

11318 FILE 14 SP ALBANY NY SEPT 19-56
TO SP HAWTHORNE CODE SIG 77

RE. TELEPHONE CONVERSATION - TROOPER BLOOD DONORS FORMOTHER OF
TPR SCURACHIO.

1. THIS MATTER PRESENTS A PROBLEM WHICH IS NOT ENTIRELY NEW. THE
DIVISION DOES NOT WISH TO PLACE ANY OBSTACLES IN THE PATH OF THOSE
MEMBERS OF THE DIVISION WHO ARE ANXIOUS TO HELP A FELLOW TROOPER IN
DIFFICULTY. WE MUST HOWEVER BE CONCERNED WITH THE WELFARE OF THE
MEMBERS AND THE DIVISION ITSELF AND THE MATTER HAS BEEN DISCUSSED WITH
THE SURGEON-INSPECTOR WITH THE FOLLOWING RESULT---

IF MEMBERS WISH TO DONATE BLOOD AS SUGGESTED, NO MEMBER SHOULD GIVE MORE
THAN ONE PINT. BEFORE GIVING THE PINT, HE SHOULD SIGN A RELEASE,
RELEASING THE STATE OF NEW YORK AND THE DIVISION FROM ANY LIABILITY IN
CONNECTION THEREWITH. IT W SHOULD BE DONE ON A COMPLETELY VOLUNTARY
BASIS AND THE MEMBER CONCERNED SHOULD NOT PERFORM ANY ACTIVE DUTY
WITHIN TWELVE HOURS, NOR TOO STRENUOUS DUTY WITHIN TWENTY-FOUR.

A SCHEDULE SHOULD BE ARRANGED TO COMPLY WITH THESE CONDITIONS.

2. PUBLICITY SHOULD BE CURTAILED AS THIS IS NOT THE USUAL POLICY FOR
THE DIVISION AND IS ONLY BEING CONSIDERED NOW ON THE BASIS OF THE
MOTHER-SON RELATIONSHIP.

AUTH GEORGE M. SEARLE,
DEPUTY SUPERINTENDENT JOHNS 1229
INITIALS CMP

SPECIAL ORDERS

Blood Transfusions

The following letter dated November 20, 1937, received from Albany Headquarters is quoted:

Subject: Blood Transfusions by Troopers.

To: All Commanding Officers & Chief Inspector, N.Y.S.T.

1. I am quoting below a memorandum received from Surgeon-Inspector J. Lewi Donhauser in regard to members of this department acting as donors for blood transfusions.

"From: Surgeon-Inspector.
To: Superintendent.
Subject: Transfusions.

1. There has apparently been a custom throughout the State of calling members of the State Police to act as donors for those requiring transfusions.

2. This practice has become quite common apparently and in some areas it appears that the Communities are taking advantage of the services offered by members of the State Police.


3. I would suggest that a notice be sent to all the Troop Commanders to the effect that only under exceptional circumstances should members of the State Police act as donors.

4. Professional donors are usually available, and under ordinary conditions relatives or friends of those who are in need of blood transfusions are available."

By Order of Major Warner
Geo. P. Dutton

Captain-Adjutant .

J. A. GAFFNEY



Captain, Troop "K"

JAG/ih

SPECIAL ORDERS

SUBJECT: Requests for Blood Donors.

The following letter from Major John A. Warner, dated May 1, 1940, same subject as above, is quoted for your information and guidance:

1. In the past messages have been dispatched over the teletype system, usually directed to general alarm, requesting that police agencies endeavor to locate persons having certain types of blood for the purpose of transfusions. Occasionally these messages ask for donors who have been cured of certain infections in order to provide a serum for some victim suffering from that infection.

2. In order to regulate this type of message traffic and to insure that it is originated by competent authority the following transmission regulations will be observed:

(a) Requests for blood donors should not be dispatched by teletype or radio unless the request originates from some hospital or medical authority or has the approval of such authority.

(b) Messages containing such requests should be very explicit in their composition, indicating fully a description of the type of blood desired, the conditions under which such blood would be acceptable for transfusion, and clearly specifying in detail the particular infection from which the prospective blood donor must have been cured.

(c) A statement indicating that if such a blood donor is located, what fee if any, will be paid to him by the requesting party, and whether or not his expenses in connection with necessary travel or otherwise will be allowed.

3. When any such request is transmitted over the teletype system the operator on duty in the telegraph bureau at Albany will check with the Division Surgeon Inspector before repeating it from the Albany switchboard.

