



Eric Hawkins  
Chief of Police

**ALBANY, NEW YORK**  
**POLICE DEPARTMENT**  
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1789

**DOMESTIC VIOLENCE**  
**GENERAL ORDER NO: 3.8.20**

<b>Issue Date:</b> June 14, 2022	<b>Effective Date:</b> March 1998
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<b>Volume 3:</b> Operations	<b>Chapter 8:</b> Children and Family Services Unit
<b>Distribution:</b> All Personnel	<b>Page:</b> 1 of 15
<b>Issuing Authority:</b> Chief Eric Hawkins	

**PURPOSE:** The purpose of this policy is to establish procedures for officers responding to calls of domestic incidents, and to provide personnel with information regarding domestic violence that will assist in enforcing the law and to discourage future incidents of violence.

**POLICY:** It is the policy of the Albany Police Department to reduce the incidents and severity of domestic violence by enforcing the laws, protecting victims of domestic violence, and providing victims with support through a combination of law enforcement and community services. The Albany Police Department will respond to every call involving a domestic dispute and ensure compliance with the provisions of the Family Protection and Domestic Violence Intervention Act of 1994, as amended, and any other statutory requirements affecting the law enforcement response to domestic incidents.

## **I. DOMESTIC VIOLENCE**

- A.** Domestic violence is described as a pattern of coercive tactics, which are abusive, that are perpetrated by one person against another, as defined in Section 530.11 of New York State Criminal Procedure Law and Section 812 of the New York State Family Court Act, with the goal of establishing or maintaining power and control over the victim. Types of abuse include, but are not limited to:
  1. Physical;
  2. Psychological;
  3. Sexual;
  4. Economic; and
  5. Emotional.
- B.** Domestic abuse can be repeated and ongoing. It is important to recognize and understand when abusers are using coercive tactics, which often include:
  1. Unreasonable and non-negotiable demands;
  2. Stalking, surveillance, and unwanted contact;
  3. Cruelty;
  4. Destroying the partner's other relationships and isolating her/him from

- friends, family members, co-workers, or others;
- 5. Restricting daily activities;
- 6. Manipulation through minimization, denial, lies, promises, etc;
- 7. Threats and intimidation;
- 8. Sexual abuse and violence; and
- 9. Physical abuse.

C. Some elements of the coercive tactics are clearly criminal acts. Other elements may be understood as abusive, but non-criminal conduct. Such coercive acts or petty offenses may not be crimes, but if they form a course of conduct which instills fear of physical injury or harm, they may warrant criminal charges.

D. When criminal charges are present and an arrest is made, the arrest may:

- 1. Provide immediate safety for the victim and other members of the household;
- 2. Create a window of opportunity for the victim to identify options, develop a safety plan, gather resources and find support from family, friends, and domestic violence advocates;
- 3. Send an important message to children that violence and intimidation in the family is wrong and that someone cares about them and will act to protect them; and
- 4. Forms the first link in a chain of accountability that may include a combination of protective orders, civil and criminal penalties, treatment and batterers' educational programs.

E. Family or household members, as defined in Section 530.11 of New York State Criminal Procedure Law and Section 812 of the New York State Family Court Act, includes individuals who:

- 1. Persons related by consanguinity or affinity;
- 2. Persons legally married to one another;
- 3. Persons formerly married to one another, regardless of whether they still reside in the same household;
- 4. Persons who have a child in common, regardless of whether such persons have been married or have lived together at any time;
- 5. Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship, regardless of whether such persons have lived together at any time.
  - a. Intimate relationships do not necessarily have to be sexual in nature. Courts will look at the frequency and interactions between the persons, as well as the duration of the relationship.

6. Intimate partners, which may include:

- a. Heterosexual dating couples;
- b. Same sex couples; and
- c. Teen couples.

F. The Albany Police Departments Children and Family Services Unit formed a

Domestic Violence Unit that has received additional training and specializes in domestic violence investigations to more adequately provide assistance to victims and witnesses.

## **II. CALLS FOR DOMESTIC INCIDENTS**

### **A. Communication Procedures:**

1. All domestic incident calls shall be handled as high priority.
2. Communications personnel shall dispatch at least two (2) officers to domestic incidents.
3. Communications personnel shall not cancel the law enforcement response to a domestic incident call regardless of whether such a request is made by someone at the scene during the initial call or a follow up call. However, the dispatcher shall advise the responding officer(s) of the request.
4. A domestic incident call shall not be reclassified or recoded without a supervisor's review.

### **B. Techniques for handling the call :**

1. A domestic incident call signifies that violence or abuse has potentially occurred and that people are in need of law enforcement assistance.
2. Further violence may be prevented by separating the disputants.
3. Officers shall make a visual check for weapons and attempt to locate all involved occupants. This may assure the officer's safety, as well as that of the complainants.
4. Arrival on scene is part of the investigation, therefore, officers should be alert to the sights and sounds coming from the location, and that anything or anyone present may serve as evidence. Officers should wait for back up to arrive, when appropriate, and should always put officer safety first in order to be most helpful to the victim(s) and most able to hold any offenders accountable by taking control of the scene.

