two (2)
B. Briarcliff (Village);	One (1)	Two (2)
C. Buchanan (Village);	Zero (0)	One (1)
D. Croton-on-Hudson (Village);	One (1)	One (1)
E. Lewisboro (Town);	Zero (0)	Zero (0)
F. Mt. Kisco (Village);	One (1)	Two (2)
G. Mount Pleasant (Town);	One (1)	Three (3)
H. New Castle (Town);	One (1)	Three (3)
I. North Castle (Town);	One (1)	Two (2)
J. North Salem (Town);	Zero (0)	Zero (0)
K. Ossining (Town);	Zero (0)	Zero (0)
L. Ossining (Village);	Two (2)	Eight (8)
M. Peekskill (City);	Four (4)	Seven (7)
N. Pleasantville (Village);	One (1)	Two (2)
O. Pound Ridge (Town);	Zero (0)	Four (4)
P. Sleepy Hollow (Village);	One (1)	Three (3)
Q. Somers (Town);	Zero (0)	Zero (0)
R. Yorktown (Town).	One (1)	Five (5)

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21. TOTALS: Sixteen (16) Forty-five (45)

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22. Zone "B" (BAKER) shall consist of the following Departments:

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Department	Rapid Response	Delayed Response	
A. Ardsley (Village);	One (1)	Three	(3)
B. Dobbs Ferry (Village);	One (1)	Three	(3)
C. Elmsford (Village);	One (1)	Three	(3)
D. Greenburgh (Town);	Three (3)	Twelve	(12)
E. Hastings-on-Hudson (Village);	One (1)	Three	(3)
F. Irvington (Village);	Zero (0)	Three	(3)
G. Scarsdale (Village);	Two (2)	Four	(4)
H. Tarrytown (Village);	One (1)	Three	(3)
I. White Plains (City);	Five (5)	Ten	(10)
J. Yonkers (City);	Five (5)	Ten	(10)
TOTALS:	Twenty (20)	Fifty-Four (54)	

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23. Zone "C" (CHARLIE) shall consist of the following Departments:

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Department	Rapid Response	Delayed Response	
A. Bronxville (Village);	One (1)	Three	(3)
B. Eastchester (Town);	Two (2)	Five	(5)
C. Harrison (Town);	Two (2)	Eight	(8)
D. Larchmont (Village);	One (1)	Two	(2)
E. Mamaroneck (Town);	Two (2)	Two	(2)
F. Mamaroneck (Village);	Two (2)	Four	(4)
G. Mt. Vernon (City);	Four (4)	Ten	(10)
H. New Rochelle (City);	Four (4)	Six	(6)
I. Pelham (Village);	One (1)	Four	(4)
J. Pelham Manor (Village);	One (1)	Three	(3)
K. Port Chester (Village);	Three (3)	Five	(5)
L. Rye (City);	Two (2)	Four	(4)
M. Rye Brook (Village);	One (1)	Three	(3)
N. SUNY Purchase	One (1)	Two	(2)
O. Tuckahoe (Village);	One (1)	Five	(5)
TOTALS:	Twenty-eight (28)	Sixty-six (66)	

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LEVELS OF RESPONSE

24. Alert Notification: A situation exists of serious proportions and Departments within the Zone of Alert should prepare to send the minimum pre-arranged manpower (rapid response) to the identified location. **DO NOT RESPOND AT THIS TIME!**

25. Pre-Zone Response: (Approximately eight (8) uniformed officers). A situation exists that requires additional police resources but does not require a full Zone response. The Westchester County Department of Public Safety will respond with the minimum pre-arranged manpower for a rapid response to the identified location.

Note: The Westchester County Department of Public Safety is prepared to initiate Incident Command System protocols if requested to do so by the requesting agency.

26. Level One (1) Response: (Approximately forty five (45) uniformed officers). Departments within the Zone of Alert are requested to immediately dispatch the minimum pre-arranged manpower for a rapid response to the identified location.

27. Level Two (2) Response: (Approximately sixty five (65) uniformed officers). A second Zone is being requested to dispatch the minimum pre-arranged manpower for a rapid response to the identified location.

Note: The second Zone of response will be identified by the requesting agency.

28. Level Three (3) Response: (Approximately ninety (90) uniformed officers). Departments from all Zones are requested to dispatch the minimum pre-arranged manpower for a rapid response to the identified location.

29. Level Four (4) Response: (Approximately two hundred twenty (220) uniformed officers). Departments from all Zones are requested to dispatch the maximum number of pre-arranged manpower (delayed response) to the identified location.

ACTIVATION OF THE PLAN

30. All requests for assistance under the Plan will be made via the Westchester County Hot Line System (Hot Line).

31. The following are example announcements to be followed when activating the Plan via the Hot Line:

Alert Notification [Prepare Only]:

Station (number and jurisdiction) announcing an Alert Notification. A situation exists that may require a mutual aid response. Specifically, there is a _____ (nature of the incident). Departments in Zone _____ should prepare to dispatch the pre-arranged rapid response to this jurisdiction. NO NOT RESPOND AT THIS TIME!

Pre-Zone Response:

Station (number and jurisdiction) to the Westchester County Department of Public Safety, a situation exists requiring a mutual aid Pre-Zone Response. Specifically, there is a _____ (nature of incident) we are requesting the Westchester County Department of Public Safety send its pre-arranged rapid response. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level One (1) Response [One Zone]:

Station (number and jurisdiction) to all stations on the Hot Line, a situation exists within this jurisdiction requiring a mutual aid Level One (1) Response. Specifically, there is a _____ (nature of incident) we are requesting rapid response from Zone _____. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level Two (2) Response [Two Zones]:

Station (number and jurisdiction) to all stations on the Hot Line, a situation exists within this jurisdiction requiring a mutual aid Level 2 Response. Specifically, there is a _____ (nature of incident) we are requesting rapid response from Zones _____ and _____. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level Three (3) Response [All Zones]:

Station (number and jurisdiction) to all stations on the Hot Line, A situation exists within this jurisdiction requiring a mutual aid Level 3 Response. Specifically, there is a _____ (nature of incident) we are requesting rapid response from all Zones. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level Four (4) Response [All Zones]:

Station (number and jurisdiction) to all stations on the Hot Line, A situation exists within this jurisdiction requiring a mutual aid Level 4 Response.

Specifically, there is a _____ (nature of incident) we are requesting all available uniform personnel amounting to a delayed response from all Zones. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

DUTIES OF REQUESTING AGENCY

32. Identify the nature and location of the incident.
33. Identify the location of the Command Post.
34. Identify the Staging Area or location of response.
35. Identify the Incident Commander or any change in command.
36. Identify any and all specialized equipment with which responding officers should be equipped.
37. Memorialize the name, rank and command of responding officers.
38. Commence internal Departmental mobilization.

DUTIES OF RESPONDING AGENCY

39. Authorize only the designated pre-arranged number of UNIFORMED officers specific to the level of alert to respond.
40. Proceed directly to the location of requested response or the Staging Area as directed.

RESPONSIBILITIES AT THE SCENE OF THE INCIDENT

41. The Incident Commander designated by the requesting agency shall be in charge at the scene of the incident.
42. Uniformed officers detailed to the incident shall follow the direction of the Incident Commander.
43. However, where the provided assistance involves the loan of a Specialized Weapons and Tacticals (SWAT), hostage negotiation, bomb disposal or canine unit, the Commander of that specialized unit shall be responsible for implementation of the specific mission, as determined by the Incident Commander of the requesting agency.
44. When taking law enforcement actions at the scene of the incident, including use of force, uniformed officers from the responding agency shall at all times adhere to their agency policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.
45. Uniformed officers on loan from the responding agency at an emergency site shall regularly apprise the Command Post concerning the continued status of the emergency, line-of-duty injuries or their need for relief.

RELEASE OF PERSONNEL

46. The Incident Commander or his/her designee shall authorize release of personnel from all responding agencies.

POST OCCURRENCE REPORTINGS

47. Within thirty (30) days of any activation of the Plan, the Chief Executive Officer of the Requesting Agency shall prepare or cause to be prepared, a memorandum including a summary of the facts and circumstances surrounding the Incident, comments related to the effectiveness of the Plan and recommendations for modification of the Plan and submit same for the review of the Executive Board of the Westchester County Chiefs of Police Association.

