

**COUNTY OF MONROE  
OFFICE OF THE SHERIFF  
ROCHESTER, NEW YORK**

<b>GENERAL ORDER POLICE BUREAU</b>	<b>DATE OF ISSUE December 4, 2024</b>	<b>EFFECTIVE DATE December 4, 2024</b>	<b>No. 027-24</b>
<b>SUBJECT: GENERAL ORDER  Domestic Incidents/Violence Reporting</b>		<b>DISTRIBUTION  Police Bureau Personnel</b>	<b>AMENDS</b>
<b>REFERENCE: NYSLEAP 44.1, CPL 530.11(1), FCA 812(1), MPTC DOMESTIC INCIDENTS MODEL POLICY</b>			<b>RESCINDS 27-22</b>

\* **Purpose:** To familiarize members regarding procedures relating to the resolution of domestic disputes and/or domestic violence complaints and to provide guidance on recognizing, responding to and assisting victims of domestic violence; when and how to complete domestic incident reports; and enforcement of orders of protection.

\* **Policy:** Domestic Violence is a pattern of behavior used by someone to control their intimate partner and other family and household members. The behaviors may include physical, emotional, psychological, financial, technological, and sexual abuse. A key component of domestic violence is coercive control: controlling someone else's behavior by using force, threats, or causing fear. These behaviors may or may not be criminal. Law enforcement are the system that often has initial contact with domestic violence victims, therefore, deputies should respond to every domestic incident as a serious call for service, and an opportunity to provide life-saving engagement with victims and connection to domestic violence service providers. Deputies shall respond to victims and their children through a survivor-centered, trauma-informed and culturally responsive approach.

**I. Definitions**

A. **Court Order:** All orders, judgments, and decrees, excluding Orders of Protection, issued by a Federal Court or a New York State Court.

\* B. **Concurrent Jurisdiction:** Where two (2) or more courts from different systems simultaneously have jurisdiction over a specific case. A victim of a Family Offense may elect to proceed in either a civil or criminal court or in both. Criminal courts and the Family Court have concurrent jurisdiction when:

- \* 1. A designated Family Offense is alleged to have been committed; **and**
- \* 2. A family/household relationship exists; **and**
- \* 3. The alleged offender is of age of criminal responsibility

\* C. **Domestic Incident:** Any dispute, act of violence, or report of an alleged offense between members of the same family or household where police intervention occurs. A domestic incident is not necessarily a violation of law.

\* D. **Domestic Incident Report (DIR):** The state issued form described in Executive Law 837(15) and mandated by CPL 140.10(5) for officers to complete for all calls for service where police intervention is requested for a domestic incident.

\* E. **Domestic Violence:** The term "domestic violence" shall include all designated family offenses as defined in **Criminal Procedure Law 530.11(1)** and **Family Court Act 812(1)**, acts that violate any Family, Supreme, or Criminal Court or other jurisdiction order of protection, or any other offense or criminal act committed or threatened against a member of the same family or household. (See Appendix A for list of NYS Penal Law offenses).

F. **Members of the same family or household include:**

- \* 1. Persons related by consanguinity (related by blood) or affinity (familial relation resulting from a marriage).
- 2. Persons who are legally married to one another.
- 3. Persons formally 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.

Note: Factors the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two (2) individuals in business or social contexts will be deemed to constitute an "intimate relationship".

\* G. **Order of Protection:** A civil or criminal order that provides protections to a person from another person. An Order of Protection may only be issued by a court, and can only be modified or terminated by that same court or a court of competent jurisdiction, and is not enforceable against the protected party, and shall be considered valid under the following conditions:

- \* 1. Any order of protection, including an order on consent, from the Family, Criminal, or Supreme Courts of New York State, and/or
- \* 2. Any foreign order of protection, defined as a court order that is issued by a court other than a court located within New York State, including:
  - a. Any state, county, or local court of other states;
  - b. Any Indian tribal court located within the United States;
  - c. Any court within the District of Columbia; and
  - d. Any court of a commonwealth, territory, or possession of the United States (American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the US Virgin Islands).