4. The contents of this order will be bulletined to all members of your command and for the special attention of all teletype operators."

J. A. GAFFNEY
J. A. Gaffney
Captain, Commanding
Troop "K"

JAG/ih

Note: This is a new page.

SPECIAL ORDERS

ITEM # 1. The following letter dated February 2, 1938, from Chief Inspector A.B. Moore is quoted:

Subject: Official Telephone Service.

1. From time to time, we check with the telephone company concerning charges made to this division for official telephone service, and in our last check, we found certain discrepancies apparently caused by troops or individuals making arrangements for changes in official telephone service with the local company in the town or village concerned.

2. In some instances, we found discontinuance orders for telephone service had been issued; in others additional equipment installed and which was paid for by the state or by some individual and, in still other instances, installation of official telephones for which no authorization had been granted by this office.

3. We must insist that where orders for telephone installation, discontinuance or added equipment are issued that they be cleared through this office in order that our cost records may be kept up to date. This applies even though some individual wishes added equipment on an already established state telephone and for which equipment the individual will personally pay.

* * * * *

ITEM # 2. SUBJECT: Form for Persons Wanted for or Suspected of Felonies.

1. A form, the same as attached, will be filled out and forwarded to Headquarters on all persons wanted or suspected of Felonies.

2. The primary purpose of this form is to secure all possible information for Wanted persons file, now in operation at Troop Headquarters and for the purpose of issuing Wanted Bulletins where the case warrants this procedure.

3. It is important that the form contain all possible information in detail and that it be mailed promptly to Headquarters.

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ITEM # 3. Accident Reports.

Whenever an auto accident is investigated by a member of this Command involving a motor vehicle owned by another State Dept. the same number of copies of the accident report and special report as are submitted for troop car accidents will be submitted.

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ITEM # 4. Supplementary Arrest Reports.

Hereafter, every Supplementary Arrest Report submitted by members of this Command, will contain the Date of Arrest and the Date of Crime.

J. A. GARFNEY
J. A. Garfney
Captain, Troop "K"

JAG/ih

Note: Substitute this page for page 42 issued August 2, 1938.

SPECIAL ORDERS

The following procedure to be taken in the investigation of automobile accidents is distributed because of such varied methods of investigation and reporting of accidents existing at present, and because it is practically impossible to simultaneously complete the training of all men investigating accidents by having them attend the Traffic Officers' Training Course, therefore, that part of the course pertaining to the investigation of accidents is herewith bulletined to all members:

The basic duty of the accident investigator is to get the facts. Sound enforcement must be directed against specific problems and aimed at their primary causes and this can be done only through a study of reliable accident records. Thorough investigation of all accidents at the scene by trained investigators is the only means of securing full facts on which to plan the accident prevention program. Secondly, the investigator should apply enforcement against violators involved in accidents since they are the worst violators and actually cause the harm which the law is designed to prevent.

Accident Investigation Procedure

1. Get to the scene as quickly as possible but without taking unnecessary risks.
2. Park police car in such a manner that it does not constitute a hazard.
3. Determine if any one is injured, and if so render necessary first aid and arrange for proper transportation to medical aid if needed.
4. If accident occurred at night place lighted flares a good distance away, warning other vehicles to approach with care and caution.
5. Find out if the case involves a hit and run driver, if so follow hit and run procedure.
6. Question the drivers separately, securing necessary data for the report, observing their condition and securing their versions of the accident.
7. As the drivers are telling you their versions of the accident it is a good idea to be writing their stories in your note book as they give it, in case they try to change their story later.
8. Check story of drivers and witnesses.
9. Have witnesses re-state their stories in presence of the drivers and officers.
10. Go over the scene for physical evidence, such as skid marks, broken glass, etc.
11. Make measurements of pertinent data, such as road widths, location of collision, where cars came to rest, length of skid marks, etc. Have person on each end of tape check the other end for positiveness of measurements.
12. Note the conditions at the scene carefully, such as condition of pavement, presence and condition of traffic signs or signals, view obstructions, street lighting, etc.
13. In a criminal negligence investigation, take photographs if necessary and helpful to the case, either to preserve perishable evidence, preserve evidence too bulky to produce in court, illustrate a point better than possible in any other way. Have the license number of the car in the photograph but do not have an officer in the photograph.
14. Inspect the vehicles for defects in brakes, lights, steering, etc. If drivable, brake test should be made, once by the officer and once by the operator or some other available person for corroborative purposes.
15. Clear up the scene of the accident, removing damaged vehicles, broken glass, blood, etc.
16. Make arrests if evidence of violations has been found in the making of the investigation.
17. Treat the entire investigation as though evidence were being gathered for any crime.
18. Do not try to determine responsibility for the accident, simply gather evidence of a violation of law and when proveable evidence has been obtained, prosecute.