48. Within thirty (30) days of receipt of the aforementioned memorandum, the Executive Board of the Westchester County Chiefs of Police Association will make a determination if modification to the Plan is necessary.

ANNUAL TRAINING

49. In order to maintain an appropriate level of readiness, annual training will be conducted.

ANNUAL REVIEW AND REVISION

50. A sub-committee of the Westchester County Chiefs of Police Association will review the Plan at least once a year and formulate recommendations for revisions as the need arises.

Updated October 5, 2011

~~THE MUTUAL AID AND RAPID RESPONSE PLAN
FOR THE POLICE DEPARTMENTS OF
WESTCHESTER COUNTY, NEW YORK~~

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~~PURPOSE~~

~~To establish procedures for the Police Departments of Westchester County to provide the uninterrupted delivery of police service during those situations that exceed the resources of any individual Department.~~

~~BACKGROUND~~

~~It is the responsibility of the police to be prepared and guided when dealing with major incidents whether they are criminal in nature or natural disasters. Rapid response and sound planning can often prevent loss of life, damage to property and prevent an incident from escalating.~~

~~POLICY~~

~~It is the policy of the Police Departments of Westchester County to promptly provide Mutual Aid and Rapid Response in the form of manpower and~~

~~equipment under the County Mutual Aid and Rapid Response Plan, (hereinafter referred to as the "Plan") upon the request of any participating agency.~~

~~DEFINITIONS~~

- ~~1. Mutual Aid and Rapid Response Incident: An incident requiring activation of the Mutual Aid and Rapid Response is defined as a major incident or occurrence which necessitates a Police Department, within Westchester County, to summons immediate wide scale assistance.~~
- ~~2. Major Incidents: Means any event, generally of an emergency nature, that involves actual or potential personal injury or property damage arising from a natural disaster, manmade disaster, civil disturbance or terrorist action.~~
- ~~3. Natural Disaster: Means those incidents in which the forces of nature threaten the lives, safety or property of numerous persons; i.e., floods, hurricanes, earthquakes, explosions, tornadoes, landslides, drought, infestation or significant snowfall/blizzard.~~
- ~~4. Manmade Disaster: Means incidents in which the forces of man threaten the lives, safety or property of numerous persons; i.e., nuclear/radiological accidents, chemical spills, major railroad accidents or aircraft crashes.~~
- ~~5. Civil Disturbance: Means an action by any group that poses a substantial threat to peace, life or property or any tumultuous or violent activity that creates a Grave risk of causing public alarm.~~
- ~~6. Terrorist Action: Is defined as a politically motivated, hostile action taken by a person or group whose intent is the commission of violent acts designed to instill fear, communicate a message and/or demand some governmental action.~~

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~~Requesting Agency: A Police Department located within the geographical confines of the County of Westchester that is requesting Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.~~

- ~~7. Responding Agency: A Police Department located within the geographical confines of the County of Westchester that is responding to a request for Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.~~
- ~~8. Zone Coordinator: Each Zone of response will designate a Zone Coordinator, who shall be responsible for coordinated Zone response, e.g., response to locations outside of Westchester County as well as coordination of mock activations of the Plan.~~
- ~~9. Incident Command System: The accepted system to be utilized to coordinate multi-agency responses to incidents.~~
- ~~10. Incident Commander: Is defined as the highest ranking member of the requesting Department at the scene, or his/her designee.~~
- ~~11. Inner Perimeter: Is defined as the immediate area of containment around an incident site.~~

~~A. Metropolitan Transportation Authority Police Department; Four (4)~~
~~Ten (10)~~
~~B. New York State Police; Eight (8)~~
~~Twelve (12)~~
~~C. New York City Department of Environmental Protection; Three (3)~~
~~Ten (10)~~
~~D. Westchester County Department of Public Safety Eight (8)~~
~~Twenty (20)~~
 TOTALS: ~~Twenty Three (23)~~ ~~Fifty Two (52)~~

~~17. When a County Wide participant requests assistance to this Plan, they will become a member of any Zone in which they have the need for assistance.~~

~~A. E.g., assistance for an event at Tibbett's Brook Park, a County park, the Westchester County Department of Public Safety will be a member of Zone "B" for the purpose of requesting aid.~~

~~B. For an event at the Croton/Harmon Train Station, the Metropolitan Transportation Authority Police Department will be a member of Zone "A" for the purpose of requesting aid.~~

~~18. When a County Wide participant receives a request for assistance under this Plan, they will become a member of the Zone from which the request for assistance is being made and will respond accordingly.~~

~~19. Zone "A" (ADAM) shall consist of the following Departments:~~

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Department	Rapid Response	Delayed Response
A. Bedford (Town);	One (1)	Two (2)
B. Briareliff (Village);	One (1)	Two (2)
C. Buchanan (Village);	Zero (0)	One (1)
D. Croton-on-Hudson (Village);	One (1)	One (1)
E. Lewisboro (Town);	Zero (0)	Zero (0)
F. Mt. Kisco (Village);	One (1)	Two (2)
G. Mount Pleasant (Town);	Two (2)	Four (4)
H. New Castle (Town);	One (1)	Three (3)
I. North Castle (Town);	Two (2)	Three (3)
J. North Salem (Town);	Zero (0)	Zero (0)
K. Ossining (Town);	Zero (0)	Zero (0)
L. Ossining (Village);	Two (2)	Eight (8)
M. Peekskill (City);	Four (4)	Seven (7)
N. Pleasantville (Village);	One (1)	Two (2)
O. Pound Ridge (Town);	Zero (0)	Four (4)
P. Sleepy Hollow (Village);	One (1)	Three (3)
Q. Somers (Town);	Zero (0)	Zero (0)
R. Yorktown (Town).	One (1)	Five (5)
(5)		
20. TOTALS:	Eighteen (18)	Forty seven (47)

21. Zone "B" (BAKER) shall consist of the following Departments:

Department	Rapid Response	Delayed Response
A. Ardsley (Village);	One (1)	Three (3)
B. Dobbs Ferry (Village);	One (1)	Three (3)
C. Elmsford (Village);	One (1)	Three (3)
D. Greenburgh (Town);	Three (3)	Twelve (12)
E. Hastings-on-Hudson (Village);	One (1)	Three (3)
F. Irvington (Village);	Zero (0)	Three (3)
G. Scarsdale (Village);	Two (2)	Four (4)
H. Tarrytown (Village);	One (1)	Three (3)
I. White Plains (City);	Five (5)	Ten (10)
J. Yonkers (City);	Five (5)	Ten (10)
TOTALS:	Twenty (20)	Fifty-Four (54)

22. Zone "C" (CHARLIE) shall consist of the following Departments:

Department	Rapid Response	Delayed Response
A. Bronxville (Village);	One (1)	Three (3)
B. Eastchester (Town);	Two (2)	Five (5)
C. Harrison (Town);	Two (2)	Eight (8)
D. Larchmont (Village);	One (1)	Two (2)
E. Mamaroneck (Town);	Two (2)	Two (2)
F. Mamaroneck (Village);	Two (2)	Four (4)
G. Mt. Vernon (City);	Four (4)	Ten (10)
H. New Rochelle (City);	Four (4)	Six (6)
I. Pelham (Village);	One (1)	Four (4)
J. Pelham Manor (Village);	One (1)	Three (3)
K. Port Chester (Village);	Three (3)	Five (5)
TOTALS:	Twenty eight (28)	Sixty six (66)

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LEVELS OF RESPONSE

23. Green Alert: A situation exists of serious proportions and Departments within the Zone of Alert should prepare to send the minimum pre-arranged manpower (rapid response) to the identified location of response.

24. Blue Alert: Departments within the Zone of Alert are requested to immediately dispatch, the minimum pre-arranged manpower (rapid response) for a rapid response to the identified location of response.

25. Yellow Alert: A second Zone is being requested to dispatch the minimum pre-arranged manpower (rapid response) for a rapid response to the identified location of response.

Note: This second Zone of response will be identified by the requesting Department after considering the geographical location of event vis-à-vis, which zone is best situated to respond.

