

NIAGARA FALLS POLICE DEPARTMENT

General Order

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I. Purpose:

- A. The purpose of this policy will be to prescribe a course of action for responding to domestic incidents that shall be fully adopted and implemented by this department.

II. Policy:

- A. It shall be the policy of this Department to respond to every domestic incident as a serious call for service. Department members shall consistently seek to enhance the safety of victims and their children through a combination of law enforcement and referral to domestic violence service providers. The Department will further promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic violence calls for service.
- B. It is the policy of this department that members will:
 - 1. Respond to every domestic incident as a serious call for service.
 - 2. Enhance the safety of victims and their children through a combination of law enforcement and referral to domestic violence service providers.
 - 3. Promote officer safety by ensuring that officers are fully prepared to respond to, and effectively deal with, domestic violence calls.
 - 4. Follow this policy regardless of the perceived nature of the relationship between the alleged victim and perpetrator.
 - 5. Not utilize dispute mediation and/or reconciliation as methods of resolving domestic disputes whenever criminal prosecution is possible.

III. Definitions:

- A. Concurrent Jurisdiction: Where two 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 16 years of age or older.
- B. Domestic Incident: Means any dispute, act of violence, or report of an offense between individuals within a family or household where police intervention is requested. A domestic incident is not necessarily a violation of law.
- C. Domestic Incident Report: 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.
- D. Domestic Violence: For the purposes of this policy, the term "domestic violence" shall include all designated family offenses as defined in CPL § 530.11 (1) and FCA § 812 (1) (See Appendix "A").
 - 1. Additionally, for purposes of this policy, the term "domestic violence" shall also include the following acts or offenses between members of the same family or household, as defined in section B of this policy:
 - a. Acts that violate the terms of a valid order of protection issued by the Family, Criminal, or Supreme Courts of New York State, or any valid order of protection or restraining order issued by a court in any other state, commonwealth, territory, or possession of the United States, or by any tribal governments located within the United States; or
 - b. Coercion 1st degree (P.L. § 135.65), Coercion 2nd degree (P.L. 135.60), Tampering with a witness (P.L. § 215.10, 11, 12, 13), Intimidating a witness (P.L. § 215.15, 16, or 17), Endangering the welfare of a child (P.L. § 260.10), Endangering the welfare of an incompetent or physically disabled person (P.L. § 260.25), and/or Endangering the welfare of a vulnerable elderly person (P.L. § 260.32, 34); or
 - c. Any conduct specifically intended to prevent or delay a person from communicating a request for emergency assistance by intentionally disabling or removing communication equipment, such as a telephone or teletypewriter service (TTY) (P.L. §145(4)).

- E. Duty Weapon: For the purpose of this policy, a duty weapon is defined as those weapons owned by the agency or by the officer and approved by the agency for use by the officer on duty or off duty in the performance of the officer's duties.
- F. Intimate relationship: People 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 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 individuals in business or social contexts shall be deemed to constitute an "intimate relationship."

Note: As of July 2008 with the passage of (CPL) §530.11 (1) amendment police shall apply mandatory arrest provisions of CPL sections 140.10 (4) and 140.10 (5) to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

- G. Members of the same family or household: Defined as such by the Family Court Act and the Criminal Procedure Law in that they:
 1. Are related by consanguinity or affinity.
 2. Consanguinity - related by blood.
 3. Affinity - familial relation resulting from a marriage.
 4. Are legally married to one another.
 5. Were formerly married to one another regardless of whether they still reside in the same household.
 6. Have a child in common regardless of whether such persons have been married or have lived together at any time.
 7. Are not related by consanguinity or affinity but who are or have been in an "intimate relationship" regardless of whether such persons have lived together at any time.
- H. Officer: State, Local, Federal and Tribal law enforcement officers.
- I. Order of Protection: A civil or criminal order that provides protections to a person from another person that they are married to, separated from, divorced

from, have a child in common with, are/were in an intimate/dating relationship with (including same sex and teen couples) or are related to by blood or marriage.

1. An Order of Protection may only be issued by a court, and can likewise only be modified or terminated by that same court or a court of competent jurisdiction, and shall be considered valid under the following conditions:

- a. Any order of protection, including an order on consent, from the Family, Criminal, or Supreme Courts of New York State, and/or
- b. 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:
- c. Any state, county, or local court of other states;
- d. Any Indian tribal court located within the United States;
- e. Any court within the District of Columbia; and
- f. Any court of a commonwealth, territory, or possession or the United States (American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands).

