



POLICE SCIENCE

Arrest Processing



SUPPORTING DEPOSITIONS AND AFFIDAVITS

An important part of arrest processing is the preparation of an accusatory instrument with the Assistant District Attorney (ADA). Every arrest will result in either the preparation of an **Affidavit** through the **Early Case Assessment Bureau (ECAB)** or a **Supporting Deposition** through the **Expedited Arrest Processing**. An affidavit is an official accusatory instrument written up by the ADA containing facts of the case which the arresting officer will attest to by signing their signature under oath. A supporting deposition (CPL 100.20) is a written instrument subscribed and verified by a person, containing factual allegations based either upon personal knowledge or upon information and belief which tend to support the charges contained therein. Depending on the county in which the arrest was made, various preprinted supporting depositions created by the County District Attorney are used for low level offenses such as violations or misdemeanor arrests which does not require the preparation of an affidavit with the ADA through ECAB. When processing these types of offenses the arresting officer will prepare a preprinted supporting deposition and sign the form under oath. This will serve as the official accusatory instrument. At the bottom of each preprinted supporting deposition is a statement that reads "*False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law.*" It is imperative that the arresting officer take this statement seriously, failure to do so may result in prosecution as well as Departmental charges.

Some of the more common errors on which supporting depositions may cause delays in arrest processing include, but are not limited to:

- Failure to fill out all captions as applicable.
- Not being available when the ADA calls.
- Not writing legibly on arrest paperwork.
- Not putting arrest numbers on all paperwork as necessary.
- Not putting rank before name and shield.
- Failure to sign name and put correct date.
- Fail to put first and last name of defendant on each page.
- Failure to make arrest location and time on Omni system consistent with all other arrest paperwork.
- Not using proper supporting deposition sheets.
- Failure to mark N/A to questions that do not apply.
- Not checking all boxes that apply.
- Not putting defendant statements when applicable; make sure



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statements match on all paperwork.

- Cutting sentences short / improper abbreviation.
- Not sending Property Clerk Invoices when applicable.
- Not sending field test when applicable.
- Not entering ID procedure when show-up was performed.
- Not putting correct amount of quantities recovered.
- Not following up on your case.
- Drug cases – reason for stop (ex: defendant was observed with drugs in hand / crack pipe in hand / undercover observed drugs in defendant's hand and informed arresting officer.)
- If desk officer must re-assign arresting officer because of needs of the Department, it is imperative that the arresting officer must be able to be contacted by the ADA or complaint room supervisor.