

DPS/CRB Policy Revisions and Recommendations

DPS proposed SOP 2009-05 Section V. PROCEDURES: Arrests:
Procedures: When a Physical/Custodial Arrests will NOT be made.

Academic Classes or Settings: DPS Officers will not make a physical arrest on any person, to include any student, faculty or staff in an academic classroom or other setting when instruction is currently ongoing. This will not apply in the following circumstances:

- a. There is probable cause to believe that the suspect committed a violent felony offense.
- b. When in "hot pursuit" of a suspect that has committed any felony or misdemeanor offense.
- c. The suspect is believed to be armed with a weapon.
- d. The suspect has made threats of violence towards himself or others.

Note: When possible or feasible and without jeopardizing any persons safety the DPS Officer will facilitate communications with the professor or instructor to coordinate the removal of a student from an academic classroom setting.

CRB recommendations:

This policy is designed to provide DPS guidance for arrests made in academic classrooms and settings.

Physical arrests in the academic setting can significantly disrupt the academic community. Any arrests in an academic classroom or setting when instruction is currently ongoing will thus be made in a manner that minimally impacts the learning environment whenever possible. The physical arrest of any person in the academic classroom or setting—to include any student, faculty, or staff member—will be guided by the following:

1. With the exception of significant threat and imminent danger, all arrests in the academic setting will be coordinated by a DPS Supervisor. The DPS supervisor is expected to examine the severity of the offense and ensure that other options have been exhausted or are not viable prior to making an arrest while instruction is ongoing. If an arrest is warranted, the DPS supervisor will in turn communicate with the professor and/or Student Services prior to the arrest of the student. In the case of an arrest of staff or faculty, DPS will coordinate with the individual's direct supervisor as well as notify the dean.
2. Barring an imminent danger, DPS response to threats of self-harm will be coordinated with Counseling Services.

3. The above requirements will not apply to crimes in progress or imminent danger to the health and safety of the college community.

DPS proposed SOP 2022-XX Exculpatory Evidence

The CRB has no additional recommendations to this policy

REFERENCES:

- New York State Criminal Procedure Law
- Brady v. Maryland, 373 U.S. 83 (1963)
- Giglio v. United States, 405 U.S. 150 (1972)
- Guide to New York Evidence

- I) **APPLICABILITY:** This Standard Operating Procedure is applicable to all Syracuse University Department of Public Safety (DPS) employees.
- II) **PURPOSE:** The purpose of this policy is to ensure the compliance of Syracuse University Department of Public Safety employees with their obligation to disclose Potential Exculpatory and Impeachment Evidence in criminal cases. This obligation is established in the United States Constitution and is recognized through court decisions, including Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972).
- III) **POLICY:** It is the policy of the Syracuse University Department of Public Safety to identify and provide to the prosecution any potential exculpatory and impeachment evidence as soon as possible following the initiation of a criminal investigation in state or federal court.
- IV) **DEFINITIONS:**
 - A) **Potential Exculpatory Evidence.** Evidence that tends to excuse, justify, or absolve the alleged fault or guilt of a defendant. Also, evidence that is favorable to the defendant. Examples of Potential Exculpatory Evidence include, but are not limited to:
 - 1) Proof of an alibi;
 - 2) Eyewitness statement;
 - 3) Audio/Video footage;
 - 4) Physical evidence that reveals doubt in the defendant's guilt;
 - 5) Inconsistent statements or testimony;
 - 6) Information regarding the defendant's intellectual or behavioral health;
 - 7) Defendant's minor role in the offense as compared to the roles of co-defendants;
 - 8) Failure of witness to identify defendant as the suspect in the crime.
 - B) **Potential Impeachment Evidence.** Evidence or information that is material to the defense and favorable to the defendant. The

information may cast doubt on the credibility of a potential witness for the government. The witness could be a police officer, eyewitness, or an informant. The impeachment process may include but is not strictly limited to:

- 1) A witness's conduct;
- 2) A witness's credibility, character for truthfulness;
- 3) Evidence in the form of opinion or reputation as to a witness's character for truthfulness;
- 4) Information that may be used to suggest that a witness is biased;
- 5) Criminal record/Criminal case pending of a witness;
- 6) Offer of immunity, reduced charges, reduced sentence or non-prosecution for a witness;
- 7) Any other benefits provided by the government for a witness.

V) PROCEDURES:

- A) In any criminal case in which a Syracuse University Department of Public Safety employee is involved as a first responding officer, investigator, or an anticipated witness for the prosecution, they shall provide all Potential Exculpatory Evidence known to the employee.
- B) In any criminal case in which a Syracuse University Department of Public Safety employee is involved as a first responding officer, investigator, or an anticipated witness for the government, they shall provide all known Potential Impeachment Evidence regarding any anticipated witness for the prosecution.
- C) If this discovery occurs during the initial investigation, the employee shall document the discovery along with any other relevant information in a CNYLeads investigation report.
- D) If the discovery occurs during any subsequent follow-up investigation, the employee shall notify the employee's immediate supervisor. The employee shall document the discovery along with any other relevant information in a CNYLeads investigation report.
- E) If the discovery occurs after the case is accepted by the prosecution (Onondaga County District Attorney, Onondaga County Attorney, United States Federal Prosecutor) the employee shall notify the employee's immediate supervisor immediately after discovery. The employee will complete a follow up investigation documenting the discovery along with any other relevant information in a CNYLeads supplemental investigation report.
 - 1) The DPS employee shall prepare a memorandum to their immediate supervisor explaining the circumstances surrounding the discovery of the evidence and why the information was revealed after the conclusion of the investigation.
- F) The immediate supervisor shall immediately notify the Duty Chief and the Investigations Lieutenant. The Duty Chief shall notify the Deputy Chief. The Deputy Chief will notify the Associate Vice President and

Chief of Campus Safety and Emergency Management Services, as well as the appropriate prosecutors office.

G) Depending on the circumstances, an internal investigation into the late discovery may be initiated.

H) Syracuse University Department of Public Safety personnel shall cooperate with the appropriate prosecutors office to ensure full transparency regarding the investigation and the discovery of potential exculpatory or impeachment evidence.