~~26. Orange Alert: Departments from all Zones are requested to dispatch the minimum pre-arranged manpower (rapid response) to the identified location.~~

~~27. Red Alert: Departments from all Zones are requested to dispatch the maximum number of pre-arranged manpower (delayed response) to the identified location.~~

~~ACTIVATION OF THE PLAN~~

~~28. All requests for assistance under the Plan will be made via the Westchester County Hot Line System (Hot Line).~~

~~29. The following are example announcements to be followed when activating the Plan via the Hot Line.~~

- ~~A. Code Green [Prepare Only]:
Station _____ (number), _____ (town, city, village) announcing a Green Alert within the confines of this jurisdiction and Departments in Zone _____ should prepare to dispatch immediately upon request the pre-arranged manpower to this jurisdiction.~~
- ~~B. Code Blue [Rapid Response, One Zone Only]:
Station _____ (number), _____ (town, city, village) to all stations on the Hot Line, announcing a Blue Alert within this jurisdiction. Specifically, there is a _____ (nature of incident) and we are requesting rapid response from Zone _____.
The scene is located at _____ (street/avenue) and the location of response has been designated as _____ (street/avenue). At this time, _____ (Chief, Captain, Lieutenant) is in command of the incident and the~~

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~~Command Post has been established as _____ (building/street/avenue).~~

- ~~C. Code Yellow [Rapid Response, Two Zones Only]:
Station _____ (number), _____ (town, city, village) to all stations on the Hot Line, announcing a Yellow Alert within this jurisdiction. Specifically, there is a _____ (nature of incident) and we are requesting rapid response from Zones ____ and _____.
The scene is located at _____ (street/avenue) and the location of response has been designated as _____ (street/avenue). At this time, _____ (Chief, Captain, Lieutenant) is in command of the incident and the Command Post has been established as _____ (building/street/avenue).~~
- ~~D. Code Orange [Rapid Response, All Zones]:
Station _____ (number), _____ (town, city, village) to all stations on the Hot Line, announcing an Orange Alert within this jurisdiction. Specifically, there is a _____ (nature of incident) and we are requesting rapid response from all Zones.~~

The scene is located at _____
(street/avenue) and the location of response has been
designated as _____ (street/avenue). At
this time, _____ (Chief, Captain,
Lieutenant) is in command of the incident and the
Command Post has been established as _____
(building/street/avenue).

- E. Code Red (Rapid Response, All Zones):
Station _____ (number), _____ (town, city,
village) to all stations on the Hot Line, announcing a
Red Alert within this jurisdiction. Specifically,
there is a _____ (nature of incident) and we are
requesting all available uniform personnel amounting
to a delayed response from all Zones.
The scene is located at _____
(street/avenue) and the location of response has been
designated as _____ (street/avenue). At
this time, _____ (Chief, Captain,
Lieutenant) is in command of the incident and the
Command Post has been established as _____
(building/street/avenue).

Note: The requesting Agency shall also identify any and all specialized
equipment with which responding members should be equipped.

~~DUTIES OF REQUESTING AGENCY~~

- ~~30. Identify the nature and location of the incident.~~
- ~~31. Identify the location of the Command Post.~~
- ~~32. Identify the Staging Area or location of response.~~
- ~~33. Identify the Incident Commander or any change in command.~~

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- ~~34. Commence internal Departmental mobilization.~~
- ~~35. Memorialize the name, rank and command of responding members of the service.~~

~~DUTIES OF RESPONDING AGENCY~~

- ~~36. Authorize only the designated pre-arranged UNIFORMED members of the service specific to the level of alert to respond.~~
- ~~37. Proceed directly to the location of requested response or the Staging Area as directed.~~

~~RESPONSIBILITIES AT THE SCENE OF THE INCIDENT~~

- ~~38. The Incident Commander designated by the requesting agency shall be in charge at the scene of the incident.~~
- ~~39. Uniformed members of the service detailed to the incident shall follow the direction of the Incident Commander.~~

~~40. However, where the provided assistance involves the loan of a Specialized Weapons and Tacticals (SWAT), hostage negotiation, bomb disposal or canine unit, the Commander of that specialized unit shall be responsible for implementation of the specific mission, as determined by the Incident Commander of the requesting agency.~~

~~41. When taking law enforcement actions at the scene of the incident, including use of force, uniformed members of the service from the responding agency shall at all times adhere to their agency policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.~~

~~42. Uniformed members of the service on loan from the responding agency at an emergency site shall regularly apprise the Command Post concerning the continued status of the emergency, line of duty injuries, or their need for relief.~~

~~RELEASE OF PERSONNEL~~

~~43. The Incident Commander or his/her designee shall authorize release of personnel from all responding agencies.~~

~~POST OCCURRENCE REPORTINGS~~

~~44. Within thirty (30) days of any activation of the Plan, the Chief Executive Officer of the Requesting Agency shall prepare or cause to be prepared, a memorandum including a summary of the facts and circumstances surrounding the Incident, comments related to the effectiveness of the Plan and recommendations for modification of the Plan and submit same for the review of the Executive Board of the Westchester County Chiefs of Police Association.~~

~~45. Within thirty (30) days of receipt of the aforementioned memorandum, the Executive Board of the Westchester County Chiefs of Police Association will make a determination if modification to the Plan is necessary.~~

————— General Order 114.8 Page 23 of 23

~~ANNUAL DRILLING~~

~~46. In order to maintain an appropriate level of readiness, annual training will be conducted.~~

~~ANNUAL REVIEW AND REVISION~~

~~47. A sub-committee of the Westchester County Chiefs of Police Association will review the Plan at least once a year and formulate recommendations for revisions as the need arises.~~

Updated March 3, 2011

CITY OF RYE POLICE DEPARTMENT

General Order #116.2	New <input checked="" type="checkbox"/>]	Revised <input type="checkbox"/>]
Supersedes:		
Subject: Promotions and Appointments		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 2
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

PURPOSE:

To explain the role of this Department in the promotion process for its members.

BACKGROUND:

This Department is guided by the New York State Civil Service Commission in its personnel selection and promotional process.

PROMOTION POLICY:

It is the policy of the City of Rye Police Department that all promotions to the position of Sergeant and Lieutenant are made in compliance with the requirements of New York State Civil Service Commission requiring the candidate to compete by written examination provided to the Department by the Civil Service Commission and administered by the Westchester County Department of Personnel.

Candidates will be ranked in descending order of their final score on the promotional list which will be established by the Westchester County Personnel Office.

When a vacancy exists within the Department which requires the promotion of a member, the Westchester County Personnel Office shall provide the Police Commissioner with a certified eligibility list of candidates.

The Police Commissioner may request recommendations for promotion from the candidate's supervisors. The Police Commissioner shall choose the best candidate using the "Rule of Three Choices", in selecting who he considers the best candidate.

All members promoted to the first line supervisory position of Sergeant shall attend a Municipal Police Training Council course in police supervision within 12 months of their appointment.

All promotions shall not be permanent until the candidate has successfully completed a probationary period of not less than 12 weeks nor more than 26 weeks.

Appointment to the position of Detective or other special assignments shall be made by the Police Commissioner.

General Order #116.2 Page 2 of 2

The Police Commissioner shall consider for appointment to position of Detective only those members who have successfully completed four years of service. Detectives will hold the Civil Service Rank of ~~Patrolman~~Police Officer.

CITY OF RYE POLICE DEPARTMENT

General Order # 116.9	New [x]	Revised []
Supersedes:		
Subject: Procedure for Determining Claims Pursuant to General Municipal Law § 207-c		
Date Issued 05/16/07	Date Effective 05/16/07	Page 1 of 4
Issuing Authority: William R. Connors, Police Commissioner		

In order to equitably determine claims for benefits pursuant to GML§ 207-c and ensure compliance with other provisions of law, the following is established as the City's policy and procedure effective

- A. **Notice of disability or of need for medical or hospital treatment.**
A Police Officer injured in the performance of duty or taken sick as a result of the performance of duty and who seeks any benefit afforded by § 207-C shall notify his or her superior immediately of either 1) an incident causing an injury or sickness so as to prevent the performance of duty or 2) an incident causing such an injury or sickness which gives rise to a need for medical or hospital care; provided, however, that a Police Officer taken sick allegedly as the result of the performance of duty shall provide such notice as soon as he or she concludes that the sickness is so caused, but in no event later than 2 days from the time such sickness should have been discovered to have been an alleged result of the performance of duty. In the event of an inability to do so, such notice may be made by another acting on behalf of the Police Officer. The notice shall describe the nature of the injury or sickness. To aid in the administration of this provision, the City of Rye may utilize an application form which shall be completed by a police officer seeking benefits or, in the even of an inability to do so, by another acting on his or her behalf. Such a form shall be promptly filed with the Police Commissioner by a Police Officer or his or her representative, but no later than 3 days after the incident or conclusion described above. The failure to satisfy the time limits specified above shall render a notice or filing untimely and shall preclude an award of any benefits pursuant to § 207-C; provided, however, that the City of Rye shall have the discretionary authority to excuse a failure to provide notice or file a report upon good cause shown.
- B. **Decision Making:** The City of Rye shall also have the exclusive Authority to make a determination regarding §207-c benefit approvals, benefit denials, review of benefit determinations, and light duty assignments.