J. Registry: Statewide computerized database of Orders of Protection.

K. Victim's Rights Notice: As used in this policy shall mean the notice or form described in Criminal Procedure Law section 530.11 (6).

IV. Communications Procedures

- A. Call Priority: All domestic incident calls shall be handled as high priority.
- B. Staff assigned to communications functions will, where practicable, dispatch at least two responding officers to domestic incidents.
- C. Dispatchers shall not cancel the law enforcement response to a domestic.
- D. A domestic incident call shall not be reclassified or recoded without a supervisor's review.

V. Responding Officer Procedures:

- A. A domestic incident call signifies that violence or abuse has potentially occurred and that people are in need of law enforcement assistance.

- 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. As always, officers should wait for backup to arrive, when appropriate, and should always put officer safety first in order to be most helpful to the victim(s) and be most able to hold any offenders accountable by taking control of the scene.
- C. The 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. Assess the need for medical attention and request that any required assistance be dispatched.
 - 5. Interview all available witnesses, separately including victim, suspect and children.
 - 6. If the victim, children 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 (i.e. Language Line) for assistance in obtaining a translator/interpreters as soon as possible.
 - a. Never use the children to translate or interpret. It can compromise the children's safety and expose them to a detail of the abuse that are inappropriate and is not an accurate way to obtain information. Terminology and language may be too advanced for young children.
 - b. Officers should also discourage the use of witnesses as translators 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 action should be taken. 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. If you have not already, provide the victim with the phone number of the local domestic violence service provider and offer to facilitate that communication by whatever means the NFPD has available (a phone call, an advocate arriving on scene, etc).

8. Provide the victim with the NYS Domestic and Sexual Violence Hotline: English: 1-800-942-6906 (TTY: 1-800-818-0656). Spanish: 1-800-942-6908 (TTY: 1-800-780-7660).
9. Highlight and provide the victim with a copy of the Victim Rights Notice and if necessary or requested, read the Victim Rights Notice to the victim.
10. Collect and record all potential evidence, including excited utterances and spontaneous admissions by all parties and witnesses. Make every effort to locate all potential witnesses, take photographs of injuries and/or property damage or, in accordance with department policies, request the response of appropriate crime scene investigators.
11. Complete the NYS Domestic Incident Report Form and any other reports necessary to fully document the officer's response, whether or not an offense was committed or an arrest is made. Provide the victim with the victim's copy of the NYS Domestic Incident Report/Victim Rights Notice Form immediately upon its completion at the scene.
12. If the officer has reasonable cause to believe a crime has been committed, the officer will attempt to locate and arrest a suspect who has left the scene without delay by:
 - a. Conducting a search of the immediate area; and
 - b. Obtaining information from the victim and witnesses that will aid in apprehending the suspect; and
 - c. Continuing the investigation as necessary, or referring the matter to the proper unit for follow-up investigation and arrest or warrant application. If the search for the offender is unsuccessful and the victim has elected to remain at the scene, advise the victim to call the department if the offender returns. Prior to leaving the scene, officers should attempt to obtain a signed information, complaint, or deposition from the victim.
13. 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.

D. Responding officers at the scene of a domestic incident shall provide the following assistance to victims and, where appropriate, the children or other family or household members:

1. Advise all parties present about the serious nature of domestic violence, its potential for escalation, and of legal and human services assistance available; and
2. Assess the immediate safety and welfare of the children; and
3. Remain at the scene until the immediate threat of violence appears to have passed and all appropriate safety precautions have been taken; and
4. Provide the victim with referral information regarding domestic violence shelters, services and a local hotline number; and
5. 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.

VI. Arrest Policy:

- A. Primary Physical Aggressor misdemeanor offenses must be determined when an officer has reasonable cause to believe that more than one family or household member has committed a family offense. In such circumstances, the officer is not required to arrest each person, instead, the officer shall attempt to identify and arrest the primary physical aggressor after considering:
 1. The comparative extent of any injuries inflicted by and between the parties.
 2. Whether any such person is threatening or has threatened future harm against another party or another family or household member.
 3. Whether such person has a prior history of domestic violence that the officer can reasonably ascertain.
 4. Whether any such person acted defensively to protect himself or herself or a third party from injury.
 5. When investigating this factor at the scene, the following sources of information may be available: agency records, NYSPIN Services, Registry of Orders of Protection, criminal history, prior DIR's, prior acts of violence against others, reports of other officer(s) responding to address for past incidents and statements of neighbors or others in the residence.