### **C. Responding On-Scene Officer shall:**

1. Take control of the situation by first separating the involved parties.
2. Take control of all weapons used or threatened to be used in the incident.
3. Locate and visually check all occupants of the location to verify their safety and well being, including children.
4. Where the victim is injured or claims to be injured, whether visible or not, the officer shall note the injuries and/or assist the victim in obtaining proper medical treatment (e.g., request EMS to respond).
5. Interview all available witnesses separately, including victim(s), suspect(s) and children, when appropriate.
6. If the victim or other witnesses do not speak English or require accommodations such as a sign language interpreter, contact the local domestic violence service provider or seek other methods (e.g., Language Line) for assistance in obtaining a translator/interpreter.

- a. Never use the children to translate or interpret. It can

compromise the child's safety and expose them to details of the abuse that are inappropriate.

b. Officers should also discourage the use of witnesses as translator because of their potential for bias.

7. After all interviews have been conducted, determine whether an offense has been committed, whether an arrest should be made, and whether other actions should be taken.

8. If an arrest is made, advise the victim that release of the suspect can occur at any time, so that the victim may take desired safety precautions.

9. Provide the victim with the phone number of the local domestic violence service provider and offer to facilitate that communication, by whatever means are available.

10. Provide the victim with an Albany Police Department Rights of Victims of Family Offenses Form, shown on pages 14 and 15 of this order.

a. The APD Rights of Victims of Family Offense form provides information regarding victim/witness assistance supplied by the department directly, as well as referral information regarding services offered by both local governmental and private organizations (such as, compensation programs and victim advocacy).

11. When no arrest is made, officer(s) at the scene of a domestic disturbance shall remain at the scene until satisfied that the immediate threat of violence has passed and/or has exhausted all appropriate options to protect and assist the victim. Officers shall also advise the victim/witness about what actions to take if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her.

12. If the officer has reasonable cause to believe a crime has been committed, and the suspect is gone upon arrival, an attempt will be made to locate and arrest the offender, whenever appropriate.

13. In all cases of domestic incident where the department has been called to intercede, a NYS Domestic Incident Report (DIR), shown on pages 10 - 13 of this order, shall be completed along with an APD Rights of Victims of Family Offenses Form.

a. If no prosecution is requested, the following shall be noted in the narrative of the DIR: "NO FURTHER POLICE INVOLVEMENT IS REQUESTED AT THIS TIME".

14. If the complainant does not wish to pursue prosecution and refuses to write a statement at the time of incident, the officer is not to write "refused statement" on page 2 of the DIR (statement page). Instead the officer will write "I do not wish to write a statement at this time". This will allow the victim to pursue the matter at a later date.

15. Pursuant to Section 140.10 of the New York State Criminal Procedure Law, officers shall not threaten to affect an arrest for the purpose of discouraging police intervention.

16. Officers shall provide the victim with the victim's copy of the NYS Domestic Incident Report and APD Rights of Victims of Family Offenses

Form immediately upon its completion at the scene.

- a. Both the DIR and APD Rights of Victims Form shall contain the incident number, allowing the victim to reference their case in order to follow up with detectives or crime victim services.
    - b. The APD Rights of Victims Form provides the victim with a list of both department and victim assistance telephone numbers they may call to report additional information regarding their case, or to receive information about the status of the case.
    - i. Department personnel shall comply with all applicable provisions of law regarding crime victim compensation and services.
- 17. Advise all parties present about the serious nature of domestic violence, its potential for escalation, and of legal and human services assistance available.
- 18. Assess the immediate safety and welfare of the children.
- 19. When appropriate, officers must arrange for the transport of the victim to a shelter and assist with accommodation for victims of domestic violence and their children at available shelters or other places of safety.
- 20. If the officer is advised or becomes aware the offender is under probation or parole supervision, a copy of the DIR shall be sent to the local supervising probation office or the State Division of Parole, pursuant to their protocol. When possible, the officer should confirm receipt.

### **III. DOMESTIC VIOLENCE ARREST POLICY**

#### **A. In all situations involving domestic violence:**

- 1. Officers are not required to affect an arrest when the officer reasonably believes a person's conduct was justified under Article 35 of the NYS Penal Law.
- 2. Where an officer has reasonable cause to believe that an individual has committed a felony (e.g., an assault causing serious physical injury) against a victim, the officer shall:
  - b. Not attempt to reconcile the parties or mediate, but instead, shall arrest the offender, even if the victim requests otherwise.
  - c. As soon as possible after the arrest, a sworn statement or deposition shall be taken from the complainant/victim along with a Domestic Violence Report.
- 3. Where an officer has reasonable cause to believe that an individual has committed a misdemeanor, or has committed a petty offense in the officer's presence, the officer shall:
  - a. Arrest the offender, unless the complainant requests otherwise.
  - b. Additionally, when each individual has committed a misdemeanor,

the officer shall attempt to identify and arrest the primary physical aggressor, pursuant to Section 140.10 of the Criminal Procedure Law.

**c.** Officers shall not ask the complainant whether they seek the arrest of the offender. Officers shall only advise the complainant of the available options. Should an arrest be affected, a sworn statement or deposition should be taken from the complainant.

**4.** Notwithstanding any other provisions of this section, a police officer shall arrest a person, and shall not attempt to reconcile the parties or mediate, where such officer has reasonable cause to believe that:

**a.** a misdemeanor constituting a family offense, as described in subdivision one of section 530.11 of this chapter and section eight hundred twelve of the family court act, has been committed by such person against such family or household member, unless the victim requests otherwise. The officer shall neither inquire as to whether the victim seeks an arrest of such person nor threaten the arrest of any person for the purpose of discouraging requests for police intervention. Notwithstanding the foregoing, when an officer has reasonable cause to believe that more than one family or household member has committed such a misdemeanor, the officer is not required to arrest each such person. In such circumstances, the officer shall attempt to identify and arrest the primary physical aggressor after considering: (i) the comparative extent of any injuries inflicted by and between the parties; (ii) whether any such person is threatening or has threatened future harm against another party or another family or household member; (iii) whether any such person has a prior history of domestic violence that the officer can reasonably ascertain; and (iv) whether any such person acted defensively to protect himself or herself from injury.