- C. **Status pending determination of eligibility for benefits.** In the event a police officer asserts an inability to perform duties, he or she may request sick leave or other appropriate accrued leave, consistent with the collective bargaining agreement. Upon a determination by the City of Rye that a police officer who has been unable to work is eligible for payment of the full amount of regular salary or wages pursuant to the provisions of § 207-c, all sick leave or other paid leave which may have been utilized shall be restored in full. A police officer receiving payment of the full amount of regular salary or wages pursuant to § 207-c shall not incur any reduction or addition of accrued leave while in receipt of such payment. Any officer seeking the benefits of this section of law may be examined by a physician selected by the City of Rye to verify the existence of an injury or sickness.

In the alternative, in the sole discretion of the Police Commissioner, and pending final determination of the application for benefits in those cases where it appears to the Police Commissioner that there is a substantial likelihood that an application will be granted, the Police Commissioner shall have the authority to retain the officer on the City's payroll until that determination is made. Such preliminary grant of salary shall not be considered an entitlement to benefits pursuant to GML § 207-c and the final determination of the application shall ultimately determine entitlement, if any. If the final determination is that the officer was not entitled to the benefits of GML § 207-c, any payments made to the officer shall be deducted from past or future leave entitlements or recouped by the City. Upon a preliminary determination of eligibility for benefits, that determination shall be communicated to the City's Comptroller, who shall adjust tax adjustments accordingly.

- D. **Benefit Determination:** An application for the benefits of § 207-c shall be processed as follows. An individual seeking benefits under § 207-c must demonstrate his or her entitlement to them. The City of Rye shall promptly review an application timely made and any other pertinent documents or evidence available and, if a determination is made that the injury occurred in the performance of duty or that sickness is a result of the performance of duty, shall direct payment of the full amount of regular salary or wages and shall ensure municipal responsibility for the reasonable and customary cost of treatment and hospital care associated with the injury or illness. A written notice of such a determination by the City of Rye shall be provided to the police officer. The payment of regular salary or wages and medical expenses shall be continued until such time as they are discontinued as provided by § 207-c.

In the event a question arises as to initial eligibility for benefits or their continuation once awarded, the following procedure shall apply. The City of Rye shall promptly inquire into the applicable facts and may require the claimant to submit to one or more medical examinations as may be reasonably necessary to determine the existence of a disability and its extent. To resolve a question of initial or continued eligibility for benefits, the City of Rye shall make a decision on the basis of any medical evaluations and information available or otherwise provided by the claimant, including, but not limited to

determinations made by the Worker's Compensation Board and/or the New York State Retirement System. A claimant may produce any document, sworn statement, or other record relating to the alleged injury or sickness or the incident alleged to have caused such injury or sickness. The City of Rye shall have the authority to employ medial specialists and other appropriate individuals; may at reasonable times and on reasonable notice require the attendance of the claimant or any witness to an incident to secure information; may require the applicant to sign a release for information pertaining to his or her prior medical history relating to the injury or illness; and may undertake any other reasonable act necessary for making a determination pursuant to this procedure. The City of Rye shall make a determination as to initial or continued eligibility for benefits based upon evidence collected or obtained. A claimant shall be notified in writing of any determination made by the City of Rye. In the event a claimant is adversely affected by a determination, he or she may seek review pursuant to Article 78 of the CPLR.

- E. **Assignment to light duty:** The City of Rye may assign a Police Officer receiving benefits pursuant to § 207-c to light duty, consistent with his or her physical or mental condition. In the event of such an assignment, the individual shall receive regular salary or wages and any increases thereof and fringe benefits which would have been received had regular duties been performed. In seeking to place an individual on a light duty assignment, the City may cause a medical examination of the individual to be made at the expense of the municipality. The physician selected shall be provided with a list of the types of duties and activities associated with a proposed light duty assignment and shall make an evaluation as to the ability of the police officer to perform certain duties or activities, given the nature and extent of the injury or sickness. Upon review of the medical assessment of the police officer's ability to perform a light duty assignment, the City of Rye may make a light duty assignment.
- F. **Appeal of adverse final determinations:** Should a police officer disagree with any determination of the City of Rye regarding a proposed light duty assignment or a termination of benefits determination, he or she within 5 days of the mailing of the determination shall present a written request to the Police Commissioner for a hearing, specifying any objections to the determination and enclosing any medical determination in support of the officer's position. Subsequent to the date of the request, a hearing shall be held by the Police Commissioner or a hearing officer designated by the Police Commissioner who shall afford the police officer due process rights, including adequate notice of the hearing; a right to present evidence; a right to call and cross-examine witnesses; a right to counsel; and a record of evidence presented at the hearing. Should a proposed light duty assignment or a proposed termination of benefits be challenged, the burden of proof at the hearing shall be upon the municipality. The person conducting the hearing shall have the authority to administer oaths; to regulate the course, time and place of hearings and to fix time for filing of briefs, if any. The hearing officer, if appointed, shall make a recommendation to the Police Commissioner regarding the matter or matters at issue.

The Police Commissioner shall make a final decision which shall be in writing, a copy of which shall be provided to the individual. Any final determination made pursuant to this subdivision shall be subject to review only as provided by Article 78 of the Civil Practice Law and Rules.

- G. **Review of continued eligibility for benefit:** The City of Rye may review the continued eligibility of an individual to receive § 207-c benefits. Should a termination of benefits be proposed and should the police officer disagree, he or she shall object by initiating a hearing according to the process set forth in paragraph F of this procedure. Any such review shall occur after an assessment of the medical condition of an individual or other information raises a question where a disability may have ceased or, whether a disability may have diminished so as to permit a light duty assignment, as the case may be. The burden of proof in such a hearing shall be upon the City of Rye.
- H. **Miscellaneous:** The City of Rye reserves the right to issue or modify policies and procedures. The judicial review of any such requirements or review of a claim of misinterpretation, misapplication, or violation of the provisions of this procedure or § 207-c may be had solely upon petition presented pursuant to Article 78 of the Civil Practice Law and Rules.
- I. Upon a determination by the Police Commissioner of eligibility for GML § 207-c benefits, the determination shall be communicated to the City's Comptroller who shall cause the withholding of all taxes and FICA contributions to cease as of the date of the determination and during the continuation of entitlement to disability benefits in accordance with applicable provision of law.

CITY OF RYE POLICE DEPARTMENT

General Order #120.7	New <input checked="" type="checkbox"/>]	Revised <input type="checkbox"/>]
Supersedes:		
Subject: Disciplinary Matters		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 3
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

PURPOSE:

To define the authority and responsibility delegated to departmental supervisors for the maintenance of discipline and to describe the progressive disciplinary process.

BACKGROUND:

The City of Rye Police Department promotes effective discipline and believes this to be a positive procedure. ~~Our~~The Department's rules and regulations specify rules of conduct for all employees, ~~which~~These rules of conduct are detailed in this Manual.

POLICY:

Historically the need for high standards of discipline ~~from~~for Police Department employees is well-established, and only through a well disciplined Police Department can the integrity of the agency be maintained.

Discipline with both positive and negative sanctions is vital to the effective performance and morale of ~~its~~ employees, and training is seen as an integral part of this program.

~~Furthermore, the~~The Department utilizes a progressive discipline approach that attempts to correct problems in a constructive, non-punitive manner.