- B. All warrantless arrests shall be made in conformance with § 140.10 of the Criminal Procedure Law and applicable department policy and procedure.
- C. The victim shall not be required to make a civilian arrest when the officer is able to make a lawful warrantless arrest.
- D. Officers will file the accusatory instrument themselves if an offense occurred in their presence, or if there is reasonable cause to believe that the suspect committed a crime in or out of their presence.
- E. Officers will file an accusatory instrument and apply for a warrant themselves for all mandatory arrest crimes when the suspect is not at the scene or has not been arrested.
- F. Even if the victim actively intercedes and requests that no arrest be made, a lawful warrantless arrest based on reasonable cause shall be made in accordance with CPL §140.10. and documentation of the victim's requests should be made, with attention to the possibility that such an arrest could lead to subsequent increased violence.
- G. Victims have the right to go to family court.
 - 1. Family court is a civil court not a criminal court.
- H. Cross Complaints /Primary Physical Aggressor - every effort shall be made to determine the primary aggressor. The arrest of both parties will require supervisory approval.

VII. Family Offense Arrest Processing:

- A. Officers will provide victims of a Family Offense the information that:
 - 1. 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;
 - 2. A Family Court proceeding is a civil proceeding.
 - 3. A proceeding in the criminal courts is for the purpose of prosecuting the alleged offender and can result in a criminal conviction of the offender;
 - 4. A proceeding subject to the provisions of section 812 of the Family Court Act is initiated at the time of the filing of an accusatory instrument or family court petition, not at the time of arrest or request for arrest (when Family Court is not in session a criminal court may issue a Family Court order of protection); and

5. An arrest may precede the initiation of a Family Court or a criminal court proceeding, but an arrest is not a requirement for commencing either proceeding. The arrest of an alleged offender shall be made under circumstances described in §140.10 (4) of the Criminal Procedure Law.
- B. Inform victims that they are not required to be present at arraignment. If an order of protection is desired, the court should be advised of such request.
- C. Booking procedures, fingerprinting and photographing shall conform to current departmental procedures and section 160.10 of the Criminal Procedure Law.

VIII. Non-Family Offenses Arrest Processing:

- A. 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).
- B. Booking procedures, fingerprinting and photographing shall conform to current department procedures and section 160.10 of the Criminal Procedure Law.
- C. Although the violation of an order of protection is not a designated Family Offense, the Family Court has concurrent jurisdiction to enforce these orders when it issues them.

IX. Orders of Protection:

- A. 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, as pursuant to law (See Appendix "C").
- B. Enforcement: The following procedures shall be followed in the enforcement of an Order of Protection:
 1. The on-scene officer shall make an evaluation of the facts and circumstances surrounding the incident.
 2. A lawful warrantless arrest may be made based on reasonable cause even though the protected person may be unable to present a valid copy of the order. In such case, the officer shall attempt to verify the existence and terms of the order through department records or NYSPIN Services.
 3. Where an officer receives a complaint from a protected person or has an independent basis to believe that an order of protection has been

violated, and has reasonable cause to believe that the terms of such order 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. A copy of the Order of Protection shall be attached to the court accusatory instrument.

- a. Stalking charges should always be considered when Orders of Protection are violated.
4. If an arrest is made for violating an Order of Protection and the protected person does not verify (sign) the accusatory instrument, the officer should attempt to obtain a deposition and/or prepare his or her own accusatory instrument which shall include a statement that the terms of the order were violated and a description of the behavior constituting the alleged offense.
5. In instances where 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. When an officer is presented with an Order of Protection issued in a state other than New York State or by a Tribal Court, the officer shall determine its validity, similar to assessment of a New York State Order. Unless clearly invalid, an out-of-state order will be presumed to be valid, and shall be enforced according to the conditions set forth in that order, by the criminal court with jurisdiction over the acts constituting the immediate offense.

X. Firearms:

- A. Upon arresting an individual who is licensed to carry, possess, repair, or dispose of firearms, pursuant to Article 400 of the Penal Law, the arresting officer should, whenever practicable, notify the arraignment court that the alleged offender is so licensed and also advise the court of the licensing authority and county of issuance.
- B. The arresting officer shall 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. The arresting officer shall provide the offender's name to any/all local agency/agencies issuing firearm permits, with notification of the arrest and firearms confiscation.
- D. This notification will also be made on the accusatory instrument when the following conditions are met:
 - 1. The arrest is for a willful failure to obey an Order of Protection issued under Article 8 of the FCA that involves violent behavior constituting the crime of Menacing, Reckless Endangerment, Assault or Attempted Assault.
 - 2. The arrest is a willful failure to obey a lawful Order of Protection issued under Article 8 of the FCA or Section 530.12 of the Criminal Procedure Law where such willful failure involves the infliction of serious physical injury or the use or threatened use of a deadly weapon or dangerous instrument.