(Continued)

(Continued from preceding page)

Hit and Run Procedure

1. Make sure it is a hit and run before proceeding.
2. Secure as significant as possible a description of the car and driver wanted and have it broadcast immediately.
3. Follow the regular investigation from point '5' on, as outlined on the previous page.
4. special points:
 - A. Seek witnesses who can identify the driver as well as the car, since this will be important to conviction.
 - B. Notify your sub-station or zone headquarters again as soon as a more detailed description of the wanted car and driver is secured.
 - C. Comb the scene carefully for physical evidence, such as parts broken off the car wanted, tire marks, broken glass, personal belongings of the driver or occupants of the hit and run car. Preserve all such evidence carefully and label it for future identification.
 - D. Attempt to estimate the type and extent of damage to the hit and run car and probable location of the damage.
 - E. Look for paint marks from the hit and run car, and paint marks on the hit and run car when located.
 - F. Examine the clothing of the injured or deceased for identification and further evidence.
 - G. Preserve samples of hair, blood and clothing of deceased for future possible identification with samples taken from hit and run car.
5. Follow-up on hit and run cases not cleared immediately.
 - A. Have a canvass made at once of all garages and repair stations.
 - B. Notify all parts dealers and repair shops to be on the lookout for the wanted driver and car, specifying, if possible, the replacement part he will probably order.
 - C. Check on all owners of cars of the make and style searched for.
 - D. Scour the neighborhood for additional witnesses not present right at the scene. Children and women make good witnesses.
 - E. Search the entire vicinity for the wanted car.
 - F. Revisit the scene periodically; next day at same time, next week, next month, to find witnesses such as route men who may have been passing at time of accident. Also revisit scene to watch for the wanted driver, who may use route regularly.

Questioning Suspect.

1. Approach suspected hit and run driver as soon as possible after learning his identity to lesson the possibility of building up an alibi.
2. Be cautious in talking with him not to give impression of uncertainty or to place yourself in a defensive position.

J. A. GAFFNEY

J. A. Gaffney

Captain, Troop "K"

JAG/ih

Note: This is a new page.

SPECIAL ORDERS

1. The following correspondence received from the Superintendent, New York State Troopers, dated September 12, 1939 is self-explanatory and is quoted for your information and guidance. The contents of this letter will be held in strict confidence.

"SUBJECT: Espionage, Counterespionage, Sabotage, Subversive Activities and Violations of the Neutrality Laws.

1. The Honorable John Edgar Hoover, Director of the Federal Bureau of Investigation, has requested our assistance in calling to the attention of the Bureau any information obtained relating to espionage, counterespionage, sabotage, subversive activities and violations of the neutrality laws.

2. In view of the war in Europe, it is anticipated that from time to time information may reach members of this division concerning such matters and, in compliance with the request of the Federal Bureau of Investigation, we will place pertinent information with them for such action as they deem each individual case may deserve.

3. The following procedure will be strictly observed by members of this division. When information concerning any such cases reaches the attention of any member of the state police, it will be immediately referred to the district inspector of the Bureau of Criminal Investigation. He will then assign competent investigators to sift out the information and to separate the wheat from the chaff. Past experience indicates that many persons, some with the best of intentions, file complaints or give information concerning such matters, which information, upon investigation, proves to be of little value. Great care and judgment should be exercised by members of the Bureau of Criminal Investigation in evaluation of these complaints and full and accurate reports of each case should be completely recorded.

4. Each district inspector of the Bureau of Criminal Investigation will give his careful personal attention to these reports and will submit them promptly to the Chief Inspector's Office, from which point they will be referred to the proper office of the Federal Bureau of Investigation. Four copies of each report in connection with these matters will be submitted to the Chief Inspector's Office.

Signed: John A. Warner
Superintendent."

J. A. GAFFNEY

Captain, Troop "K"

JAG/ih

Note: This is a new page.

SPECIAL ORDERS

The following letter, dated August 29, 1940, received from Major John A. Warner, Supt., N.Y.S.T., is quoted for the information and guidance of all members of Troop "K".

SUBJECT: O V E R L O A D E D T R U C K S.

1. A recent case has reached my attention where a member of the Division of State Police made an arrest of what he considered to be an overloaded truck. His total evidence was based on the addition of the tonnages shown on the freight waybills which were carried by the driver. As a matter of fact, this particular driver was carrying not only the waybills for his own cargo but for the cargo on another truck as well.
2. Such evidence would never support a violation of section 14 of the vehicle and traffic law before any court and arrests of such nature based on totally incompetent evidence only serves to make our enforcement of the vehicle and traffic law seem ridiculous.
3. Headquarters maintains a completely equipped loadometer truck in charge of a competent non-commissioned officer, who is available for service in any troop district. Arrests for overloading will only be made when evidence of such can be substantiated thru the use of our own loadometer.
4. It is further evident that certain trucks are conveying cargoes under seal. The truck is sealed at the point of origin and the seal must be intact at the point of delivery. Certain troops have insisted that the drivers of cargo trucks break these seals or, in other instances, troopers have broken the seals themselves. This has been done for the purpose of determining whether a foreign registered vehicle is engaged in intra-state commerce in violation of section 51 of our vehicle and traffic law.
5. While the legality of ordering a seal to be broken or of breaking a seal might be supported, nevertheless as a matter of state police policy, it will not be resorted to. No member of this Division will order the driver of cargo trucks to break a seal nor will any member of this Division break the seal himself.
6. This order will be published by each troop for the information of their entire personnel.

Signed: John A. Warner
Superintendent

J. A. GABNEY
J. A. Gaffney
Captain, Commanding
Troop "K"

JAG/ih

Note: This is a new page.

SPECIAL ORDERS

The following letter from the Chief Inspector's Office, Troy, N.Y. dated December 23, 1940 is quoted below for the information and guidance of all members of Troop "K":

SUBJECT: Composition of Teletype Messages.

1. All members of your troop should be advised that the composition of teletype messages originated by them, particularly those directed to "General Alarm", should be carefully worded so as to indicate the true facts of the instance to which they refer.
2. It is extremely important when a trooper telephones an item to some other trooper at a teletype station for dispatching over the system that there be no misunderstanding as to what facts the message shall contain.
3. We recently noted an instance where a trooper 'phoned to a sergeant requesting the origination of a teletype message. It was very apparent that the contents of the message, as originated by the sergeant, differed greatly from what the trooper states were the real facts of the complaint.
4. It should be remembered that "General Alarm" teletype messages reach several hundred police points, and that misinformation, exaggerated statements, or incorrect ones, may cause unlimited unnecessary inconvenience and possible serious consequences.

Signed: A. B. Moore
Chief Inspector

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The following teletype message, dated October 28, 1940 from the office of the Chief Inspector, Troy, N.Y. is quoted for your information and guidance.

"Persons making complaint concerning delinquents in connection with the Selective Service Act should be advised to report the name and address of the delinquent to the U. S. Attorney for district concerned."

J. A. GAFFNEY

Captain, Commanding
Troop "K"

JAG/ih

Note: This is a new page.

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SPECIAL ORDERS

Subject: Selective Service Registration Certificates.

1. We have recently received from the F.B.I. in Albany a letter which states that it is particularly important at this time that all violators of the Selective Service Act be located and appropriate action taken in each case. The letter further states that there are a number of individuals who have violated this Act and are traveling about the country and in many instances police have occasion to detain these individuals on some local charge.
2. The F.B.I. has inclosed some forms which they request be filled out whenever a prisoner is in custody who does not have in his possession a proper registration card.
3. A supply of these blank forms have been furnished to Zone Lieutenants, and they should be used by both the E.C.I. and uniformed force whenever a man is found without a Selective Service registration card. The forms will be filled out in TRIPLICATE and forwarded to Hawthorne, from which point they will be forwarded to the Chief Inspector's Office in duplicate.

* * * * *

Quoted below for your information and guidance, is letter from the Superintendent, N.Y.S.T., dated May 20, 1941:

Subject: Transportation of Insane Persons.

1. We are receiving many requests from state hospitals, local authorities and others to transport insane persons from various localities to state hospitals after they have been committed thereto and to return insane persons previously paroled therefrom.
2. This division cannot accept the responsibility for the transportation of persons committed to state hospitals or for parolees whose return is desired.
3. When such request is made, the requesting agency will be politely informed that in any case where assistance might seem necessary, troopers will be available to accompany whatever attendant or agent may be designated. The attendant or agent will be responsible for the insane person and the institution or locality must furnish its own transportation facilities.

J. A. GAFFNEY

J. A. Gaffney
Captain, Commanding
Troop "K"

JAG/ih

Note: Substitute this page for page
47 issued June 27, 1941.

SPECIAL ORDERS

SUBJECT: Airplane Accidents.

389 File 14 SP Chief Inspector Troy Sept 8-41

This refers to the reporting of airplane accidents.

In the future, when an airplane accident occurs in the jurisdiction of the state police anywhere in the State of New York, a teletype message should be sent, as soon as possible, to the State Police, Telegraph Bureau, Albany, New York, carrying the following information, which should be brief, but as accurate as possible:


1. Location, time, date of accident.
2. Identification number of the ship and make (if possible).
3. Name of pilot with license number, if obtainable, and names of any occupants, with brief description of any injuries.
4. Brief description of accident.

If the trooper who investigated the accident is able to contact a C.A.A. Inspector in his territory, this should be done in order to facilitate matters, but, in any case, a teletype message as outlined above should be sent.

Auth G.M.Scarle
Deputy Chief Inspector

Note: Cities other than New York, who have an airplane accident within their jurisdiction, are invited to use the method of reporting such accident to the C.A.A. and Air Safety Board if they so desire.

G.M.S.

J. A. GAFFNEY

Captain, Commanding
Troop "K"

JAG/ih

Note: This is a new page.

SPECIAL ORDERS

SUBJECT: Free Passes on Rip Van Winkle, Mid-Hudson and Bear Mountain Bridges.

1. Quoted below is a letter dated September 10, 1941 from John A. Warner, Superintendent, which is self-explanatory:

"1. In order to check up efficiently on the cars which are entitled to free passage on the Rip Van Winkle, Mid-Hudson and Bear Mountain Bridges, the New York State Bridge Authority has asked that troopers stop and sign a form which will be presented to them by the attendant at the time of using these bridges.

2. This form which will be furnished by the New York State Bridge Authority will read as follows:

Catskill, N.Y.

THIS IS TO CERTIFY that we are crossing the Rip Van Winkle Bridge on official business in pursuance with New York State Police duties.

Signed _____ Badge No. _____

License No. _____

3. In case of real emergency it will be permissible for troopers to go through without stopping but these cases are rare, and under this system the Bridge Authority would be able to check the number of State Police cars which are using the free facilities of these bridges.

4. The Bridge Authority will have this system put into effect in the near future so will you have the members of your command who would be using these bridges advised of this procedure?"

J. A. GIFFNEY
J. A. Giffney
Captain, Commanding
Troop "K"

JAG/ih

Note: This is a new page.

SPECIAL ORDERS

The following letter dated October 27, 1941 from the Superintendent is self-explanatory and the procedure outlined in the letter will be followed by every member of this Command.

SUBJECT: Arrest Procedure.

1. From time to time, definite information reaches these headquarters that certain lieutenants, sergeants and corporals acting in supervisory capacities within barracks, substations or in charge of patrols, urge men under their direction to bring in more arrests. As a result, many members of this division, in order to comply with these instructions to increase the number of their arrests, become highly technical in such activities and create much adverse criticism by the public.

2. It is not the desire of the Superintendent to establish any record for arrests. Every member of this division should be permitted to exercise his own absolute judgment as to whether or not an arrest should be made as he is on the scene and most often the sole judge of the facts as presented. No officer or non-commissioned officer would appear to be qualified to determine whether or not an arrest should be made when the officer or non-commissioned officer was not actually at the scene of the violation.

3. Every member of this division should realize that when an arrest is made, it should be justified and fully supported by proper and sufficient evidence to insure conviction without invoking technicalities in behalf thereof.

4. The attitude of officers and non-commissioned officers in ordering increased arrests is not a proper one and will cease immediately. Any violation of this order which reaches the attention of headquarters will be summarily dealt with.

5. Each troop commanders will be responsible to see that a copy of this order is placed with every member of his command, taking a receipt therefor, and preserving it for future reference.

By Order of
JOHN A. WARNER
Superintendent.

J. A. G. FENEY
J. A. G. FENEY
Captain, Commanding
Troop "K"

JAG/ih
Note: This is a new page.

Mangan

Section 1.

SPECIAL ORDERS

Page 50A
February 10, 1942

The following letter dated February 5th, 1942 from the Superintendent is self-explanatory and the procedure outlined will be followed by all members of this Command.

Subject: Arrest Procedure.

1. Refer to Headquarters Order dated October 27, 1941, same subject.
2. The purpose of this order is to prevent the establishment of an arrest quote by members of this Division exercising a command.
3. An arrest quota has often resulted in a so-called 'drive' or 'campaign' against motorists, a flurry of arrests for technical violations or the application of enforcement to many in a short period of time. Our policy has always been consistent enforcement of the Vehicle and Traffic Law with the use of judgement retained by the individual Trooper. Conversely, the officer or non-commissioned officer in charge of patrols is well enough acquainted with the highways under his jurisdiction and with records of past activities to enable him to determine if a subordinate is engaging in sufficient activities to adequately control traffic conditions, considering as additional factors weather and volume of traffic.
4. If an officer or non-commissioned officer should have proof that a subordinate fails to engage in activities sufficient to control existing conditions such failure may be dereliction of duty and a basis for disciplinary action.
5. So that all of your officers and non-commissioned officers may fully understand the meaning and intent of this policy it would be advisable to call this expression to their attention.

JAG/ih

Note: This is a new page.

J. A. GREENEY

J. A. Greene
Captain, Commanding
Troop "K"

SPECIAL ORDERS

The following letter dated Oct. 27, 1941 from the Superintendent is self-explanatory and the procedure outlined in the letter will be followed by every member of this Command.

SUBJECT: Junior Operators' Licenses.

1. This memorandum is issued in connection with the above subject to clarify our policy with reference thereto.
2. It should be borne in mind that the holder of a junior operator's license is a duly licensed operator equally as much as a person who holds a chauffeur or regular operator's license. The only difference is that certain rules and regulations are prescribed for the use of junior operators' licenses by the Commissioner of Motor Vehicles. In some instances, our courts have held that the violation of such rules, such as the prohibition against driving at night, is violation of a rule only and does not constitute an infraction or a misdemeanor. Under those circumstances, violations of such rules should be made the subject of a report, through channels to the Commissioner of Motor Vehicles rather than the subject of an arrest.
3. Holders of junior operators' licenses, when operating vehicles of course, must obey the provisions of the vehicle and traffic law as they relate to speed, reckless driving or other infractions or violations, however, these are already prescribed to be violations by law, while the rules and regulations of the Commissioner have not been so specified.
4. Recently there has developed what seems to be a growing misunderstanding among members of the state police concerning the privileges granted to the holders of junior operators' licenses, particularly as they relate to the term "business, trade or profession of the parent, guardian or the person with whom the junior operator actually lives and resides". Many instances of extremely technical arrests have reached the attention of these headquarters and, to say the least, many of them are so obvious that care must be instantly observed by every member of this division to properly interpret the meaning of that term.
5. It means something more than gainful occupation; its meaning is the same as if the word "affairs" were used. A junior operator who is engaged either wholly or partially in the transaction of any business, any errand or any trip which he has been directed to make by the parent, as in transporting guests, visitors or members of the family between points should be construed as "business" of the parent.
6. Our policy with regard to junior license regulation enforcement has been set forth in previous memoranda indicating in each that we must be very broad in our interpretation of the construction of the term "business". Where there is any doubt, the benefit of the doubt should be awarded to the junior and arrests for such violations should only be made where it is definite and conclusive that a flagrant violation exists.
7. The attitude of police and courts has always been construed as being one of helpfulness to the youth rather than one of a desire to prosecute. Borderline violations do not justify arrests and seldom will support convictions.
8. It is, therefore, our policy to demand that every member of the force use his best and most cautious judgment in the matter of applying the rules and regulations prescribed for junior operators, particularly as they relate to the "business" of the parent.
9. A copy of this order will be placed with every member of your command, a receipt taken therefor and filed for future references.

By Order of

JOHN A. WARNER
Superintendent.

J. A. GAFFNEY
J. A. Gaffney
Captain, Commanding
Troop "K"

JAG/ih

Note: This is a new page.

Jr. Mangau

Section 1.

Page 52

November 19, 1941

SPECIAL ORDERS

The following letter dated November 17, 1941 from the Superintendent is self explanatory and the procedure outlined in the letter will be followed by every member of this Command.

SUBJECT: Military Traffic- Bivouac.

1. Experience reveals the military is making more frequent use of the telephone to advise us of a convoy through or within this state thereby dispensing with the original routine of sending via the mail a planning data sheet. In some instances we have been notified only a short time in advance of the movement. Much essential information for the proper and efficient control of both military and civilian traffic has been lacking as a result of these telephone notifications. A form to be used for taking information of a military movement via telephone has been drawn up and is being distributed to each troop. It is suggested that sub-stations located near military reservations which would be most likely to receive this information from the military be supplied with these forms. Additional supplies may be mimeographed as needed.
2. It will be noted that the subject 'bivouac' is included. Again our experience with the military reveals they were either making their own bivouac arrangements or were relying upon the state police to make such arrangements. Some unpleasant experiences developed as a result of lack of knowledge of the bivouac plans of a convoy. We have been advised by the Adjutant General's Office, Washington, D.C., that arrangements for camp sites and financial settlement therefore are responsibilities of the officer in command of the convoy. Under certain conditions, however, a military unit may have to move with little advance notice, lack of preparation, no knowledge of conditions ahead and their only course is to contact the state police for information regarding possible bivouac locations. In rare instances the state police may be asked to make contact for the military with the owner or agent of the property. It is the policy of this Division to advise the agent or owner of the property to be used as a bivouac area by the military, where contact is made for the military by the state police, that the state police will in no manner whatsoever be responsible for acts or damages of or by members of the military. The owner or agent should be advised to contact the convoy commander immediately they arrive.
3. The military authorities recommend to their members the following type location as a camp site: National Guard Armories, C.C.C. Camps, Fair Grounds, schools. Such camp sites should be near the main route so that the march may be resumed with ease and there should be sufficient parking area on firm ground. Considerations should be given to fuel, water, drainage, latrines, bathing facilities and shelter for personnel. The size of the camp area should be figured on the basis of 10 sq uare yards per man and 150 square yards per vehicle.
4. This expression of policy should be bulletined to all members of your command.

By Order of
JOHN A. WARNER
Superintendent

J. A. GLENNY

[Signature]
Captain, Commanding
Troop "K"

JAG/rh

Note: This is a new page.

The following letter dated February 5th, 1942 from the Superintendent is self-explanatory and the procedure outlined will be followed by all members of this Command.

Subject: War Traffic Control.

1. The expeditious movement of trucks transporting vital war materials and of vehicles transporting workers to factories and plants engaged in the manufacture of war materials is an essential factor in the war production program.
2. Often delays are encountered by these trucks and workers which may be reduced or eliminated by the cooperation of police officials.
3. The Interstate Commerce Commission has requested our cooperation in reducing delays to trucks transporting war materials. In the event any of our Troopers, when checking trucks, learn that war materials are being transported it is essential that the delay for purposes of checking be kept to a minimum.
4. Where congestion or heavy traffic is known to exist because of workers traveling to factories and plants manufacturing war materials such locations may be the object of our attention by having Troopers in the vicinity during the hours when such congestion and heavy traffic exists.
5. Such procedure may reduce the congestion, facilitate the movement of traffic, reduce or prevent accidents and the presence of the Troopers will act as a deterrent.
6. Highway traffic accidents have been steadily increasing and the rate of violations parallels the increase in accidents. It therefore follows that violations of the Vehicle and Traffic Law may also be increasing.
7. Attention to these problems by our Troopers will result in more adequate traffic control without detracting to any great extent from our desire to conserve.

J. A. GATTNEY
J. A. Gattney
Captain, Commanding
Troop "K"

JAG/ih

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January 10, 1942

SPECIAL ORDERS

Accident Reports - Leaving the Scene of an Accident.

The following letter from the Superintendent, N.Y.S.T., dated January 7, 1942 is self-explanatory and the instructions contained therein will be followed by every member of this Command. The special report mentioned will be submitted to Hawthorne in duplicate, attached to the accident report.

"Subject: Reports.