**b.** The officer shall evaluate each complaint separately to determine who is the primary physical aggressor and shall not base the decision to arrest or not to arrest on the willingness of a person to testify or otherwise participate in a judicial proceeding.

**c.** The protected party in whose favor the order of protection or temporary order of protection is issued may not be held to violate an order issued in his or her favor nor may such protected party be arrested for violating such order.

**d.** Nothing contained in this subdivision shall be deemed to (a) require the arrest of any person when the officer reasonably believes the person's conduct is justifiable under article thirty-five of title C of the penal law; or (b) restrict or impair the authority of any municipality, political subdivision, or the division of state police from promulgating rules, regulations and policies requiring the arrest of persons in additional circumstances where domestic violence has allegedly occurred. (b) No cause of action for damages shall arise in favor of any person by reason of any arrest made by a police officer pursuant to this subdivision, except as provided in sections seventeen and eighteen of the public officers law and sections fifty-k, fifty-l, fifty-m and fifty-n of the general municipal law, as appropriate

**4.5.** When an officer has reasonable cause to believe that the terms of an order of protection have been violated, the officer shall:

- a. Not attempt to reconcile the parties or mediate, but instead, shall arrest the offender, even if the victim requests otherwise.
- b. The offender shall also be cited or charged with any other violations/crimes committed, such as assault, trespass, or harassment.

**5.6.** In cases where an arrest is to be made, officers are advised that Section 140.10 of the NYS CPL applies to summary police arrests for family offenses and other domestic violence crimes. A summary police arrest requires that the officer have reasonable cause to believe that an offense was committed by the person arrested. Also, a lesser offense MUST have been committed in the officer's presence. Refer to Section 140.10 of the NYS CPL for geographic restrictions.

**6.7.** There is no requirement that a crime (felony or misdemeanor) occur in the officer's presence. Consequently, a lawful arrest may, and often shall be, founded upon factors other than the officer's observations, including but not limited to physical injury, property damage, signs of serious physical disruption and/or statements by the victim or other witnesses. When such probable cause exists, officers shall affect an arrest, as is specified in this policy.

## **IV. CIVILIAN ARREST POLICY**

### **A. Criminal Summons Procedures:**

1. The victim shall be afforded the opportunity to make a civilian arrest, pursuant to Section 140.30 of the NYS CPL. This may be a useful alternative for those situations in which a police officer is not permitted to make a summary arrest (e.g., where he/she lacks probable cause or a petty offense was committed out of his presence).
2. In such cases, the officer shall inform the victim of his/her rights to make a civilian arrest. Should the victim decide to affect an arrest, the officer shall advise the victim affecting the arrest to bring the DIR and all assisting document down to South Station to sign a Court Information as soon as possible. The officer should also advise the victim/complainant of the time period and process of affecting such arrest (Criminal Summons).
3. Officers shall be cognizant of the language contained in Section 140.40 of the NYS CPL, regarding police duties with respect to all civilian arrest:
  - a. "...a Police Officer is NOT required to take an arrested person into

custody or take any other action prescribed in this section on behalf of the arresting person if he/she has reasonable cause to believe that the arrested person did not commit the alleged offense or that the arrest was otherwise unauthorized.”

## **V. FAMILY OFFENSES**

**A. Family offenses consist of the following:**

1. Disorderly Conduct, per Family Court Act, Article 8, section 812.
  - a. For purposes of Section 530.11 of the Criminal Procedure Law, “disorderly conduct” includes disorderly conduct not in a public place.
2. Harassment 1<sup>st</sup> degree and Harassment 2<sup>nd</sup> degree.
3. Aggravated Harassment 2<sup>nd</sup> degree.
4. Assault 2<sup>nd</sup> and 3<sup>rd</sup> degree.
5. Attempted Assault (all degrees).
6. Disorderly Conduct (includes disorderly conduct not in a public place).
7. Reckless Endangerment 1<sup>st</sup> and 2<sup>nd</sup> degree.
8. Menacing 2<sup>nd</sup> and 3<sup>rd</sup> degree.
9. Stalking 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> degree.
10. Criminal Mischief.
11. Sexual Misconduct.
12. Forcible Touching.
13. Sexual Abuse 3<sup>rd</sup> and 2<sup>nd</sup> degree.
14. Criminal Obstruction of Breathing or blood Circulation.
15. Strangulation 1<sup>st</sup> and 2<sup>nd</sup> degree.

**B. To be considered Family Offenses, the victim and offender must be:**

1. Related by blood or marriage (including in-laws); or
2. Legally married to one another; or
3. Formerly married to one another; or
4. Have a child in common; or
5. Same sex couples; or
6. Persons not married, but living together in a relationship; or
7. Persons not married, but formerly lived together; or
8. Dating partners.