- \* H. **Victim's Rights Notice:** As used in this policy shall mean the notice or form described in CPL 530.11(6).

- \* **II. Communications Procedures**

- A. Call Priority: All domestic incident calls shall be handled as high priority.
- B. At least two responding officers should respond to domestic incidents.
- C. A domestic incident call shall not be cancelled, reclassified or recorded without a supervisor's review and approval.
- D. If a request is made to cancel the law enforcement response to a domestic incident call, the dispatcher may advise the responding deputy(s) of the request and will still need to be responded to.

NOTE: Deputies should be aware that calls that appear to be a wrong number (i.e., asking for a taxicab pickup or food delivery) may be a covert call to a domestic incident.

- \* **III. Responding Officer on-Scene Procedures:**

- A. Prior to arrival on scene, officers should attempt to obtain information on a location and persons involved including checks for prior DIRS or orders of protection by accessing available technology or resources (i.e., department issued cellphones, computers in patrol car), or information available through dispatch.
- B. 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 backup to arrive, when appropriate, and should always put officer safety and scene safety as the top two initial priorities to be most helpful to the victim(s) and most able to hold any offenders accountable by taking control of the scene.
- C. The responding on-scene deputy shall:
  1. Take control of the situation by first separating the involved parties.
  2. For the safety of the parties and all first responders, take control of all weapons used or threatened to be used in the incident.
  3. Identify the presence of any firearms in the household. Officers should immediately take possession of firearms in plain sight or discovered pursuant to a consensual or lawful search.
  4. Assess the immediate safety and welfare of all occupants of the location, including children, to verify their safety and well-being. (Refer to MBGO-106 Safeguarding Children)
  5. Assess for physical injuries, including inquiry about strangulation or possible internal, nonvisible injuries, and sexual violence; administer first aid and request medical services as necessary. If sexual violence is suspected or alleged, advise victim about the availability of receiving a sexual assault forensic exam and the ability of law enforcement to assist victim in obtaining exam.

6. If the victim, children or other witnesses do not speak English or require accommodations such as a sign language interpreter, seek other methods (i.e., Language Line) or follow protocols for providing language access. Do not use family members or other witnesses for interpretation services.
7. Determine the relationship of the victim to the suspect.
8. Assess the well-being and health of any domestic pets or companion animals and document pets or companion animals and document the signs of potential animal abuse.
9. Body Worn Cameras:
  - a. Deputies shall consider requests from victims not to be recorded in non-confrontational situations and recognize that the use of body cameras may impact a victim's willingness to provide information. If the request cannot be fulfilled, officers shall explain reasoning to the victim.
  - b. Any requests to deactivate or end recordings by victims should be documented on camera prior to deactivation for the record.
10. Offer to contact a local advocate to provide support to the victim and provide a list of current contact information for local domestic violence victim advocacy organizations.

**IV. On-Scene Investigations:**

- A. Domestic violence victims have often experienced trauma, may be unfamiliar with legal system processes, fear authority figures, and/or fear that the suspect will cause future harm to the victim. As a result, a victim may be confused, hesitant or list events in illogical order. Below are some examples of how deputies may prepare for and conduct interviews with domestic violence victims.
  1. Be aware of the victims fears, embarrassment and confusion.
    - a. Many factors affect a victim's ability and/or willingness to cooperate and provide information in an interview. Officers should be aware of these factors and conduct the interview in ways that reassure the victim that their concerns are legitimate and are being addressed.
    - b. After an episode of domestic violence the victim will often experience feelings that might hinder a police investigation. This is especially true in cases where there is a history of domestic violence. Feelings that may inhibit the victim's willingness to cooperate include: fear for self and children, guilt, shame, feelings of self-blame, feelings of isolation, feelings of helplessness and hopelessness etc.
    - c. Officers may encounter victims who appear extremely reluctant to cooperate with investigation. In addition to issues mentioned above, there are additional elements influencing domestic violence victim's response to law enforcement personnel and to the criminal justice system. These elements can include, lack of faith in the criminal justice system, genuine confusion, fear of retaliation, economic hardship, social stigma etc.