Documentation of discipline (both positive and negative) shall be in the form of a Memorandum for Record and/or a supplementary report that shall detail ~~the set of facts involving or~~ circumstances deserving written recognition for exceptional performance or to document ~~a set of facts involving demonstrating~~ a breach of department rules, regulations, procedures and/or policies.

PROCEDURE:

Supervisors are responsible for ensuring that department members and employees perform their duties in accordance with policies, procedures, rules and regulations and authoritative instructions of the department.

Supervisors are required to initiate action(s) in response to the acts of commission or omission of personnel in accordance with the procedures as appropriate.

Progressive Discipline

Training

In minor disciplinary cases or where remedial training is indicated, counseling and training will be utilized as a corrective method of positive discipline and shall be recorded by the supervisor. An E mail will be filed with the Patrol Commander and a copy will be placed in the personnel folder.

Counseling

Counseling is a process most often conducted by an immediate supervisor to determine if ~~the-a~~ member is familiar with a particular issue or aware of department written directives, policies or procedures that govern his/her behavior and to determine further training needs.

1. A supplementary report will be written to the Patrol Commander.
2. A record of counseling sessions will be maintained by the Patrol Commander for further evaluation of the employee's progress.

Corrective Interviews

Corrective Interviews are often the second step in the disciplinary process after counseling has been attempted and may be conducted by the immediate supervisor or other superior officers to point out a member's unacceptable behavior or job performance or failure to comply with written directives. Depending on the severity of the incident, corrective interviews may be required in lieu of initial counseling or training or sessions described above.

1. An ~~E-mail~~ shall be forwarded from the supervisor through channels to the Police Commissioner for future reference and evaluation of the employee.

Punitive Action

All punitive actions taken by the Department in the interest of discipline, including all reprimands, written reprimands, reductions of leave, suspensions, demotions or dismissals will be pursuant to provisions of law, collective bargaining agreements and written directives.

Disciplinary Charges

Disciplinary charges in most instances will be initiated after counseling and/or corrective interviews have failed to correct the problem. When it has been determined necessary, charges will be preferred against the member pursuant to provisions of law ~~-when~~ When appropriate, Command Discipline may be offered to the member in lieu of formal charges.

1. In those situations where the severity of the violation warrants, the Police Commissioner may find it necessary to initiate formal departmental charges against a member in lieu of training, counseling and/or corrective interviews.

2. If a member is dismissed as a result of a hearing conducted by the City, the member will be provided the following information:

- | dismissal
- (a) The ~~decision~~determination, which includes the reason for dismissal
 - (b) The effective date of the dismissal.
 - (c) A statement of the status of fringe and retirement benefits after dismissal.
 - (d) A statement as to the content of the member's employment record relating to the dismissal.

| 3. The officer may elect to appeal the ~~decision-determination~~ of the formal charges proceeding pursuant to the provisions of law.

Command Discipline

In those situations where the member and the Police Commissioner agree, command discipline may be accepted in lieu of formal charges.

- 1. Command discipline shall be commenced no more than 90 days after the discovery of the occurrence of the alleged misconduct.
 - 2. Administration of Command Discipline:
 - (a) Upon discovering a violation, the reporting supervisor shall
 - (1) Prepare all reports pursuant to personnel complaints of this manual, for each officer involved.
 - (2) Submit the original report with any documentation through the supervisor's chain of command to the Police Commissioner.
 - (b) The Police Commissioner shall
 - (1) Investigate or cause to be investigated the circumstances of the reported violation, seeking any additional information as may be required or available.
 - (2) Interview the member informing him/her of the nature of the reported violation, giving the member an opportunity to make a statement or to request the supervisor to seek additional information.
- Any member being questioned in respect to possible disciplinary charges shall have the right to representation, as described in the "Interrogation of _____ Members" section of this Mmanual.

CITY OF RYE POLICE DEPARTMENT

General Order # 121.2	New [x] Revised [] Supersedes:
Subject: Awards and Recognition	
Date Issued 3/27/00	Date Effective 3/27/00
Page 1 of 1	
Issuing Authority: Joseph A. Verille William R. Connors , Police Commissioner	

PURPOSE

To establish clear guidelines to recognize members of the City of Rye Police Department who, while in the performance of their duty, demonstrate superior abilities and dedication to the Community. Acts of heroism, excellent police work, and the saving of human life will be recognized through department awards.

POLICY

Recommendations for department recognition and awards may be made by any member of the department and forwarded to his/her supervisor. The supervisor will look into the facts of the incident and forward his/her recommendation to the Police Commissioner or his designee.

PROCEDURE

The Police Commissioner will appoint a committee on an annual basis to review all recommendations and report their findings to him/her. The committee will be made up of at least three and no more than five members of the Rye Police Department. The committee will meet ~~the first week of February annually to review any award recommendation for an incident that occurred from July 1 through December 31. The committee will also meet the first week of August to review any award recommendation for an incident that occurred between January 1 and June 30 for the previous year.~~ Letters of commendation can be given out by the Police Commissioner at any time. Recommendations can be made by any supervisor. After reviewing all recommendations for awards, the awards committee will submit its findings with a clear explanation of the members' commendable performance to the Police Commissioner for final action. These awards will consist of an Honor Bar and/or a certificate which will be presented by the Police Commissioner. The honor bars will be distinctively different in color to avoid confusion with the PBA honor bars. Officers will be allowed to wear both PBA and Department bars for the same meritorious actions. ~~In addition to lifesaving bars, a defibrillation honor bar will also be presented if a defibrillator was used in saving a life.~~

CITY OF RYE POLICE DEPARTMENT

General Order # 103.8		New []	Revised [x]
		Supersedes: 103.8 issued	
<u>035/3119/0898</u>			
Subject: Use of Mobile Notebook Computers			
Date Issued	Date Effective		Page 1 of
<u>003/0031/1208</u>	<u>003/0031/1208</u>		2
Issuing Authority: William R. Connors, Police Commissioner			

PURPOSE:

To establish guidelines to be followed by authorized department personnel for use of Mobile notebook computers.

GUIDELINES:

Mobile Notebook Computers are available to Patrol Personnel for use in cars 10, 11, 12, 14, 15, 16, 17, 18, 24 (Unit 2), Marine Unit 26, Patrol Boat 1 and the Mobile Command Center.

When assigned, Mobile Notebook Computer will be properly installed in the appropriate docking station and locked into place with the docking station key.

If the vehicle is not being used on the next tour of Duty it shall be the responsibility of the last user to shutdown, remove the computer and store it plugged into the appropriate battery charger in the Department Vault, or any other Department designated storage area.

In case of vehicle deadline, the computer will be moved to the replacement patrol car as specified by department policy

An AirCard equipped Mobile Computer will be available to the Detective Division Monday through Friday, 0800 - 1600 hrs and for any special details at other times. The AirCard equipped Mobile Computer will be stored on charge in the Department Vault or other Department designated area when not in use.

Users of the Mobile Computer will log the identification number of the Mobile Computer(s) they use during their tour of duty on the back of their Activity Sheet and check the computer at the start and the end of their tour, noting same on their activity sheet. The check will include the computer, computer docking station and the cellular modem components. Any damage or lack of functionality must be reported immediately to the Tour Supervisor. Upon receipt of notice of deficiency regarding the mobile computer system, the tour supervisor will exchange the defective unit with a working one if possible. They will then e-mail the Staff Services Supervisor/System Administrator noting the problem and the reporting officer.

All transactions are logged by user ID. Each user will log on to the Mobile system as themselves. No one will use another's log on ID.

Passwords are not to be changed by anyone except the System Administrator.

General Order # 103.8 Page 2 of 2

Users will not change any Mobile Computer System settings including custom views, display setting, screen saver, wall paper, background colors, sounds, power setting or any other setting other than screen brightness and the day/night mode option in the X Mobile application without authorization of the System Administrator.

All NYSPIN Rules and Regulations apply for use of mobile NYSPIN interface.

Users are not to input data while driving. All transactions are to be conducted while the vehicle is stopped.

All users will handle mobile communication equipment with due care.

When users leave computer equipped patrol cars, vehicles will be locked and the view screen placed in a closed position.