**C. If a family offense has been committed by one family member against another, the victim has the option of proceeding in either Family Court or Criminal Court, except when the respondent would not be criminally responsible by reason of age, pursuant to Section 30.00 of the Penal Law. In these cases, Family Court shall have exclusive jurisdiction over such proceeding. It shall be the police officer’s responsibility to inform the victim of these options.**

**D. Officers are reminded that they have an official responsibility under Article 812 section 3 of the Family Court Act, which states, “No official or other person designated pursuant to subdivision two of this section shall discourage or prevent**

any person who wishes to file a petition or sign a complaint from having access to any court for that purpose".

## **VI. ARREST PROCESSING FOR FAMILY OFFENSE ARRESTS**

### **A. Where the victim has elected to proceed in Family Court:**

1. Advise the victim that it will be necessary for the victim to appear in Family Court to file a petition.
  - a. If Family Court is in session, the petition must be filed immediately.
  - b. If Family Court is not in session, the petition is to be filed on the morning of the next day when Family Court is in session.

### **B. Where the victim has elected to proceed in Albany City Court (criminal portion):**

1. The victim is not required to be present at arraignment; and
2. Booking guidelines shall be conducted, per current departmental directives.

## **VII. DOMESTIC OFFENSES OTHER THAN FAMILY OFFENSES**

- A. Offenses which are not designated family offenses, such as attempted murder, rape, kidnapping and unlawful imprisonment, may occur in the domestic setting. These offenses, which include felonies, misdemeanors and violations, cannot be prosecuted in the Family Courts. Criminal Courts have sole jurisdiction over these acts.
- B. Violating an Order of Protection is not a designated family offense. Personnel shall refer to GO 3.8.15 - Orders of Protection for related procedures.

## **VIII. APPEARANCE TICKETS/BAIL**

- A. Regardless of whether a victim chooses Family or Criminal Court, appearance tickets will not be utilized unless extraordinary circumstances exist necessitating an appearance ticket.
  1. Appearance tickets shall not be used whenever a defendant is charged with violating an Order of Protection or when the defendant is charged with a felony Family Offense.
  2. If an appearance ticket is issued to a defendant who is charged with violating an Order of Protection or charged with a felony Family Offense, circumstances are to be explained in writing to the Chief of Police by IDC, as soon as possible after the issuance of the appearance ticket.
  3. Maximum bail, as prescribed in Article 150 of the CPL is to be set on any non-felony family offense.

## **IX. FOLLOW-UP INVESTIGATIVE STEPS**

- A. Follow-up investigation steps shall be in accordance with department policies and procedures outlined in GO 3.5.05 – Criminal Investigations: Operations.

## **X. LINE-UPS/SHOW-UPS**

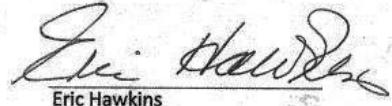
- A.** Line-ups and show-ups shall be in accordance with department policies and procedures outlined in GO 3.5.05 – Criminal Investigations: Operations.

## **XI. AIDS FOR DETECTING DECEPTION**

- A.** Polygraph examinations shall be in accordance with department policies and procedures outlined in GO 3.5.05 – Criminal Investigations: Operations.

## **XII. INFORMANTS**

- A.** Confidential informants shall be utilized in accordance with department policies and procedures outlined in GO 3.6.00 – Community Response Unit.



Eric Hawkins  
Chief of Police

Agency:		A		New York State DOMESTIC INCIDENT REPORT		ORI:		Incident #		
Incident	Reported Date (mm/yyyy)	Time (24 hours)	Occurred Date (mm/yyyy)	Time (24 hours)	<input type="checkbox"/> Officer Initiated <input type="checkbox"/> ICAD (NYC)	<input type="checkbox"/> Radio Run <input type="checkbox"/> Walk-in	Complaint #			
	Address (Street No., Street Name, Bldg No., Apt No.)				City, State, Zip					
Victim (P1)	Name (Last, First, M.I.) (Include Aliases):				DOB (mm/yyyy)	Age:	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Self-Identified:			
	Address (Street No., Street Name, Bldg No., Apt No.)		City, State, Zip		Language:					
How can we safely contact you? (i.e. Name, Phone, Email)										
Suspect (P2)	Name (Last, First, M.I.) (Include Aliases):				DOB (mm/yyyy)	Age:	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Self-Identified:			
	Address (Street No., Street Name, Bldg No., Apt No.)		City, State, Zip		Language:					
Do suspect and victim live together? <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	Was suspect injured? <input type="checkbox"/> Yes <input type="checkbox"/> No, If yes describe:	Possible drug or alcohol use? <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Suspect supervised? <input type="checkbox"/> Probation <input type="checkbox"/> Parole <input type="checkbox"/> Not Supervised <input type="checkbox"/> Status Unknown				
Suspect (P2) Relationship to Victim (P1) <input type="checkbox"/> Married <input type="checkbox"/> Intimate Partner/Dating <input type="checkbox"/> Formerly Married <input type="checkbox"/> Former Intimate Partner <input type="checkbox"/> Parent of Victim (P1) <input type="checkbox"/> Child of Victim <input type="checkbox"/> Relative: <input type="checkbox"/> Other:								Do the suspect and victim have a child in common? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Emotional condition of VICTIM? <input type="checkbox"/> Upset <input type="checkbox"/> Nervous <input type="checkbox"/> Crying <input type="checkbox"/> Angry <input type="checkbox"/> Other:										
What were the first words that VICTIM said to the Responding Officers at the scene?										
Victim Interview	Did suspect make victim fearful? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:									
	Weapon Used? <input type="checkbox"/> Yes <input type="checkbox"/> No Gun: <input type="checkbox"/> Yes <input type="checkbox"/> No Other, describe:				<input type="checkbox"/> Suspect Threats to: <input type="checkbox"/> Victim <input type="checkbox"/> Child(ren) <input type="checkbox"/> Pet <input type="checkbox"/> Commit Suicide <input type="checkbox"/> Other If yes, describe:					
Suspect	Access to Guns? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:				<input type="checkbox"/> Strangulation? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Loss of Consciousness <input type="checkbox"/> Urination/Defecation <input type="checkbox"/> Red eyes/Petechia <input type="checkbox"/> Sore Throat <input type="checkbox"/> Breathing Changed <input type="checkbox"/> Difficulty Swallowing					
	Injured? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:				<input type="checkbox"/> Visible Marks? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:					
What did the SUSPECT say (Before and After Arrest):										
Witnesses	710.30 completed? <input type="checkbox"/> Yes <input type="checkbox"/> No									
	Child/Witness (1) Name (Last,First,M.I.)		DOB:	Child/Witness(1) Address (Street No.,Name,Bldg/Apt No.)		City,State,Zip			Phone:	
	Child/Witness (2) Name (Last,First,M.I.)		DOB:	Child/Witness(2) Address (Street No.,Name,Bldg/Apt No.)		City,State,Zip			Phone:	
	Child/Witness (3) Name (Last,First,M.I.)		DOB:	Child/Witness(3) Address (Street No.,Name,Bldg/Apt No.)		City,State,Zip			Phone:	
Briefly describe the circumstances of this incident:										
Evidence	DIR Repository checked? <input type="checkbox"/> Yes <input type="checkbox"/> No		Order of Protection Registry checked? <input type="checkbox"/> Yes <input type="checkbox"/> No		Order of Protection in effect? <input type="checkbox"/> Yes <input type="checkbox"/> No					
	Photos taken: <input type="checkbox"/> Victim Injury <input type="checkbox"/> Suspect Injury <input type="checkbox"/> Other:		Other Evidence: <input type="checkbox"/> Damaged Property <input type="checkbox"/> Videos <input type="checkbox"/> Electronic Evidence <input type="checkbox"/> Other:		Destruction of Property? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Describe:					
Offense	Offense Committed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was suspect arrested? <input type="checkbox"/> Yes <input type="checkbox"/> No		Offense 1 (Include Law & Section) If no, explain:		Offense 2 (Include Law & Section)		Offense 3 (Include Law & Section)		
Police Copy (Please make a copy for your DA's office if appropriate)			NYS Domestic and Sexual Violence Hotline 1-800-942-6906			3221-04/2016 DCJS Copyright © 2016 by NYS DCJS				



## **IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, THE POLICE AND COURTS CAN HELP.**

### **What the Police Can Do:**

- \*Assist you with finding a safe place, a place away from the violence.
- \*Inform you about how the court can help protect you from the violence.
- \*Help you and your children get medical care for any injuries you received.
- \*Assist you in getting necessary belongings from your home.
- \*Provide you with copies of police reports about the violence.
- \*File a complaint in criminal court, and tell you where your local criminal and family courts are located.

### **What the Courts Can Do:**

- \*If the person who harmed you or threatened you is a relative by blood or marriage, or is someone you've had a child with, or is someone with whom you are or have had an intimate relationship, then you have the right to take your case to family court, criminal court or both.
- \*The forms you need are available from the family court and the criminal court.
- \*The courts can decide to provide a temporary order of protection for you, your children and any witnesses who may request one.
- \*The family court may appoint a lawyer to help you if the court finds that you cannot afford one.
- \*The family court may order temporary child support and temporary custody of your children.

**New York Law States:** If you are the victim of domestic violence, you may request that the officer assist in providing for your safety and that of your children, including providing information on how to obtain a temporary order of protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you, or assist in making arrangements to take you, and your children to a safe place within such officer's jurisdiction, including but not limited to a domestic violence program, a family member's or a friend's residence, or a similar place of safety. When the officer's jurisdiction is more than a single county, you may ask the officer to take you or make arrangements to take you and your children to a place of safety in the county where the incident occurred. If you or your children are in need of medical treatment, you have the right to request that the officer assist you in obtaining such medical treatment. You may request a copy of any incident reports at no cost from the law enforcement agency. You have the right to seek legal counsel of your own choosing and if you proceed in family court and if it is determined that you cannot afford an attorney, one must be appointed to represent you without cost to you. You may ask the district attorney or a law enforcement officer to file a criminal complaint. You also have the right to file a petition in the family court when a family offense has been committed against you. You have the right to have your petition and request for an order of protection filed on the same day you appear in court, and such request must be heard that same day or the next day court is in session. Either court may issue an order of protection from conduct constituting a family offense which could include, among other provisions, an order for the respondent or defendant to stay away from you and your children. The family court may also order the payment of temporary child support and award temporary custody of your children. If the family court is not in session, you may seek immediate assistance from the criminal court in obtaining an order of protection. The forms you need to obtain an order of protection are available from the family court and the local criminal court. The resources available in this community for information relating to domestic violence, treatment of injuries, and places of safety and shelters can be accessed by calling the following 800 numbers. Filing a criminal complaint or a family court petition containing allegations that are knowingly false is a crime. (NYS Criminal Procedure Law, Section 530.11 (6))

<b>NEW YORK STATE 24 HOUR DOMESTIC AND SEXUAL VIOLENCE HOTLINE 1-800-942-6906</b> <b>English and Español, Multi-language Accessibility National Relay Service for Deaf or Hard of Hearing: 711</b> <b>NEW YORK CITY (all languages) 1-800-621-Hope (4673) or 311</b>	<b>COURT INFORMATION</b>  New York City—Criminal Court Information 1-646-386-4500  To obtain court information for other areas of NYS, ask the responding officer for court numbers, consult your phone directory, or call the Domestic and Sexual Violence Hotline (1-800-942-6906)
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### **VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE)**

- Victims may receive information relating to the status and release dates of persons incarcerated in state prison or local jails in New York State. For more information on this program and how you can register, call

**1-888-VINE-4NY (1-888-846-3469) or [www.vinellink.com](http://www.vinellink.com)**

### **STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION (SAVIN-NY)**

Victim notification program which allows domestic violence victims to register to be notified when an Order of Protection has been served

[www.nyalert.gov](http://www.nyalert.gov)

## **SI USTED ES VÍCTIMA DE VIOLENCIA DOMÉSTICA, PUEDEN AYUDAR LA POLICÍA Y LOS TRIBUNALES.**

### **Lo que puede hacer la policía:**

- \* Ayudarle a encontrar un lugar seguro, un lugar lejos de la violencia.
- \* Informarle cómo la corte puede ayudar a protegerle de la violencia.
- \* Ayudarle a obtener atención médica para heridas o lesiones que usted y sus hijos pudieran haber sufrido.
- \* Ayudarle a sacar de su hogar las pertenencias necesarias.
- \* Proveerle copias de informes de la policía sobre la violencia.
- \* Presentar una querella ante el tribunal en lo penal e informarle sobre la localización del tribunal en lo penal y del tribunal de familia en su comunidad.

### **Lo que pueden hacer las cortes:**

- \* Si la persona que le hizo daño o que lo amenazó es su parente o familiar político, o es alguien con quien usted tuvo un hijo, alguien con quien usted tiene o ha tenido una relación íntima, entonces usted tiene el derecho de llevar el caso al tribunal de familia, en lo penal, o ambos.
- \* Puede obtener los formularios que necesita en el tribunal de familia y en el tribunal de penal.
- \* Los tribunales podrían proveerle una orden de protección provisional para usted, sus hijos, y cualquier testigo que así lo pida.
- \* Si el tribunal determina que usted no puede pagar los servicios de un abogado, el tribunal puede asignarle uno.
- \* El tribunal de familia puede otorgarle manutención provisional para sus hijos, así como la custodia provisional de sus hijos.

La Ley de Nueva York establece que: Si usted es víctima de violencia doméstica, puede pedirle al oficial de la policía que resguarde su seguridad y la de sus hijos. Incluso, puede pedirle que le proporcione información sobre cómo obtener una orden temporal de protección. Asimismo, puede solicitar que dicho oficial de la policía le ayude a obtener sus efectos personales esenciales y a localizar un lugar seguro, al igual que transportarle a usted y a sus hijos a dicho lugar, o ayudarle a hacer arreglos para obtener dicha transportación dentro de la jurisdicción de dicho oficial de la policía, incluyendo pero sin limitarse a transportación a un programa que provea servicios contra la violencia doméstica, la residencia de un miembro de su familia o residencia de un amigo, o un lugar que sea igualmente seguro. Cuando la jurisdicción de dicho oficial de la policía abarca más de un condado, usted puede pedirle al oficial que le transporte o que haga arreglos para transportarle a usted y a sus hijos a un lugar seguro en el condado donde ocurrió el incidente. Si usted o sus hijos necesitan tratamiento médico, usted tiene derecho a solicitar que dicho oficial de la policía le ayude a obtener dicho tratamiento médico. Usted puede solicitar que la agencia policial provea una copia gratis de cualquier informe del incidente. Usted tiene derecho a buscar y escoger su propio consejero legal y usted procede a utilizar la corte de familia y se determina que usted no puede pagar por los servicios de un abogado, uno deberá ser designado para que le represente sin costo para usted. Usted puede pedirle al fiscal de distrito o a un oficial de la policía que radique una querella penal. Usted también tiene derecho a presentar una petición ante el tribunal de familia cuando una ofensa de familia ha sido cometida contra usted. Usted tiene derecho a presentar dicha petición y a solicitar una orden de protección el mismo día que usted comparece en tribunales, y dicha petición debe ser vista el tribunal ese mismo día, o el próximo día en que esté en sesión. Cualquiera de los tribunales puede expedir una orden de protección un causa de una conducta que constituya una ofensa de familia, la cual puede induir entre otras disposiciones, una orden contra el demandado o acusado que requiera permanecer lejos de usted y de sus niños. El tribunal de familia también puede ordenar el pago temporal de manutención para sus niños y otorgarle a usted la custodia temporal de sus niños. Si la corte de familia no está en sesión, usted puede solicitar ayuda inmediata del tribunal en lo penal para obtener una orden de protección. Los formularios que usted necesita para obtener una orden de protección están disponibles en el tribunal de familia y en el tribunal de lo penal. Para acceso a los recursos disponibles en esta comunidad que proveen información sobre violencia doméstica, tratamiento de lesiones, y lugares seguros refugios, llame a los siguientes números gratuitos. Es un delito radicar una querella penal o una petición ante el tribunal de familia a sabiendas de que dicha querella o petición contiene alegaciones falsas. (NYS Criminal Procedure Law, Section 530.11 (6))