2. An officer should expect reluctance and not become impatient, frustrated or hostile when confronted with the victim's confusion or hesitation. In other areas of crime where the suspect knows the victim, the victim's whereabouts and the victim's family, victim/witness reluctance is expected and taken into account in the investigation and handling of the case. The same understanding should be afforded to the victims of domestic violence, who not only know the suspect, but also may have a very long complicated relationship with the suspect.
3. A thorough investigation at the scene is critical to both the current and any future criminal case filed against the suspect. In addition, detailed knowledge of the present incident and past incidents will increase the officers' ability to make an appropriate decision about their arrest options, to correctly advise victims on follow-up procedures and to assist the prosecutor who will be prosecuting the case.
4. Conduct victim interviews in a location away from others at the scene.
5. Allow the victim a chance to tell the story in their own words, and then ask for details with open-ended questions.
6. Follow up with specific and direct questions asked in a supportive and matter-of-fact tone of voice.
7. Ask specific questions about a victim's injuries.
8. Ask the victim if the suspect has access to guns or other weapons.
9. Ask about other forms of violence or abuse they may be experiencing.
10. Document the complete history of the abuser's tactics and/or course of conduct of control against the victim. Be specific and detailed.
  - a. Ask the victim about the most recent incident, the first incident and worst incident to gain a full understanding of the abuse.
  - b. Assess for and document all actual and suspected incidents of violence, including physical and sexual abuse, elder or child abuse, property damage, and animal cruelty.
11. Provide victim with information on:
  - a. How to obtain a family court order of protection and advise the victim that the local domestic violence service provider may be able to assist with the preparation of a family court petition for an Order of Protection, regardless of whether an arrest was made.
  - b. The local Willow Domestic Violence Hotline number (585)222-SAFE (7233), or email [Hotline@WillowCenterNY.org](mailto:Hotline@WillowCenterNY.org), or the NYS Domestic and Sexual Violence Hotline number, 1-800-942-6906.
  - c. Release dates and notification services that provide this information are available, such as Victim Information and Notification Everyday (VINE) and advise the victim that release of the suspect can occur at any time.

- d. The availability of victim assistance and possible compensation resources.
  - i. Provide the victim with contact information for the appropriate MCSO Crime Victims Specialist for that Zone.
  - ii. The NYS Crime Victims Legal Help website – [crimevictimshelpny.org](http://crimevictimshelpny.org), can assist victims with finding an attorney to help them with any civil legal needs, including obtaining an order of protection in Family Court.

**B. Process for interviewing Additional Witnesses**

Make every effort to locate all potential witnesses, including the 911 caller. Interview all available witnesses separately, including the victim, suspect and children. Be sure to document ALL statements made by all parties and witnesses to ensure you capture excited utterances and spontaneous admissions.

**C. Additional Evidence Collection:**

1. Digital, Video, and Photographic Evidence:
  - a. Inquire about any potential recording devices that may have captured any portion of the described event either on audio or video.
  - b. Bodycam footage should note any statements by any parties present to document as potential evidence and for purposes of any potential CPL 710.30 notices.
  - c. Take photographs of all visible or alleged injuries, especially when there is an allegation of Criminal Obstruction of Breath or Strangulation and/or property damage.
  - d. Collect all digital evidence, including but not limited to surveillance footage, audio recordings, voicemails, screen shots of social media pages and relevant text message communications.
2. Determine past history of domestic violence by reviewing agency records, Orders of Protection Registry, criminal history, and prior DIR's, including a search of the Domestic Incident Report Repository.
3. Request the response of crime scene investigators when appropriate.

**D. Documentation of Investigation**

1. The **New York State Domestic Incident Report (DIR)** allows for additional information to be documented and includes an additional page for the victim's statement/deposition. The following items are also included in the report form.
  - a. A safe contact follow-up for the victim (name and phone number).
  - b. Additional suspect actions in a Yes / No format.
  - c. Additional evidence and Order of Protection information.