CITY OF RYE POLICE DEPARTMENT

General Order #118.1	New [] Revised [x] Supersedes: 118.1 issued
035/3145/080	
Subject: Department Records	
Date Issued 009/0034/12	Date Effective 003/0031/1208
Page 1 of 2	
Issuing Authority: William R. Connors, Police Commissioner	

PURPOSE

To assign responsibility for the receipt, review, retention, retrieval and control of all written information and documents that pertain to the Department's operations.

BACKGROUND

The integrity, effectiveness, and quality of a law enforcement agency are all heavily dependent on its control of records and documents inherent to its various operations.

POLICY AND PROCEDURE

The Detective Division is specifically responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Case Arrest Reports
2. Uniform Crime Reports
3. Intelligence Reports
4. Subpoenas
5. Orders of Protection and Affidavits of Service
6. Fingerprint Cards (not juvenile)
7. Criminal History Files
8. Sealing Orders
9. Criminal Summonses and other legal processes (warrants, etc.)
10. Background Investigations of Applicants
11. Good Conduct Certificates

The Patrol Division Commander shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Public Relations Documentation
2. Policies, procedures, directives and regulations
3. Schedule and roll call data
4. Overtime, Compensatory Time and Leave Requests
5. Sick Reports
6. Training Records
7. Complete inventory of Department Property
8. Firearms records

9. All Freedom of Information Requests

General Order #118.1 Page 2 of 2

The Youth Division shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. All Juvenile Records
2. Juvenile Fingerprint Cards

Records Division shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Incident/Complaint reports, follow up reports
2. Property Inventories/Impounds, tow log
3. Accident Reports/Witness Statements
4. Vehicle & Traffic Summonses
5. Parking Summonses
6. City Code Violations
7. Inventory and order all forms used in patrol
8. Alarm permit files
9. Taxi Permits and Inspections
10. All DMV correspondence, confiscated DLIC/REG/Destruction of plates
11. Accreditation Files

The Office of the Police Commissioner shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Fiscal Receipts
2. Personnel Records
3. Agency Budget Records
4. Central Correspondence Files
5. Compensation Cases

CITY OF RYE POLICE DEPARTMENT

General Order #118.9	New [x-] Revised [<u>x</u>] Supersedes: <u>118.9 Issued 11/01/96</u>	
Subject: Employee Personal History Form		
Date Issued <u>0011/0001/1296</u>	Date Effective <u>0011/001/9126-</u>	Page 1 of 2
Issuing Authority: William A. Pease, Police Commissioner <u>R Connors, Police Commissioner</u>		

PURPOSE:

To ensure that a current personal history record for each employee of this Department is prepared and maintained.

BACKGROUND:

Effective personnel administration requires the collection and availability of essential personal information.

The Department's automated computer system provides an employee personal records management system that will be kept up to date at all times and will include, but not be limited to, the following information:

- . Medical facts that may be needed in the event of a medical emergency.
- . Current family information that may be needed for notification purposes.
- . Education, technical training, job experience must be kept current in our Department files as we move toward achieving our objectives in the most efficient manner.

POLICY:

It shall be the policy of this Department to maintain complete and accurate personnel data on all members of the department within its automated computer system. A hard copy will also be filed in the personnel records maintained in the office of the Police Commissioner.

PROCEDURE:

All members of this department will complete and submit a department personal history form within one week from the issuance of this manual section or within one week of his/her appointment to the department. The completed form will then be forwarded to the office of the Police Commissioner.

Anytime information previously recorded on a personal history form changes, e.g., address, telephone number, the member who experiences the change shall, before the completion of his/her next scheduled tour of duty fill out a new personal history form, by completing the name section and those sections in which information has changed. The new form will then be forwarded to the Police Commissioner.

Police Commissioner

The Police Commissioner shall cause entry into the computer system of all employee personal history information and any subsequent changes.

The Police Commissioner shall cause a hard copy of each employee personal history form to be added to the member's personnel folder.

Information Requests

All non-departmental requests for personnel information will be routed to the office of the Police Commissioner who will review the request and allow the release or deny the release on a case by case basis.

This information shall be utilized by members for official department purposes ONLY.

CITY OF RYE POLICE DEPARTMENT

General Order # 119.4	New [] Revised [x] Supersedes: 119.4 issued 03/31/08
Subject: Guardian Calling Program	
Date Issued 00/00/12	Date Effective 00/00/012
Page 1 of 2	
Issuing Authority: William R. Connors, Police Commissioner	

The Guardian Calling program must be monitored each day to maintain its integrity and to ensure that the services expected are provided.

Each enrollee is called up to two (2) times. If no answer or busy signal is recorded on the first attempt, the enrollee will be recalled in 5 minute intervals. If there is no answer after the second phone call, an alert will be issued.

The Department's daily procedure will be as follows:

1. Calls will be made to subscribers as many times a day and at any time of day or night seven days a week as agreed upon by subscriber and System Administrator at time of enrollment.
2. If an alert is issued, the Desk Officer will check the Day (red) Book to verify any changes in calling schedule. If no changes are noted, the Desk Officer shall immediately call the person listed for emergency notification. He will inquire as to the whereabouts of the enrollee and advise him or her that the enrollee has failed to answer his/her daily call. If the contact person is unaware of any absence, a Police Officer will be sent to check on the status of the enrollee. In all instances where an alert is issued by the computer, the Desk Officer will generate a CAD ticket number for that alert. A follow up report will be entered into the narrative portion of the report.
3. If no contact person can be reached, an officer shall be sent to check the welfare of the resident enrollee. For some enrollees in the program information as to where a key is hidden is noted on the Alert Screen. This information should be given to the responding officer by telephone.
4. If a contact person is unreachable and there is no key information provided, the Lieutenant, Sergeant or Officer in charge shall be notified of the status. An officer shall be sent to investigate the whereabouts of the enrollee, i.e., check the house, check with neighbors, etc. The Lieutenant, Sergeant or Officer in Charge shall then determine whether to enter the home.

5. If an enrollee/subscriber calls to inform us they will be away from home and not available to receive their daily call, the receiver of this information will advise the Subscriber to call upon their return and notify the desk officer of their return and to commence the Guardian calls, record the time and date the enrollee will be leaving and the time and date the enrollee is expected to return to their home on the appropriate date pages in the Day (Red) Book at the Police Desk and then shall log into the Guardian computer and place the subscribers calls on suspend. When an Enrollee/Subscriber calls and notifies the Desk Officer of their return the receiver of the call will make an entry in the Day (Red) Book of the subscribers return and shall log into the Guardian computer and un-suspend (resume) the Guardian calls.

8. At no time will anyone use the Guardian computer for any reason other than its intended purpose without prior approval from the Police Commissioner. This computer is a stand alone computer and is not connected to our network, therefore, no one should have any need to use this machine. The phone attached to the system is only to be used to record Guardian Calling messages.

**CITY OF RYE POLICE DEPARTMENT
EMPLOYEE PERSONAL HISTORY FORM**

Name _____

Address _____

Phone _____

Social Security Number _____

Drivers License Number _____

Education _____

MEDICAL

Blood Type _____

Allergies _____

Medications _____

Other facts that may be needed in the event of an emergency _____

Emergency Contact

Name _____

Relationship _____

Telephone Number _____



CITY COUNCIL AGENDA

NO. 10B DEPT.: Police DATE: October 24, 2012
CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: (b) approval of revisions to General Order #103.10 "Deployment of Electro-muscular Disruption Device (Taser)".

FOR THE MEETING OF:

October 24, 2012

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: (b) Approval of revisions to General Order #103.10 "Deployment of Electro-muscular Disruption Device (Taser)".

IMPACT: Environmental Fiscal Neighborhood Other:
Enhancement of the operational effectiveness of the Department.

BACKGROUND: The Police Department continues to revise its policy on the use of Electronic Control Devices, most commonly referred to by the brand name Taser, to reflect current legal, medical, policy, and operational developments regarding the devices. The Department's policy is based on analysis of our experience with the device, continuing education received by our instructional staff, and review of the best practices in the field implemented by other departments to address training, deployment, aftercare, and reporting requirements. The electro-muscular disruption device is a conducted energy weapon that may be used to immobilize and control dangerous or violent subjects when it is reasonable to expect that it will be unsafe for officers to approach within contact range, or attempts to subdue a subject by other means have been or will be ineffective.

