

Manual for Police



PREPARED AND PUBLISHED BY
THE NEW YORK STATE POLICE

MANUAL FOR POLICE



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In the State of New York

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GOVERNOR

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as a service to Law Enforcement in the
State of New York

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Introduction

The duties of today's law enforcement officer are so varied and complex that only a well-trained officer possessed of a wide range of knowledge is equipped to fulfill his responsibilities in today's society.

The police officer is regularly confronted with emergencies requiring immediate decisions and prompt action. At any moment he may be called upon to handle any one or more kinds of law enforcement situations. He must, therefore, be prepared to make decisions on the spot, rapidly, and correctly, with the confidence which comes from thorough professional knowledge.

This Manual is designed to make available in one handbook the basic information a police officer needs to carry out his duties. It does not cover all details of law enforcement or the law enforcement process but it does contain information the officer needs to know to perform his duties properly on a day-to-day basis.

The first edition of this Manual for police in the State of New York was published in June, 1966. The second (and completely revised) edition became necessary because of our new Penal Law, effective September 1, 1967.

The value of the first edition was proven in practical use. Therefore, the same general approach has been used in the second edition. The basic topics of crimes and police techniques are again the major divisions of the Manual, each treated as concisely and directly as possible, without sacrifice of essential features, and including the elements of each crime in a way which should facilitate study and understanding.

It is recommended that officers using this Manual carefully review the Table of Contents to become familiar with what is in the Manual. For ready reference the criminal topics and police techniques are arranged in alphabetical order. Headings at the top of each page show the topic and section number. A detailed index at the back of the book will be of value in locating specific subject matter and information.

This second edition of the Manual was prepared by the New York State Police, as was the first edition, as a cooperative service for the local law enforcement officer in the State of New York.

Arthur Cornelius, Jr.
Superintendent
New York State Police

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1. REFERENCES AND CITATIONS

One of the functions of the Judicial branch of the government is to interpret the law. This may be done by a Justice in a Court of Special Sessions or by the Court of Appeals. In either case their decision and the reasoning behind it may be written out in an "opinion" and published in case reports. The case reports are always referred to by name of case, then by the volume, the name of the reports, and the page in the volume where the case begins. Thus, the citation "People vs. Jones, 121 NY 423" would mean that an opinion in the case of People vs. Jones may be found in the 121st volume of "New York Reports" at page 423. Such opinion, of course, would be pertinent to the topic on which it is cited in this Manual and would be "authority" on the subject, since the decisions of courts are binding in almost the same way as specific statutes and a decision of the highest court is equally as binding as a statute.

The Court of Appeals is New York's highest court and its cases are reported in the "New York Reports." The Appellate Divisions of the Supreme Court are the next highest courts under the Court of Appeals. There is one Appellate Division in each of the four Judicial Departments of the State. Appellate Division reports are cited "App. Div.," thus: "121 App. Div. 310."

The cases reported from any New York court other than the Court of Appeals or the Appellate Divisions are found in "Miscellaneous Reports," cited thus: "121 Misc. 310."

The numbers of the many volumes containing the "New York," "Appellate Division," and "Miscellaneous" reports rose to high figures. For this reason, the publishers in recent years began renumbering the reports by beginning a "second series" of each, starting with volume number one, "second series."

Thus, New York, Appellate Division, or Miscellaneous reports may be either the first series (cited 1 NY 10, 3 App. Div. 70, 4 Misc. 90 etc.) or second series (cited 1 NY2d, 10, 3 App. Div. 2d, 70, 4 Misc. 2d, 90 etc.).

Citations of laws set out in the Manual are merely the abbreviated name of the law and the law section (and subdivision if pertinent). A typical citation would be "P.L. Sec. 100.05" referring to Section 100.05 of the Penal Law.

The abbreviations of names of laws used in the Manual are:

Agriculture and Markets Law	Agr. & Mkts. L.
Alcoholic Beverage Control Law	ABC
Civil Practice Law and Rules	CPLR
Civil Rights Law	Civ. Rts. L.
Code of Criminal Procedure	CCP
Conservation Law	Conserv. L.
Correction Law	Corr. L.
County Law	County L.
Domestic Relations Law	Dom. Rel. L.
Education Law	Educ. L.
Executive Law	Exec. L.
Family Court Act	FCA
General Business Law	Genl. Bus. L.
General City Law	Genl. City L.
General Construction Law	Genl. Constr. L.
General Obligation Law	Genl. Oblig. L.
Judiciary Law	Judic. L.
Justice Court Act	J. C. A.
Labor Law	Labor L.
Membership Corporation Law	Member. Corp. L.
Mental Hygiene Law	Ment. Hyg. L.

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Military Law	Mil. L.
Multiple Dwelling Law	Mult. Dw. L.
Navigation Law	Navig. L.
New York City Criminal Court Act	N.Y.C. Crim. Ct. Act
New York Codes, Rules, Regulations	N.Y.C.R.R.
Penal Law	P. L.
Public Health Law	Publ. H. L.
Railroad Law	Railroad L.
Second Class Cities Law	Sec. Cl. Cit. L.
Social Welfare Law	Soc. Welf. L.
Town Law	Town L.
Unconsolidated Laws	Unconsol. L.
Uniform Commercial Code	Unif. Comm. C.
Uniform District Court Act	Unif. DCA
Uniform Justice Court Act	UJCA
Vehicle and Traffic Law	V & T
Village Law	Vill. L.

An additional citation used is "Op. Atty. Gen." which refers to opinions of the Attorney General of the State of New York, formally delivered and published. They are cited by volume and page, like the Judicial reports. Some old cases dating from years before the "NY," "App. Div.," and "Barb," (Barbour) and "Park Crim." (Park Criminal Reports).

"Misc." reports bore the name of the reporter and are so cited: "Hun," United States Supreme Court cases are cited as "U.S." reports, (e.g. 282 U. S. 344). Decisions of the lower Federal courts are cited as "F2d" (for Federal Second), "Fed." (for Federal) and "F.Supp." (for Federal Supplement). They include Federal District Court and Federal Courts of Appeals decisions.

2. NEW YORK STATE POLICE

The New York State Police is a Division in the Executive Department of the State of New York. The Governor is the head of the Executive Department.

The New York State Police is a law enforcement agency with general criminal jurisdiction. The law provides that: "It shall be the duty of the superintendent of the state police and of members of the state police to prevent and detect crime and apprehend criminals." (Exec. L. Sec. 223).

State Headquarters, Troop Headquarters and areas, and Zone Headquarters within Troops are as follows:

DIVISION (STATE) HEADQUARTERS

- Office of Superintendent Administration
- Communications
- Counsel
- Field Command (Uniform, BCI, Special Investigatory Unit and Traffic Section)
- Inspection and Planning
- Personnel
- Pistol Permit Section
- Public Relations
- Scientific Laboratory
- Training and New York State Police Academy

BUILDING 22
 (Public Security Building)
 State Campus, Albany, N. Y.
 12226

TROOP A

Troop Headquarters: Batavia.
Zone Headquarters: Athol Springs, Falconer, Lewiston, and Wells-ville.
Troop Area: Allegany, Cattaraugus, Chautauqua, Erie, Gene-see, Niagara, Orleans, and Wyoming Counties.

TROOP B

Troop Headquarters: Malone.
Zone Headquarters: Canton, Plattsburgh, and Saranac Lake.
Troop Area: Clinton, Essex, Franklin, Hamilton (northern part), and St. Lawrence Counties.

TROOP C

Troop Headquarters: Sidney.
Zone Headquarters: Ferndale, Ithaca, Oneonta, and Vestal.
Troop Area: Broome, Chenango, Delaware, Otsego, Schuyler, Sullivan, Tioga, Tompkins, Cortland and Ulster Counties.

TROOP D

Troop Headquarters: Oneida.
Zone Headquarters: New Hartford, Liverpool, and Watertown.
Troop Area: Herkimer, Madison, Oneida, Onondaga, Oswego, Jefferson, and Lewis Counties.

TROOP E

Troop Headquarters: Canandaigua.
Zone Headquarters: Horseheads, Bath, Henrietta, and Auburn.
Troop Area: Monroe, Wayne, Livingston, Ontario, Yates, Seneca, Cayuga, Steuben, Schuyler, and Che-mung Counties.

TROOP G

Troop Headquarters: Loudonville.
Zone Headquarters: Brunswick, Fonda, Leeds, and South Glens Falls.
Troop Area: Albany, Columbia, Fulton, Greene, Hamilton (southern part), Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren and Washington Counties.

TROOP K

Troop Headquarters: Hawthorne.
Zone Headquarters: Fishkill, Monroe, Putnam Valley, and River-head.
Troop Area: Dutchess, Orange, Putnam, Rockland, Suffolk, and Westchester Counties.

TROOP T

Troop Headquarters: Albany.
Zone Headquarters: Albany, Buffalo, Syracuse, and Tarrytown.
Troop Area: Governor Thomas E. Dewey Thruway.

STATE POLICE MANHATTAN

Headquarters: New York City.
Assigned Area: Bronx, Kings, Nassau, New York, Queens, and Richmond Counties.

It is anticipated that Troop F will be formed in 1968. Its assigned territory is expected to include Greene, Sullivan, Ulster, Orange and Rockland Counties. Troop F headquarters will be near Middletown, N. Y.

3. CIVICS AND GOVERNMENT

Civics is the study of government. Government is the exercise of authority in regulating the action of the state or its subdivisions.

BRANCHES OF GOVERNMENT: In a republic, the form of government existing in the United States and in the several states, the exercise of authority by the government is through three branches: (1) the Legislative (which makes the laws); (2) the Executive (which administers the government and enforces the laws); and (3) the Judicial (which interprets the law, decides disputes under the law, and punishes violators of the law).