<b>ESTADO DE NUEVA YORK 24 LÍNEAS DIRECTAS DE LA VIOLENCIA DOMÉSTICA DE HORA</b>	<b>INFORMACIÓN DE LA CORTE</b>
<p>1-800-942-6906</p> <p>Ingles y Español, Multi-language Accessibility</p> <p>Servicio de retransmisión nacional para sordos o con problemas de audición: 711</p> <p>CIUDAD DE NUEVA YORK (todo lenguajes)</p> <p>1-800-621-Hope (4673) o 311</p>	<p>La ciudad de Nueva York</p> <p>Información de el tribunal de penal del condado</p> <p>1-646-386-4500</p> <p>Para obtener la información del tribunal para otras áreas de NYS, pedirle al oficial de la policía que responde los números del tribunal, consulte su guía de teléfonos, o llame el teléfono de Ayuda contra la violencia doméstica (número de teléfono proporcionado arriba).</p>

<b>Información y Notificación Diaria Para La Víctima (VINE)</b>
<p>Las víctimas pueden recibir información relacionada con el estado y la fecha de excarcelación de personas encarceladas en prisiones estatales o en cárceles locales en el estado de Nueva York.</p> <p>Para más información sobre este programa y como puede registrarse, llame al 1-888-VINE-4NY (1-888-846-3469) o <a href="http://www.vinelink.com">www.vinelink.com</a></p>

<b>NOTIFICACIONES E INFORMACIÓN ESTATAL VÍCTIMA AUTOMATIZADO (SAVIN-NY)</b>
<p>Programa de notificación de la víctima que les permite a las víctimas de violencia doméstica registrarse para ser notificado cuando una Orden judicial de protección de la familia ha sido entregada</p> <p><a href="http://www.nyalert.gov">www.nyalert.gov</a></p>

**ALBANY POLICE DEPARTMENT**  
**RIGHTS OF VICTIMS OF FAMILY OFFENSES**

If you are the victim of domestic violence, you may request that the officer assist in providing for your safety and that of your children, including providing information on how to obtain a temporary order of protection. You may also request that the officer assist you in obtaining your essential personal effects and taking you, or assist in making arrangements to take you, and your children to a safe place within such officer's jurisdiction. This may include a domestic violence program, a family member's or a friend's residence, or a similar place of safety. If you or your children are in need of medical treatment, you have the right to request that the officer assist you in obtaining such medical treatment. You have the right to seek legal counsel of your own choosing and if you proceed in family court, and if it is determined that you cannot afford an attorney, one must be appointed to represent you without cost to you.

You may ask the law enforcement officer how to proceed in order to prosecute this criminal complaint. You have the right to file a petition in family court when a family offense has been committed against you. Either or both, Family court and Criminal court may issue an order of protection when a family offense has been committed. You may also petition Family court for temporary child support and/or custody of your children.

The resources available in this community for information relating to domestic violence, shelters and referrals are listed on this form. The New York State Coalition Against Domestic Violence Hotline is (English) 1-800-942-6906, (Spanish) 1-800-942-6908.

Officer: \_\_\_\_\_

Incident #: \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FILING A CRIMINAL COMPLAINT OR A FAMILY COURT PETITION  
 CONTAINING ALLEGATIONS THAT ARE KNOWINGLY FALSE IS A CRIME.**

**ALBANY POLICE DEPARTMENT  
 DOMESTIC VIOLENCE PROGRAM**  
 Public Safety Building  
 1 Morton Ave., Albany 12202  
 (518) 447-8770

**EQUINOX, INC.  
 DOMESTIC VIOLENCE SERVICES**  
 95 Central Avenue, Albany 12206  
 24 Hour Hotline (518) 432-7865

**HOMELESS AND TRAVELER'S AID**  
 138 Central Ave, Albany 12206 (518)463-2124  
 162 Washington Ave, Albany (518)447-7285

**ALBANY COUNTY CRIME VICTIM AND  
 SEXUAL VIOLENCE CENTER**  
 112 State Street - Room 1110, Albany 12207  
 24 Hour Hotline (518) 447-7716  
 Administrative Office (518) 447-7100 (518)447-5500

**UNITY HOUSE DOMESTIC VIOLENCE SERVICES**  
 504 Broadway, Troy 12180  
 24 hour Hotline (518) 272-2370  
 Administrative Office (518) 272-5917

**UNITED WAY 211 NORTHEAST REGION**  
 Call 211  
 Monday - Friday 9:00am - 5:00pm

**IN OUR OWN VOICES  
 CAPITAL REGION LGBT ANTI-VIOLENCE PROJECT**  
 245 Lark St  
 Albany, NY 12210  
 Support line (518)432-4341 Office (518) 432-4188

**INCIDENT/ACCIDENT REFERRAL**

Date of Incident/Accident:

Incident #:

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

**Type of Accident / Report**

License Plate: \_\_\_\_\_ State: \_\_\_\_\_ Insurance Code: \_\_\_\_\_

<input type="checkbox"/> PDA	<input type="checkbox"/> PIAA
<input type="checkbox"/> HIT & RUN	<input type="checkbox"/> FATAL
<input type="checkbox"/> SIR	<input type="checkbox"/> NO REPORT

Location: \_\_\_\_\_

Officer: \_\_\_\_\_ Shield/Pin: \_\_\_\_\_

**For Copies of Reports Online:**  
 Secure copies of reports are available online after 3-5 business days at: [www.crashdocs.org/albany](http://www.crashdocs.org/albany).