- d. Recommended questions to be asked of the victim as well as space for notes on what the victim and the offender said to the responding Deputy.
  - e. Write what words the victim used.
  - f. Record your observations of the physical and emotional condition of the victim.
  - g. Lethality Assessment Questions: There are several questions within the NYS DIR that are designed to assess potential lethality of domestic violence victims. These include the questions in the victim interview and prior history sections of the IDR. If lethality assessment questions are answered in the affirmative, the deputy shall:
    - i. Notify their supervisor.
    - ii. Offer to immediately connect the victim with access to an advocate by calling the Willow Domestic Violence Hotline number (585)222-SAFE (7233) to conduct immediate safety planning for the victim or arranging for an advocate to arrive on scene.
    - ii. Consult with the District Attorney's Office prior to arraignment.
    - iv. Consider utilizing all evidentiary tools to build your case during the investigation: Crime Analysis Centers, LPRS, Phone records, video etc. Do not rely solely on the victim.
2. The DIR will be filled out according to the guidelines delineated in the **New York State Domestic Incident Report Reference Manual**.
- a. **Agency** –Select Monroe County Sheriff's Office
  - b. **Incident Report No.** - Import from Call for Service Inquiry
  - c. A hard copy page 2 titled "Statement of Allegations / Supporting Deposition" will continue to be used. You must have the victim or reporting person sign the statement.
  - d. Dispositions
    - i. Incident: Case Status – Closed, Case Disposition – Incident
    - ii. Arrest: Case Status – Cleared by Arrest Adult or Cleared by Arrest Juvenile, Case Disposition - Arrest
    - iii. No Prosecution: Case Status – Closed, Case Disposition – Exceptional Clearance, Exceptional Clearance – Prosecution Declined

3. Distribution of copies:
  - a. A copy will be sent to the Central Records Unit. The Central Records Unit will be responsible for mailing a copy to the **Division of Criminal Justice Services (DCJS)**.
  - b. One (1) copy is given to the complainant/victim(s). This copy must contain the addresses and phone numbers of local assistance agencies, including Family and Criminal Courts and the District Attorney's Office. Deputies are to indicate the local criminal court in the space provided on the **Victim's Rights Notice**.

\* **V. Role of the Supervisor:**

Supervisors shall do the following:

- A. Respond to assist officers investigating incidents of domestic violence when requested by a deputy or victim or whenever the incident appears to involve a law enforcement officer, prominent community member, or public official, or involves a violent crime.
- B. Supervise the on-scene investigation, if not already completed, to ensure that appropriate action is taken.
- C. Review all DIRs for accuracy and consistency and conduct after action review or case audits to ensure officers and investigators are conducting comprehensive, victim-centered, perpetrator-focused investigations.
- D. Assess for co-occurring and interconnected crimes when responding to domestic violence, to include but not be limited to stalking, sexual violence, strangulation, firearms prohibitions, protection order violations, intimidation and threats, and abuse of children, elders, and animals.

\* **VI. Arrest Policy:**

- A. After a thorough investigation is conducted, consider ALL appropriate offenses that may apply.
- B. Felony offenses or violations of orders of protections against family or household members: If it is determined that a felony offense or a violation of an order of protection has occurred, pursue a mandatory arrest, other than subdivision three, four, nine or ten of section 155.30 of the Penal Law. [CPL 140.10(4)(a)]
- C. Misdemeanor Offenses:
  1. When an officer has reasonable cause to believe that more than one family or household member has committed a misdemeanor family offense the deputy must conduct a Primary Physical Aggressor determination and attempt to identify and arrest the primary physical aggressor after considering:
    - a. The comparative extent of any injuries inflicted by and between the parties.
    - b. Whether any such person is threatening or has threatened future harm against another party or another family or household member.