This proposed revision of General Order #103.10:

- Replaces the term "electro-muscular disruption device" with the currently used term "electronic control device (ECD)."
- Introduces a new model of the Taser, the X2, which is being phased in to eventually replace the current X26 model. The X2 has the same features as the X26 with two exceptions: it is capable of discharging a second cartridge without removal of the original

spent cartridge, as required by the X26, and more importantly, it ceases operation after completion of a five-second cycle. The manufacturer's current recommendation, and our officers' training, directs a cycle of not more than five seconds, but the X26 does not automatically shut down after that period. The X2 electronically limits each cycle to five seconds.

- It clarifies the status of the Taser in the Department's use of force policy, introducing and defining the term "active resistance".
- It clarifies requirements for medical care and introduces a definition of the term "excited delirium."

The Taser was introduced to the Department in February, 2006, at which time it was deployed on a limited basis in the Tour Supervisor's vehicle. Effective in June, 2009, deployment was expanded to one officer per tour, and the device was worn on the duty belt of the assigned officer. In December, 2010, it was made available to all post cars. Since its introduction, the Taser has been used only twice: 1) at the termination of a vehicle pursuit in neighboring communities that ended in a violent struggle and the injury of an officer from the Rye Brook Police Department in St. Mary's Cemetery in Rye Brook, and 2) during the apprehension of a male armed with a knife and wanted for burglary, who refused to exit a confined area. During this time it is believed that the presence of the device has significantly lowered the number of injuries to our officers by deterring potentially combative suspects from engaging in violent behavior.

The Taser has proven itself to be an effective alternative to lethal force when properly deployed, and has been an effective addition to the Department's use of force continuum. The Department's Taser instructors and Executive Staff continue to monitor the evolution of the electronic control device and adjust our policy and training accordingly.

A copy of the proposed order is attached in "strike and replace" format. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

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CITY OF RYE POLICE DEPARTMENT

General Order #103.10	New [x]	Revised []
	Supersedes: G.O. #103.10	
(12/14/10) <u>03/07/12</u>		
Subject: Deployment of Electro-muscular Disruption Device <u>Electronic control device</u> (TASER)		
Date Issued 03/07/12 <u>6</u>	Date Effective 03/07/12	Page 1 of 5
Issuing Authority: William R. Connors, Police Commissioner		

PURPOSE:

To establish uniform procedures for training, deployment, use, and aftercare regarding the ~~electro-muscular disruption device~~ electronic control device (TASER).

BACKGROUND:

The ~~electro-muscular disruption device~~ electronic control device (ECD), also known as an Electro-muscular Disruption Device or Conducted Energy Device (CED) is a conducted energy weapon which may be used to immobilize and control dangerous or violent subjects when it is reasonable to expect that it will be unsafe for officers to approach within contact range of a subject, or attempts to subdue a subject by other conventional tactics have been or will be ineffective.

The X26 ADVANCED TASER or the TASER X2, which ~~is~~ are the devices currently utilized by this Department, ~~is~~ are handheld electrical immobilization devices that uses compressed nitrogen to fire two probes up to a distance of ~~24-25~~ feet. These probes are discharged from a replaceable air cartridge and are connected to the weapon by insulated wire. When the tool is deployed and the probes are discharged from the cartridge, the ~~X26 ADVANCED TASER-Taser~~ transmits electrical impulses along the wires, through up to two inches of clothing and into the subject. The pulses send 26-watt electrical signals along the wires to the subject to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the Taser to cause temporary physical debilitation to a person, regardless of pain tolerance, mental focus, or intoxication. There are no long-term effects from the electrical impulses of the Taser.

The Taser is also equipped with 2 contact probes at the front of the unit, and can be used as a contact device to give an immobilizing electrical shock to a more limited area of the subject or to a subject who is actively resisting arrest.

Tasers used by this Department will be equipped with Taser Cams unless otherwise authorized by the Police Commissioner or Patrol Commander. The Taser Cam is a

recording device for use with the Taser X26 or X2 that does not change any of the existing functions of the weapon. The Taser Cam, with its microphone and sensitive camera, adds to the Taser X26 or X2 the capability to record audio and video, even in low light environments, while powered by a rechargeable battery. The audio/video files are stored in a searchable library within the Taser Cam that can be downloaded from the device to a computer.

Note: the Taser Cam records audio and video when the Taser selector switch is taken off safe mode. It will capture video images of the area toward which the device is oriented.

POLICY:

It shall be the policy of this department to use only the level of force that is reasonable and necessary to control or otherwise subdue violent, potentially violent, resistive, or unlawfully fleeing individuals. Electronic control devices have been proven effective in furthering this policy, and are authorized for use in appropriate circumstances by trained personnel.

PROCEDURE:

A. Authorized Users

Only officers who have satisfactorily completed the department's Taser training program, or who have completed the manufacturer's certification course of instruction, are authorized to carry and deploy the Taser.

B. Weapon Readiness

The Taser will be assigned as follows, or as otherwise authorized or limited by the Police Commissioner:

1. When the Tour Supervisor is assigned to patrol duty, he or she will be equipped with a Taser secured in the Tour Supervisor vehicle or on his or her person.
2. On all tours, one Taser will be assigned to a trained and authorized police officer on a patrol post.
3. Additional police officers assigned to patrol posts may carry the Taser at their option, or at the direction of the Tour Supervisor, based on availability of the devices.
4. Assignment of Tasers to members of the Department assigned to special details or other than patrol post assignments will be as directed by the Police Commissioner or the Patrol Commander.

The device shall be carried by authorized officers or supervisors in an approved holster on the support side (opposite side of the firearm) or secured and stored with the safety on, in a carrying case in close proximity to the user, so as to be readily available for deployment. The device shall be carried with an air cartridge affixed, safety on, and one spare cartridge at the ready. It will also be equipped with a properly charged Taser Cam at all times. It shall be the responsibility of the assigned member at the start

of each shift to ensure that the device is in working order, is properly charged, and is equipped with two (2) air cartridges and a Taser Cam.

C. Display

Simply displaying the Taser or initiating a cycle without firing the probes will not constitute a *use* of the device. However, the officer or supervisor will document the circumstances surrounding the display of the Taser in a standard incident report.

D. Deployment

The purpose of the Taser is to minimize the risk of injuries to police officers, members of the public, or persons who are actively resisting or may resist arrest. ~~The Taser is considered to be on the same level as OC spray on the department's use of force continuum and decisions to deploy the device should require the same level of justification.~~ The level of justification required for the use of the Taser shall be active resistance or a higher level of resistance as defined in the Department's use of force policy. The decision of the officer to use ~~either~~ a Taser ~~or OC spray~~ will be based on the totality of the circumstances, together with the benefits and capabilities of each tool. If OC spray has already been deployed on a subject, the Taser **SHALL NOT** be deployed on that subject.

Note: As the Taser causes temporary physical debilitation, contact or confrontation with a subject who gains possession or control of an officer's Taser, or engages an officer with such a device, would be deemed a deadly physical force situation.

Tactical Considerations in the deployment of the Taser:

- The Taser should be used in conjunction with verbal commands unless circumstances make it tactically inadvisable.
- Point laser sight at subject prior to firing.
- When practical, have backup present to prepare to arrest the subject or use other force or restraint options as appropriate.
- Avoid use where the subject is at risk of falling off an elevated location such as a roof, high platform, or staircase.
- Avoid use where the subject is in deep water, or may be in danger of falling into water and runs the risk of drowning.
- Avoid use on obviously pregnant females, elderly persons, or young children.
- DO NOT deploy the Taser near flammable or combustible liquids or materials or where OC spray has been used.
- NEVER intentionally aim the Taser at the subject's face or eyes.

- Announce the word “Taser” to alert other officers or persons on the scene when deploying the device except in situations where this may compromise officer safety.
- When loading and unloading the Taser, or when handling the Taser, point it in a safe direction, such as at the ground, with the safety on.
- DO NOT deploy the Taser on a subject in control of a moving motor vehicle.
- The Taser SHALL NOT be deployed if a subject is handcuffed or otherwise safely in custody unless the subject continues to pose an imminent threat of harm or injury to the officer, the public, or him- or herself.
- When it is tactically appropriate, the officer deploying the Taser shall announce to other officers on the scene that the Taser is about to be deployed.