XI. Appearance Tickets and Bail:

- A. Following an on-scene arrest for a crime arising from a domestic incident, an appearance ticket shall not be issued. Instead, and where possible, the officer shall remove the alleged offender from the scene and complete pre-arraignment booking procedures in accordance with department policy and §160.10 of the Criminal Procedure Law.
- B. Any deviation from this procedure must be approved by the shift supervisor, and the reasons for such deviation must be documented in the case file.
- C. Officers shall not assure victims that an arrested individual will remain in custody for any period of time because of the provisions of this policy. Such assurances to the victim might influence decisions regarding safety precautions that the victim may take.

XII. Additional Functions:

- A. The department will maintain a current listing of agencies that provide aid to victims of domestic violence. Officers shall refer victims to these agencies when appropriate.
- B. Where victims of domestic violence are incapacitated by physical, mental or emotional impairments, and/or language barriers, officers will consult with the county adult protective services and assist, where appropriate, in supportive interventions.
- C. Officers and communications personnel should be trained on an ongoing basis with regard to this policy, domestic violence, the applicable statutes

concerning domestic violence, and the roles, responsibilities, and limitations of law enforcement in responding to and intervening in domestic violence cases.

- D. The department shall designate specific personnel to periodically review the adequacy of this policy, assess and enforce compliance with its provisions by department personnel, and make recommendations to the head of the department regarding any revisions deemed necessary to improve or enhance the implementation of this policy, including but not limited to changes in legislation and departmental practice that will impact the department's ability to fully comply with this policy.

XIII. Officer-involved Incidents

- A. Refer to General Order 315.10 domestic Violence Policy; Officer Involvement.

APPENDIX A

The following offenses are designated as a family offense by Criminal Procedure Law §530.11 (1) and family Court Act §812(1) :

Aggravated harassment 2nd degree;

Assault 2nd and 3rd degree;

Attempted Assault (any degree);

Criminal Obstruction of Breathing or Blood Circulation;

Criminal Mischief (any degree);

(Note: This includes damage to property of another in which a person has some type of joint ownership (e.g., marital property). Intentional damaging such property is subject to a criminal offense when the person has no right to do so, nor any reasonable ground to believe that he or she has such right.)

Disorderly Conduct - To charge a person in Family court this need not be committed in a public place;

Forcible Touching;

Harassment 1st and 2nd degree;

Menacing 2nd and 3rd degree;

Reckless Endangerment (any degree);

Sexual Abuse 3rd degree;

Sexual Abuse 2nd degree subdivision (1);

Sexual Misconduct;

Stalking 1st, 2nd, 3rd and 4th degree; and

Strangulation 1st and 2nd degree.

(Note: Persons less than 16 years of age who commit acts that would otherwise be family offenses may only be prosecuted in Family Court.)

APPENDIX B

Sections of Crimes and Criminal Procedure - 18 USC Title 18 Relevant to XIV I (1) Duty Weapons:

§ 922. Unlawful acts

It shall be unlawful for any person who is subject to a court order that was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

- (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
- (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

Who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

§ 925. Exceptions: Relief from disabilities

(a)(1) The provisions of this chapter, except for sections 922(d)(9) and 922(g)(9) and provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

APPENDIX C

Family Court Act § 153-b and Executive Law §221-a

Parts relevant to orders of protection and updating the computerized database of orders.

Family Court Act - Part 5 - General Powers

§ 153-b. Service of process request for order of protection. Whenever a petitioner requests an order of protection or temporary order of protection or files for an extension of such order or a petition or motion for modification or a violation of such an order under any article of this act:

the summons and the petition and, if one has been issued, the temporary order of protection, order of protection issued upon a default, or a copy or copies thereof, may be served on any day of the week, and at any hour of the day or night;

a peace officer, acting pursuant to his or her special duties, or a police officer shall, upon receipt, serve or provide for the service of the summons and the petition together with any associated papers and, if one has been issued, the temporary order of protection, or order of protection issued upon a default and shall not charge a fee for such service, including, but not limited to, fees as provided under section eight thousand eleven of the civil practice law and rules;

if a temporary order of protection has been issued, or an order of protection has been issued upon a default, unless the party requesting the order states on the record that she or he will arrange for other means for service or deliver the order to a peace or police officer directly for service, the court shall immediately deliver a copy of the temporary order of protection or order of protection together with any associated papers that may be served simultaneously including the summons and petition, to a peace officer, acting pursuant to his or her special duties and designated by the court, or to a police officer as defined in paragraph (b) or (d) of subdivision thirty-four of section 1.20 of the criminal procedure law, or to any other county or municipal officer who may be directed to effect service under section two hundred fifty-five of this act, or, in the city of New York, to a designated representative of the police department of the city of New York. Any peace or police officer or designated person receiving a temporary order of protection or an order of protection as provided in this section shall serve or provide for the service thereof together with any associated papers that may be served simultaneously, at any address designated therewith, including the summons and petition if not previously served.