*Locate your report using your last name, incident number, and date of incident. For help, contact us at 462-8019.*

**For Paper Copies of Reports:**  
 Copies of reports are available after 2-3 business days at the following location:

*Albany Police Headquarters  
 Administrative Services  
 165 Henry Johnson Boulevard  
 Albany, NY 12210  
 (ANY ADJUSTMENTS MUST BE MADE BY THE  
 ORIGINAL OFFICER)  
 PHOTO ID IS REQUIRED i.e. (License, Employee ID, etc)  
 \$0.25/page. Contact us @ 462-8019.*

**Other Albany Police Department Numbers:**

<b>Emergency:</b> .....	<b>911</b>
Non-Emergency .....	438-4000
Chief of Police: .....	462-8012
South Station: .....	462-8049
Center Station: .....	458-5661
Traffic/Special Operations: .....	462-6593
Detective Office: .....	462-8039

**Inquiries about active criminal case investigations  
 should be directed to:**  
 CCCIU ..... 462-8075  
 E-mail inquiries to ..... [ccciu@albany-ny.org](mailto:ccciu@albany-ny.org)



## Albany Police Department Safety Tips

### PERSONAL SAFETY

- When walking, try not to walk alone.
- At night, walk in well-lit areas.
- Always be alert to your surroundings.
- Trust your instincts. If you see someone that makes you uncomfortable, try to walk away and get help.
- Use a safety whistle to scare away a potential criminal and to summons help.
- A free Albany Police whistle is available by calling: 438-4000. Ask for the Community Services Officer.

### VEHICLE SAFETY

- When parking, be certain to lock your car.
- Secure and hide your valuables. Thieves are frequently attracted to items such as cell phones, change holders, laptop computers, etc. that are left exposed in a vehicle.
- When possible, please take any valuables with you.
- During night hours, please be certain to park your car in a well-lit area.
- Have your key ready when you go back to your car.
- Do not leave your car running and unattended!
- Thieves will easily steal an unlocked and unattended vehicle with the keys inside it.
- The driver of an unattended running vehicle is subject to a violation, with penalties as high as \$100.00 and additional traffic court fees.

### HOME SAFETY/BURGLARY PREVENTION

- When at home, keep all your house doors locked.
- Never answer/open a door before you are certain that you know who is knocking.
- At night, always have an outside light on.
- When away, try to leave both an interior and exterior light on. A motion detector/timer light is suggested.
- Be certain to use deadbolt locks.
- Try to lock/secure windows. Window pins are helpful.
- Call APD, 438-8000 for a free security survey.

### SCAMS

- Home repair scams are frequent. Never agree to pay for home repairs/improvements without fully checking on the contractor. Ask for references before you give any money.
- Telephone telemarketers are very aggressive and are often fraudulent.
- Never give your credit card number.
- Always ask for more information by mail.
- Don't be afraid to just say no and hang-up.

### SAFETY TIPS FOR KIDS

- Work out a safe route to school with your parents. Choose the quickest way with the fewest street crossings and use intersections with crossing guards. Stay away from places where there aren't many people around.
- Whenever possible walk to and from school with a friend, neighbor, brother or sister. Don't go by yourself.
- Be sure you know your home phone number (including area code) and address, the numbers of your parents at work and of another trusted adult and how to use 911 for emergencies.
- Never talk to strangers or accept rides or gifts from strangers. Remember, a stranger is anyone you or your parents don't know well and trust.
- If you bike or skate to school, wear a helmet, and don't forget to lock up your bike with a sturdy lock wherever you leave it.
- If you're home alone after school, check in with a parent or neighbor as soon as you walk in the door.
- Let parents and friends know if you stay late after school. Get permission first if you want to play with a friend instead of going home.
- If you see anyone doing something that makes you uneasy or you think isn't right – a stranger hanging around the school playground, a bigger kid bullying younger children, vandalism or graffiti for example -- tell your parents, a teacher, or another trusted adult.
- HELP McGruff TAKE A BITE OUT OF CRIME!



### NEW YORK STATE CRIME VICTIMS BOARD

For a claim application, the location of your local victim assistance program, or for any questions, contact the Crime Victims Board at:

Albany  
1 Columbia Circle  
Suite 200  
Albany, NY 12203-6383  
(518) 467-8727

1-800-247-8035  
[www.cvb.state.ny.us](http://www.cvb.state.ny.us)  
TTY: 1-888-288-8747

New York City  
55 Hanson Place  
Room 1000  
Brooklyn, NY 11217-1523  
(718) 923-4325

Buffalo  
65 Court Street  
Room 308  
Buffalo, NY 14202-3406  
(716) 847-7992

Local Victim Assistance Program:  
Albany County Crime Victims  
(518) 447-5500

### CRIME VICTIMS CAN GET HELP

1. You may be eligible for compensation from the New York State Crime Victims Board for items such as: lost wages, medical expenses, counseling, funeral expenses, essential personal property, occupational rehabilitation, moving expenses or crime scene clean-up.
2. Police and District Attorney can help protect you against harassment and intimidation.
3. Compensation applications, informative brochures and information cards on crime victim compensation may be found in every police station, precinct house and any location in New York State where a crime may be reported.

See the reverse side of this card for CRIME VICTIMS BOARD contact information. The Crime Victims Board can provide information on compensation and services offered to crime victims and the location of your local victim assistance program.

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