- c. Whether such person has a prior history of domestic violence that the deputy can reasonably ascertain.
  - d. Whether any such person acted defensively to protect himself or herself or a third party from injury.
  - e. The arrest of both parties shall require supervisory approval.
2. If a misdemeanor family offense was committed an arrest shall be made unless the victim declines prosecution. The ultimate arrest decision will rest with the deputy based on the totality of the circumstances. If the victim of a misdemeanor offense requests that no arrest be made, a deputy shall strongly consider the victim's request in making an arrest determination. Document the victim's request and include any expressed concerns from victim(s). Explain to the victim the arrest determination.
- D. Family Court:
1. Inform victims of a family offense that there is concurrent jurisdiction with respect to family offenses in both Family Court and the criminal courts. Victims of family offenses may proceed in either Family and/or criminal court or both, however, mandatory arrest applies to felony cases regardless. A Family Court proceeding is a civil proceeding with a lesser burden of proof than the criminal justice system. Family Court also has concurrent jurisdiction of violation of Family Court Orders of Protection to enforce these orders when it issues them.
  2. Offenses that are not designated Family Offenses, but which occur in domestic incident situations, cannot be handled in Family Court. Criminal courts have exclusive jurisdiction over these acts (e.g., murder or attempted murder, criminal possession of a weapon, rape, unlawful imprisonment).
- E. Ask victim if an order of protection is desired and explain the order of protection process and the various types of orders (stay away/refrain from/no contact) and conditions available. Ensure that court or district attorney's office is provided with this information. Inform the victim of the opportunity to register for order of protection notification information through NY-ALERT Order of Protection Notification System.
- F. Following an on-scene arrest for a crime arising from a domestic incident, an appearance ticket shall not be issued without prior approval from a supervisor.
- G. Arrested persons in all incidents involving domestic violence shall be arraigned in a local criminal court having jurisdiction over such arraignment.
- H. Persons of "special status" (i.e. police officers, Judges, politicians, television/movie personalities, professional athletes, etc) are not exempt from the provisions of this Order. No one is absolved from arrest where there is probable cause to believe that a crime has been committed.

**Note:** Any allegation of domestic violence on the part of an agency employee will be referred directly to the Internal Affairs Unit in accordance with **MBGO 21 – Internal Affairs Unit**

- I. When there is a **Penal Law** violation, regardless of whether prosecution is requested, a **Domestic Incident Report Form**, rather than a **Field Report** will be completed.

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## VII. Orders of Protection

- A. Law Enforcement is obligated to serve court issued Orders of Protection.
  1. When an Order of Protection has been served by the department, the department shall provide the court with proof of service and update the statewide Order of Protection computer registry through Sheriff's Records.
  2. When all due diligence to serve an Order of Protection has been exhausted, deputies must notify their supervisor and the issuing court of the results.
- B. Enforcement Procedures:
  1. Upon the report of a violation, or suspicion that an order of protection may be in effect, the deputy shall attempt to verify the existence and terms of the order through department records or the E-Justice portal, by contacting the issuing court (if during business hours), or through all means possible, including contact with other local law enforcement agencies if the order is from another jurisdiction.
  2. Where a deputy has reasonable cause to believe that the terms of an order of protection have been violated, an arrest shall be made for the appropriate degree of criminal contempt regardless of whether the prohibited conduct occurred in the officer's presence or if a victim is able to produce a copy of the order of protection.
  3. If the conduct prohibited by the Order of Protection is also conduct constituting another offense, the offender shall be charged with violation of the Order of Protection (e.g., Criminal Contempt) and the additional offense (e.g., Criminal Mischief, Aggravated Harassment, etc.).
- C. Out-of-State Orders: Orders of Protection issued in another State shall be given full-faith and credit in New York State.
- D. Family Court will instruct petitioners of Orders requiring immediate service, to present the Order to their local police agency. Deputies will assist with the serving of Orders of Protection when requested to do so by any court or petitioner. When the service of an Order of Protection is completed, Deputies are required to complete the **Affirmation of Personal Service Form** which is attached to the Order. The Affirmation will then be sent to the court of issuance. Additional Affirmation forms will be kept at each zone in the event that the original copy is misplaced. Unsuccessful attempts to serve the Order will be recorded on the **Affirmation of Personal Service Form** on the line(s) provided. If not served, the entire package will be returned to the petitioner for further attempts of service. After a successful service of an Order of Protection, you must contact MCSO Records to have the Order of Protection entered into ejustice.
- E. Family Court may fax Orders of Protections directly to a Zone to be served. If one is received, it will first be logged into the Order of Protection log book. Attempts will be made to serve the Order of Protection. The Affirmation of Personal Service Form will be completed. If the Deputy is unable to serve the Order of Protection after a reasonable amount of attempts, the Order of Protection will be returned to Family Court. After a successful service of an

Order of Protection, you must contact MCSO Records to have the Order of Protection entered into ejustice

- F. When an Order of Protection is accompanied by a Gun Removal order, all attempts must be made to get permission to take custody of all firearms owned by the respondent. If permission is not granted, a search warrant will need to be obtained in order to take custody of all of the firearms owned by the respondent. When taking custody of firearms, follow **MBGO 16 – Property Recovery, Custody and Security**.
- G. Orders of Protection are issued by Family Court, local Criminal Courts, County Court, and State Supreme Court. Deputies responding to a complaint of a violation of an Order of Protection will ensure that the Order is signed and still in effect. The prohibited behavior as described in the Order will be noted.
- H. If the complainant does not have their copy of the Order, Deputies will contact the court clerk, issuing Judge, local law enforcement agencies, or the Records Unit to verify the Order.
- I. When Deputies have probable cause to believe that an Order of Protection has been violated, the violator will be arrested and charged in accordance with the most appropriate section of the **Penal Law** pertaining to the crimes of Criminal Contempt in the First or Second Degree or Aggravated Criminal Contempt, as applicable. A copy of the Order of Protection will be included in the arrest package. Deputies will not take the complainant's copy of an Order of Protection.
- J. Deputies will not violate, or assist anyone in violating, a court order or an Order of Protection.
- K. If a Deputy is advised of the existence of an Order of Protection pertaining to members of the same family, household, or parties to a domestic relationship, the Deputy will review the contents of the Order of Protection to ensure that he/she is in compliance with the issuing Court's directive. If a member of the same family, household, or party to the domestic relationship does not have their copy of the Order of Protection, the Deputy will contact the court clerk, issuing Judge, local law enforcement agencies, or the Central Records Unit to verify the Order of Protection and its contents.

\* **VIII. Firearms**

- A. If it is believed that an individual possessed a firearm or long gun, ensure the court and district attorney are informed of the firearm or long gun possession.
- B. Confiscate all firearms, including long guns, when the domestic incident results in an arrest, and any weapon was either used or threatened to be used during the commission of such crime. If licensed, the arresting officer shall indicate, on the accusatory instrument, that the defendant is so licensed.
- C. Determine whether it is necessary to obtain an Extreme Risk Protection Order to remove any firearms from the home if the alleged abuser has a history of mental health with a risk of suicide or is a danger to themselves or others including the victim.

NOTE: If general violence with a firearm is threatened, all firearms should be confiscated. However, if only one weapon was used or threatened as the instrumentality of the crime, any remaining guns in the residence may not be legally taken into custody without obtaining consent (see D below). All weapons taken into custody as instrumentalities of a crime will be held in the Property Clerk's Office and marked as evidence. At arraignment, the deputy will

ensure that the judge is notified of the confiscation, so the judge can make a determination as to the suspect's pistol permit, etc.

NOTE: Where one weapon is threatened and the deputy is not able to obtain consent to remove all weapons (see D below), every possible effort should be made to immediately take the suspect before a magistrate for arraignment so that a judge may make a determination about any other weapons in the home. The deputy shall make the judge aware of the circumstances relative to potential firearms remaining inside the home when he/she calls the judge seeking arraignment. In this type of situation, if the magistrate refuses to perform the arraignment, the deputy shall contact a magistrate from a contiguous town in an attempt to ensure that arraignment occurs as soon as possible.

- D. In the event that the deputy does not believe he or she can legally confiscate all firearms present within the home based upon the circumstances of the incident, the deputy should nonetheless attempt to obtain consent from the defendant or any other person in the home qualified to give consent permitting the deputy to remove all firearms present within the home.

Note: Pursuant to the New York State Family Court Act and Penal Law, the arraigning judge will make determinations regarding the surrender of firearms and/or pistol permits.

- E. The minimum release time for a weapon in a dispute involving an arrest will be at least thirty (30) days following the final disposition of the court case.