After the Taser has been deployed, and has run through its five (5) second duty cycle, the deploying officer shall re-evaluate the situation as a whole, with consideration to both officer safety and the safety of the subject. If the subject continues to resist arrest, refuses to comply with verbal commands, and continues to present a threat to officers, the Taser may be applied again. Each subsequent application of the Taser should be accompanied by an evaluation of the situation.

Consistent with this Department’s policy regarding the use of force, application of the device shall be limited to only the minimum number of cycles necessary to take the subject into custody.

The Taser may also be used in a “Touch Stun” mode. The air cartridge is removed (on the X26) and the unit is pressed firmly into an appropriate area such as the abdominal region, hips, thighs, ~~side of the neck,~~ or pelvis girdle.

E. Aftercare

Once the Taser has been effectively deployed and the subject has been secured in handcuffs or other restraints, the officers on the scene shall ensure that appropriate medical care is administered. The Taser officer shall remove the air cartridge from the device and EMS shall be summoned to the scene (whenever practical) to ~~examine the subject and determine whether they can remove the probes at the scene~~ evaluate the subject’s medical condition and to determine whether the probes can be removed at the scene, or if hospital transport is necessary. The subject shall be kept under constant observation until he or she is evaluated by medical personnel. Officers monitoring a subject’s condition shall be mindful of the possibility of the condition known as “excited delirium”

(see "definitions") or any other signs of medical distress. Universal precautions should be used when contacting subjects where probes have penetrated the skin and when handling the spent cartridges due to the potential biohazard.

E. Evidence
F. Evidence and Reporting

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Photographs of the affected area should be taken once the probes have been removed ~~by EMS personnel~~. The wires are to be wrapped around the cartridge casing and the sharp ends of the probes shall be placed in the portals. Tape should be placed over the portals to secure the probes and the air cartridge and probes shall be retained and submitted as evidence. The evidence bag shall be clearly marked "Biohazard" and secured in an evidence locker. The probes shall be kept in evidence for one year from the date of deployment.

Each discharge of the Taser shall be investigated and documented. This shall include all discharges except those occurring during authorized training conducted by a certified Taser instructor. If a supervisor is not present, one will be notified without delay. A use of force report will be completed after each discharge, along with a supplementary report detailing the circumstances of the discharge. Each use of the Taser will be reported through the chain of command consistent with the Department's current use of force policy as set forth in General Order #120.4. The officer will have the Taser and Taser Cam downloaded by a supervisor or designee as soon as practical after the discharge. The data from a Taser deployment shall be saved in both electronic form on a disc and hard copy (printed) form, and attached to the incident report and use of force report. All reports from the deployment will be forwarded to the Patrol Commander.

F. Training
G. Training

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Personnel authorized to carry and deploy the Taser shall be re-certified in the use of the device annually. Personnel issued Taser Cams will also receive training regarding the proper operation, care, and charging of that device.

H. Security

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The Taser shall be accorded the same level of security as any weapon. When not in use, Tasers should be secured in the armory. They are to be secured at all times when unattended.

DEFINITIONS:

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Excited delirium: a condition that manifests as a combination of delirium, psychomotor agitation, anxiety, hallucinations, speech disturbances, disorientation, violent and bizarre behavior, insensitivity to pain, elevated body temperature, and superhuman strength. Excited delirium patients commonly have acute drug intoxication, generally due to psychostimulants such as cocaine, PCP and methamphetamine. The signs and symptoms of excited delirium may include:

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- Paranoia
- Disorientation
- Hyper-aggression
- Tachycardia
- Hallucination
- Incoherent speech or shouting
- Seemingly superhuman strength or endurance (typically while trying to resist restraint efforts)
- Hyperthermia (overheating)/profuse sweating (even in cold weather)

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Active resistance: a subject actively resists when he or she takes affirmative action to defeat an officer's ability to take him or her into custody. It is distinguished from Passive Resistance, in which a subject's actions do not prevent an officer's efforts to control him or her, such as remaining in a sitting, standing, limp, or prone position with no physical contact (e.g., locked arms) with another person or persons.

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CITY COUNCIL AGENDA

NO. 11

DEPT.: City Council

DATE: October 24, 2012

CONTACT: Councilwoman Catherine Parker

AGENDA ITEM: Public Hearing to amend local law Chapter 31, "Police Pension Fund", Section 9, Accrual and Payment of Pensions, to increase the payment amount for the sole recipient of the fund.

FOR THE MEETING OF:

October 24, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council amend Chapter 31 to allow for a cost of living increase in payment to the sole recipient of the Police Pension Fund.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Police Pension Fund provides payments to one recipient which are paid in equal semimonthly installments. A proposal has been put forward to provide a cost of living increase for this recipient.

See attached Draft Local Law.

**CITY OF RYE
LOCAL LAW NO. __ OF 2012**

A Local Law to amend Chapter 31 “Police Pension Fund”, Section 31-7 “Payments from fund” of the City Code of the City of Rye to increase the annual sum to a widow by the cost of living adjustment

Be it enacted by the Rye City Council as follows:

Section 1. Chapter 31 “Payments from fund”

§ 31-7. Payments from fund.

A.

(2) To the widow of any member who has died or who shall hereafter die after 10 years of service in the Police Department of the village/city, which a member of such force, or who shall have died having retired upon a pension, if there be no child or children under 18 years of age of any such member, a sum of \$2,841 **plus the cost of living adjustment per year beginning in the year 2012** per annum, but if there be such child or children of such member under the age aforesaid, then such sum may be divided between such widow, child or children in such proportions and in such manner as the Trustees may direct; provided, however, that if such widow did not become the lawful wedded wife of such member prior to the attainment of his 50th birthday and was not cohabiting with him at the time of his death, said pension shall be payable in the discretion of the Trustees of the fund. **Any widow who shall qualify for this payment after January 1, 2012 shall be paid the sum of \$2,841 plus the annual cost of living adjustments each year after January 1, 2012.**

Section 2. This local law will take effect immediately upon filing in the Office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager's Office

DATE: October 24, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Resolution to establish a temporary Committee to develop an RFP for the operation of Whitby Castle.

FOR THE MEETING OF:

October 24, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A recommendation has been put forward to establish a seven member temporary Committee which would be charged with developing an RFP to run the operation of Whitby Castle. Appointees to the Committee include:

Dean Neely, Chairman

Albert Brunner

Charles Dorn

Doug Mello

Al Vitiello

Two appointments to be determined

See attached Resolution.

**RESOLUTION OF THE CITY OF RYE ESTABLISHING A TEMPORARY
COMMITTEE TO DEVELOP A REQUEST FOR PROPOSAL (RFP) FOR THE
OPERATION OF WHITBY CASTLE**

WHEREAS, the Rye City Council has decided to appoint an independent, seven-member temporary Committee to develop a Request for Proposal (RFP) on operating the restaurant and catering facility at Whitby Castle; and

WHEREAS, it is expected that the Committee will report back to the City Manager and City Council by December 15, 2012; and

WHEREAS, the Committee will develop strategic recommendations for the long-term use and operation of Rye Golf Club for review by members, residents, Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Temporary Committee to develop an RFP for the operation of Whitby Castle is hereby established; and be it further

RESOLVED, that the Committee is temporary in nature and shall function and report to the Council independently; and be it further

RESOLVED, that the members of the Temporary Committee shall be appointed by the Mayor with approval of the City Council.



CITY COUNCIL AGENDA

NO. 13 DEPT.: City Council DATE: October 24, 2012
CONTACT: Mayor French

AGENDA ITEM: One appointment to the Rye Senior Advocacy Committee for a three-year term expiring January 1, 2015, by the Mayor with Council approval.

FOR THE MEETING OF:
October 24, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the appointment of Joseph Murphy.

IMPACT: Environmental Fiscal Neighborhood Other:

<u>Current Committee Members</u>	<u>Expiration Date</u>
Ellen D'Angelo	1-1-11
Josephine DelMonte	1-1-11
Marge Leffler	1-1-10
Kathleen Lonergan, Professional Member	1-1-10
Esther Martensen	1-1-10
Julia Schwartz-Leeper	1-1-09



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Council

DATE: October 24, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Designation of the Chair of the Rye Senior Advocacy Committee by the Mayor.

FOR THE MEETING OF:

October 24, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: