

## **Eligibility and Inclusion Guidelines State of New York Police Officers Memorial**

Chapter 347 of the Laws of 1989 authorizes the construction of a Memorial of a design honoring and properly reflecting the duty, dignity and devotion of the police officers of New York State who are slain in the line of duty.

Chapter 526 of the Laws of 2007 authorizes, in the discretion of the police officers memorial advisory committee and under the direction of the division of criminal justice services, the addition to the police officers memorial the names, departments and dates of deaths of federal law enforcement officers who are slain in the line of duty in New York State.

### **I. APPLICATION**

#### **A. Procedure**

1. An application may be submitted under either of the following two categories:
  - a. 2008 and thereafter - police officer or federal law enforcement officer who was slain in the line of duty during the preceding calendar year; or
  - b. Historical - police officer or federal law enforcement officer who was slain in the line of duty prior to the preceding calendar year, and whose application has not been previously submitted, reviewed and a determination completed.
2. Applications of individuals to be included on the Memorial will be accepted from any source as long as the application satisfies the minimum criteria specified below and supplies sufficient documentation to allow verification of such information.
3. Applications will be maintained by the Division of Criminal Justice Services (Division). Applications will be filed by the calendar year in which they are received. Applications to be submitted or which have been received by another agency must be forwarded for review and determination to the following address:

NYS Division of Criminal Justice Services  
4 Tower Place  
Albany, NY 12203  
ATTN: Commissioner

4. Applications received by the first day of February immediately following the calendar year under consideration will, pending verification, be reviewed by the Police Officers Memorial Advisory Committee (Committee).

**B. Forms and Documentation**

1. Applications submitted in the year 2008 and thereafter must be on DCJS Form 304 (02/2008), and include all available supporting documentation. These applications must be signed by the appropriate executive officer of the department which had employed such officer. The Division may verify accuracy of the applications through the Division's Statistical Services Unit and the FBI's Uniform Crime Reporting Division.
2. Historical applications must be submitted on DCJS Form 304 (02/2008), and include all available supporting documentation. Applications for historical consideration must be signed by the appropriate executive officer of the department which had employed such officer. Historical applications may also be researched and verified, to the extent possible, through any available sources (e.g., police department records, State resources, newspaper accounts, etc.).

**II. CRITERIA**

- A.** Applications will be reviewed and evaluated in accordance with the following criteria:
1. The nominated individual must have held the position of a police officer as defined in §1.20(34) of the New York State Criminal Procedure Law, or have held the position of federal law enforcement officer and performed the same or essentially similar duties as those performed by a police officer as defined in §1.20(34) of the New York State Criminal Procedure Law; and
  2. The nominated individual must have been "slain in the line of duty".
    - a. An officer's name shall be accepted for inclusion on the memorial wall if the Police Officers Memorial Advisory Committee is satisfied that the available evidence reasonably shows that the officer was slain in the line of duty.
    - b. An officer is "slain" if death occurred:
      - i. As a direct or proximate result of an offense perpetrated against the officer, whether or not the actor intended to cause the officer's death.
      - ii. As the direct or reasonably proximate result of the officer's response to an offense committed by another.

- iii. As the direct or reasonably proximate result of the officer's response to an emergency situation.
  - c. The term "slain" shall encompass, *inter alia*, an officer's death where the Police Officers Memorial Advisory Committee is satisfied that the available evidence, medical or otherwise, reasonably supports a conclusion that the death was the direct or reasonably proximate result of a cause described in (ii) above, irrespective of any lapse of time between the causal event and the officer's death.
  - d. The term "slain" shall not include
    - i. Death due solely to natural causes;
    - ii. Death attributable to voluntary abuse by the officer of alcohol or a controlled substance;
    - iii. Death caused by the intentional misconduct of the officer;
    - iv. Death by suicide;
    - v. Death due to criminal activity by the officer; or
    - vi. Death due to gross negligence of the officer.
  - e. An officer is "acting in the line of duty" when the officer takes action in the capacity of a police officer, whether on or off duty, when that action is required or authorized by law, rule, regulation, order or condition of employment, or when the officer's death is caused by a criminal act of another, perpetrated against the officer because of the officers' status as a police officer or federal law enforcement officer.
- B.** Historical submissions that pre-date the two above-referenced criteria will be reviewed and a preliminary determination made based upon the individual nominated satisfying these criteria or similar criteria in effect for that time period. All available documentation should be submitted with historical applications to facilitate the Committee's review. The Division may perform additional research, if necessary, to verify information in the application.

### **III. DETERMINATION**

#### **A. Preliminary Determination**

The Division is responsible for conducting a preliminary review of applications, verifying the submitted information, performing additional research, if necessary, making an initial determination concerning eligibility and presenting the results of this review to the Committee.

#### **B. Police Officers Memorial Advisory Committee Review**

After presentation of the initial review and recommendation concerning the

application, the Committee may either request additional information or supporting documentation or issue a final determination concerning eligibility for inclusion on the Memorial.

**C. Quorum**

A quorum of two-thirds of the membership of the Committee must be present to vote.

**D. Voting**

Voting shall be by voice or hand vote. All questions of eligibility shall be determined by a majority of the members entitled to vote. In the event of a tie vote, the Commissioner of the Division of Criminal Justice Services or his/her designee may cast the deciding vote.

**E. Meetings**

The Committee shall meet at least once a year, sufficiently in advance of that year's Police Week ceremonies, to permit the Committee to determine that year's inclusions and to allow the Office of General Services sufficient time to ensure that the engraving can be completed prior to Police Week. The Division, following each year's annual meeting, shall provide to the Office of General Services the name, agency, and the month and year of death for each officer to be included on the Memorial.