#### IX. Law Enforcement Training

Officers and communications personnel should complete training on: recognizing, responding to and assisting victims of domestic violence in a trauma-informed, survivor-centered, and culturally responsive manner; the applicable statutes concerning domestic violence; and the roles responsibilities, and limitations of law enforcement in responding to and intervening in domestic violence cases. Where practicable, a dual instruction method including law enforcement and victim advocates is preferred.

By Order of the Sheriff,

  
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Todd K. Baxter

\* Indicates changes from the previous General Order.

\* **APPENDIX A**

Family Court and Criminal Court have Concurrent Jurisdiction of Designated Family Offenses in CPL 530.11(1) and FCA 812(1).

The following offenses, when they occur between spouses or former spouses, or between parent and child, or between members of the same family or household as defined in Criminal Procedure Law 530.11(1) and Family Court Act 812 (1) are designated family offenses:

Aggravated Harassment 2<sup>nd</sup> (PL 240.30 - A MISD)  
Assault 2<sup>nd</sup> (PL 120.05 - D FEL)  
Assault 3<sup>rd</sup> (PL 120.00 - A MISD)  
Attempted Assault 2<sup>nd</sup> (PL 110.10/120.05 – E FEL)  
Attempted Assault 3<sup>rd</sup> (PL 110.00/120.00 – B MISD)  
Coercion 2<sup>nd</sup> (PL 135.61 – E FEL)  
Coercion 3<sup>rd</sup>; subs. 1, 2 and 3 (PL 135.60 – A MISD)  
Criminal Mischief 1<sup>st</sup> (PL 145.12 – B FEL)  
Criminal Mischief 2<sup>nd</sup> (PL 145.10 – D FEL)  
Criminal Mischief 3<sup>rd</sup> (PL 145.05 – E FEL)  
Criminal Mischief 4<sup>th</sup> (PL 145.00 – A MISD)

Note: The statutory definition of "property of another" for the purposes of the crime of criminal mischief and related offenses includes property jointly or co-owned by another person. It further provides that there will be no defense to a charged criminal mischief offense that a person believes he or she has a reasonable ground or right to destroy property because he or she owns such property with one (1) or more persons, unless all such persons have given their consent to destroy such property

Criminal Obstruction of Breathing or Blood Circulation (PL 121.11 – A MISD)  
Disorderly Conduct (need not occur in a public place) (PL 240.20 – Violation)  
Forcible Touching (PL 130.52 – A MISD)  
Grand Larceny 3<sup>rd</sup> (PL 155.35 – D FEL)  
Grand Larceny 4<sup>th</sup> (PL 155.30 – E FEL)  
Harassment 1<sup>st</sup> (PL 240.25 – B MISD)  
Harassment 2<sup>nd</sup> (PL 240.26 – Violation)  
Identity Theft 1<sup>st</sup> (PL 190.80 – D FEL)  
Identity Theft 2<sup>nd</sup> (PL 190.79 – E FEL)  
Identity Theft 3<sup>rd</sup> (PL 190.78 – A MISD)  
Menacing 2<sup>nd</sup> (PL 120.14 – A MISD)  
Menacing 3<sup>rd</sup> (PL 120.15 – B MISD)  
Reckless Endangerment 1<sup>st</sup> (PL 120.25 – D FEL)  
Reckless Endangerment 2<sup>nd</sup> (PL 120.20 – A MISD)  
Sexual Abuse 2<sup>nd</sup> (PL 130.60(1) – A MISD)  
Sexual Abuse 3<sup>rd</sup> (PL 130.55 – B MISD)  
Sexual Misconduct (PL 130.20 – A MISD)  
Stalking 1<sup>st</sup> (PL 120.60 – D FEL)  
Stalking 2<sup>nd</sup> (PL 120.55 – E FEL)  
Stalking 3<sup>rd</sup> (PL 120.50 – A MISD)  
Stalking 4<sup>th</sup> (PL 120.45 – B MISD)  
Strangulation 1<sup>st</sup> (PL 121.13 – C FEL)  
Strangulation 2<sup>nd</sup> (PL 121.12 – D FEL)  
Unlawful Dissemination or Publication of an Intimate Image (PL 245.15 – A MISD)