LEGISLATIVE: The Legislative branch consists of representatives elected by the people, who meet at stated times to consider, enact, repeal, or amend laws.

EXECUTIVE: The Executive branch is headed by a chief executive (President, Governor, Mayor, etc.) and is made up of all persons whose duties have to do with administering and enforcing the law. To this branch belong peace officers and police officers.

JUDICIAL: The Judicial branch consists of the courts, the judges, and other court functionaries.

LAW GOVERNING THE CITIZEN: Persons everywhere in the United States are subject to at least three different governments and three different sets of laws: (1) civil and criminal laws of the United States, the "Federal" law; (2) civil and criminal laws of the states; (3) the local ordinances, rules, or regulations passed by subdivisions of the state (in New York, counties, cities, towns, villages, and some public authorities) under authority granted by state laws.

FEDERAL GOVERNMENT: The government of the United States is usually referred to as "the Federal Government." Its law making powers are only those expressly given to it by the Constitution of the United States. These powers are limited to such matters as are interstate in character, or which affect all of the people of the nation or have to do with the conduct of government affairs or dealings as a nation with foreign governments.

The individual states of the United States, under the Constitution, have the right to pass their own civil and criminal laws subject to the restriction that such laws may not conflict with the Constitution or with Federal laws in areas where the Federal Government may properly pass laws.

The law making body of the Federal Government is the Congress, consisting of the Senate and the House of Representatives. The members of the Senate and of the House are elected by the people in their respective states. They meet annually in Washington, D. C. for the purpose of considering, enacting, repealing, or amending Federal laws.

The Executive branch of the Federal Government consists of the President, the chief executive officer of the United States, and of the various Federal officials, including heads of the governmental departments (cabinet officers) and all other officials and employees concerned with administering or enforcing the laws, including personnel of law enforcing agencies, such as the F.B.I. in the Department of Justice; the Secret Service, Federal Bureau of Narcotics, Alcohol and Tobacco Tax Division, United States Customs Service and Internal Revenue Service in the Treasury Department, the United States Coast Guard; the Border Patrol; the Post Office Department's U. S. Postal Inspectors, and many others.

The Immigration and Naturalization Service of the Department of Justice is charged with the duty of investigating cases involving aliens. An alien is any person not a citizen of the United States. Aliens are classified as "Im-

migrants' (admitted for permanent residence) or "Nonimmigrants" (admitted temporarily for specific purposes and periods of time). Aliens may become subject to deportation if they (1) are convicted of certain crimes, (2) engage in subversive or immoral activity, or (3) become public charges.

NEW YORK STATE GOVERNMENT: The Legislative branch of the state government is "the Legislature," composed of the Senate and the Assembly. The members of the Legislature are elected by the citizens of New York from districts of the State apportioned on a basis of equal population. The Legislature meets at Albany once a year, beginning early in January (or oftener at the call of the Governor) to consider, enact, repeal, and amend the laws of the State.

The Executive branch of the State Government is headed by the Governor, the chief executive, and includes all other officers and employees having law administering or enforcing power or duties, but not including employees of the judicial or legislative branch of the government.

The Judicial branch of the State Government is made up of every judge, justice or magistrate of every court of the State, and the courts' functionaries.

LOCAL GOVERNMENT: By state law, local governmental subdivisions or municipalities (counties, cities, towns, and villages) and some public authorities are authorized to adopt local ordinances, or rules and regulations, to meet local needs. These local civil and criminal laws apply only within the boundaries of the governmental subdivision which passes them.

The law making or legislative bodies of local government are the Board of Supervisors in counties; the Common Council or Board of Aldermen in cities, the Town Board in towns, and the Village Board in villages.

4. POLICE RECORDS

Records are of vital importance to a law enforcement agency, whether large or small.

A records system should be centralized for a law enforcement agency as a whole. Separate sets of independent records in various sections or divisions of an agency or department are less useful and less desirable than centralized records. A uniformed patrolmen's initial report on a store burglary and a later investigative report on the same burglary prepared by the detective assigned to the case should be filed together, rather than in separate files in Uniform Division and Detective Division.

FILING: All reports, memoranda, letters, etc. should be filed with other documents relating to the same case or matter, in chronological order. By this means, the entire experience of the department in connection with any particular case or classification of cases or matters can be readily located for review and analysis, as desired. In addition, it simplifies locating reports when the names or subjects involved are unknown or have been forgotten.

In order to permit filing of reports, letters, memoranda and other documents in a logical, usable way (i.e. burglary cases in the burglary classification files, assaults in assault classification files, correspondence on police uniforms with similar correspondence, in the "uniforms" classification file, etc.) it is necessary to assign classifications to reports and other documents to be filed. In order to do so, a list of "file classifications" and "file classification numbers" must be prepared and used. The classification list of each department will depend on size, specific needs, and on the variety of classifications assigned to administrative things (all police departments should have approximately the same classifications for crimes, since all are governed by the same Penal Law).