1. The accident report alone is generally inadequate for presenting all the details of an investigation of Leaving the Scene of an Accident. Some of the facts and data which may be of later use are not usually included in such report. Neither does the accident report reveal the steps taken when the wanted car and driver are apprehended.
2. For the purpose of recording pertinent facts and data and as a means of revealing the methods and results of an investigation of leaving the scene of an accident, a special report is to be submitted with each accident report of an investigation of leaving the scene of an accident. Such special report will contain a description of the wanted vehicle and driver, when available, the facts of the crime, the steps taken in an effort to apprehend the wanted vehicle and driver, the evidence obtained, disposition of the evidence, names and addresses of witnesses, measurements, and when the wanted vehicle or driver has been apprehended, an outline of the methods used or manner in which the apprehension was accomplished and the disposition of the case against the driver. A copy of this special report is to be forwarded to the Traffic Coordinator at Albany Headquarters.
3. The Troop Traffic Supervisor is to maintain records of persons and vehicles wanted for leaving the scene of an accident. He is to review all teletype alarms regarding persons and vehicles wanted for leaving the scene of an accident, giving particular attention to those such alarms originating within his troop area. Every effort is to be extended to the apprehension of the so-called hit-and-run driver.
4. Particular care must be given the cancellation of teletype alarms for hit-and-run drivers, especially when the alarm contains a license number.
5. These instructions are effective this date.

John A. Warner
Superintendent"

J. A. Gaffney

Captain, Commanding
Troop "K"

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The following letter dated May 8, 1942 from the Superintendent is self explanatory and the procedure outlined will be followed by all members of this Command.

Subject: ARRAIGNMENT OF DEFENDANTS.

1. We call your attention to section 56 of the Code of Criminal Procedure which authorizes courts of special sessions to hear, try and determine charges of misdemeanors committed within their respective counties.

2. In a recent case before the Court of Claims, an award was made to a claimant based upon the fact that troopers, after having arrested him for a misdemeanor arraigned him before a magistrate in a county other than the county wherein the misdemeanor was committed. The case was subsequently dismissed by the court for lack of jurisdiction and the claimant successfully prosecuted a claim for damages before the Court of Claims.

3. The arraignment was an invasion of the defendant's civil rights. It is a practice which is not authorized by law and is good grounds for the prosecution of a claim.

4. Under no circumstances will any member of the Division of State Police attempt such practices. When a crime is committed within the boundaries of a county, the defendant must be arraigned before a magistrate of that county and, in the case of a misdemeanor, before a magistrate within the town where the misdemeanor was committed unless there be no magistrate within that town capable of acting, whereupon the defendant shall be arraigned before some other magistrate of that same county.

5. The only exemption to this procedure is found in section 953 of the Conservation Law. A defendant violating that law may be brought before a justice of the peace in the town where the offense was committed or in any adjoining town. It does not, however, permit prosecutions to be brought in any county other than the county where the violation occurred.

6. This information will be immediately bulletined to all members of your command.

J. A. GAFFNEY

Captain-Commanding
Troop "K"

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Section 1.

Page 55
February 25, 1943.

SPECIAL ORDERS

The following letter dated February 23, 1943 from the Superintendent, is self-explanatory and the procedure outlined will be followed by every member of this Command.

SUBJECT: Subpoena Fees.

1. This order revises and brings up to date instructions concerning the receipt of subpoena fees by members of the Division of State Police.
2. Section 616 of the Code of Criminal Procedure forbids any officers of any state department who attends as a witness in a criminal action from receiving any subpoena fees from the treasurer of any county of this state.
3. In view of that provision of the Code of Criminal Procedure no member of the Division of State Police shall demand, accept or receive any subpoena fees for his attendance as a witness in any criminal case or before a grand jury in connection with any criminal matter. The usual traveling expenses will be allowed on a travel voucher for attendance in response to a criminal subpoena in the same manner as for any other official police duty.
4. Members of this division may accept subpoena fees when they are attending as a witness in a civil action or when they are attending before a Federal court or a Federal grand jury. However, they may not charge any expenses on their state travel voucher in answer to such subpoenas as the amounts they receive should be sufficient to meet their expenses in each case.
5. As in the past, any member of this division who receives any subpoena of any nature whatsoever must forthwith notify his barracks to the effect that he has received it indicating the case, the time and date for his appearance. It shall be the responsibility of each barracks to see that passes or vacations are not granted prior to appearance in answer to such subpoena so that unnecessary travel expenses will not be incurred.
6. If it should so happen that a member of this division is on vacation or on pass when a subpoena is issued for his appearance during the tenure of his vacation or pass, he will be allowed his actual travel expenses incurred thereby in returning to duty.
7. Copy of these instructions will be furnished to each member of your command.

J. A. GAFFNEY

Captain, Commanding
Troop "K"

JAG/ih