Service of such temporary order of protection, or order of protection, and associated papers, shall insofar as practicable, be achieved promptly. An officer or designated person obliged to perform service pursuant to this section, and his or her employer, shall not be liable for damages resulting from the failure to achieve service where, having made a reasonable effort, such officer is unable to locate and serve the temporary order of protection or order of protection at any address provided by the party requesting the order;

where the temporary order of protection or order of protection and papers, if any, have been served, such officer or designated person shall provide the court with an affirmation, certificate or affidavit of service when the temporary order of protection or order of protection has been served, and shall provide notification of the date and time of such service to the statewide computer registry established pursuant to section two hundred twenty-one-a of the executive law.

A statement subscribed by the officer or designated person, and affirmed by him or her to be true under the penalties of perjury, stating the papers served, the date, time, address or in the event there is no address, place, and manner of service, the name and a brief physical description of the party served, shall be proof of the service of the summons, petition and temporary order of protection or order of protection;

(e)* Notwithstanding any other provision of law, all orders of protection and temporary orders of protection issued pursuant to this act along with any associated papers that may be served simultaneously may, for the purposes of section one hundred sixty-eight of this article, be transmitted by facsimile transmission or electronic means and may be transmitted by facsimile transmission or electronic means for expedited service in accordance with the provisions of this section. For purposes of this section, "facsimile transmission" and "electronic means" shall be as defined in subdivision (f) of rule twenty- one hundred three of the civil practice law and rules.

(e)* where an officer or designated person obliged to perform service pursuant to this section is unable to complete service of the temporary order of protection or order of protection such officer or designated person shall provide the court with proof of attempted service of the temporary order of protection or order of protection with information regarding the dates, times, locations and manner of attempted service. An affirmation, certificate or affidavit of service with a statement subscribed by the officer or designated person, and affirmed by him or her to be true under the penalties of perjury, stating the name of the party and the papers attempted to be served on said person, and for each attempted service, the date, time, address or in the event there is no address, place, and manner of attempted service, shall be proof of attempted service.

* There are 2 subdivision (e)'s in the statute as passed by the legislature.

Executive Law - Article 11 - Division of State Police

§ 221-a. Computer system to carry information of orders of protection and warrants of arrest.

Whenever any court issues an order of protection or special order of conditions, the sheriffs office or appropriate municipal police department in the county in which the complainant or petitioner resides, or if he or she resides within a city, the police department of such city, which receives a copy of the order of protection or special order of conditions from the clerk of the court or otherwise pursuant to law, shall promptly transmit such information on the order of protection or special order of conditions as required by rule and regulation over the law enforcement communication system, including but not limited to: the names of the parties to the proceeding giving rise to such order, the date such order becomes effective, the date such order was served or whether the defendant or respondent had actual knowledge of such order because he or she was present in court when such order was issued, the date such order is to expire, and the terms and conditions of such order. When any peace officer, acting pursuant to his or her special duties, or police officer receives a warrant issued by family court, supreme court or by a criminal court pertaining to an order of protection or special order of conditions, as described in subdivision one of this section, the officer shall cause specific information on the warrant as required by rule and regulation to be promptly dispatched over the law enforcement communication system. For purposes of this subdivision, municipal shall have the same meaning as municipality, as defined in subdivision six of section eight hundred thirty-five of this chapter. Notwithstanding the provisions of article fifty-four of the civil practice law and rules, a person entitled to protection under an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, may file such order without fee with the clerk of a court in this state having jurisdiction over family, criminal or matrimonial proceedings; such order shall be accompanied by a sworn affidavit that upon information and belief such order is in effect as written and has not been vacated or modified. Upon such filing, information regarding such order shall be transmitted to the statewide computerized registry in accordance with this section, provided, however, that such filing and registry entry shall not be required for enforcement of such order.

Courts and law enforcement officials, including probation officers, shall have the ability to disclose and share information with respect to such orders and warrants consistent with the purposes of this section, subject to applicable provisions of the family court act, domestic relations law and criminal procedure law concerning the confidentiality, sealing and expungement of records.