

Police Science

Chapter 8

Summonses

Instructor Guide



Police Science

Chapter 8 – Summonses



Chapter 8 – Summonses SYNOPSIS

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Reviewed/Approved by: Unit Coordinator, Curriculum and Evaluation Unit

This chapter will provide the recruit officer with the knowledge to properly prepare and issue the various summonses distributed by the Department. Additionally, this chapter will provide the different tools available to help enforce the various laws, statutes, ordinances, and regulations that govern New York City and New York State.

Method of Instruction: Lecture / discussion / question and answer

Time Allocated: 6.0 Hours

Training Need: Entry-level police officer training

Terminal Learning Objective: At the completion of this chapter, recruit officers will understand the general rules regarding summonses issued by the Department. Recruit officers will also understand how to properly prepare and issue the various summonses that enforce the laws governing New York City and New York State.

Learning Outcomes:

1. Explain the general procedures, preparation, issuance, and conditions of service for various summonses issued by the Department.
2. List the types of summonses issued by the Department.
3. Identify the return dates for the various summonses issued by the Department.
4. Properly prepare a “parker,” “mover,” “criminal,” or “OATH,” summons.

Required Reading: NYPD Police Student’s Guide, NYPD Patrol Guide

Instructional Resources Required:

- PowerPoint projector
- Computer with monitor
- Classroom seating

Evaluation Strategies:

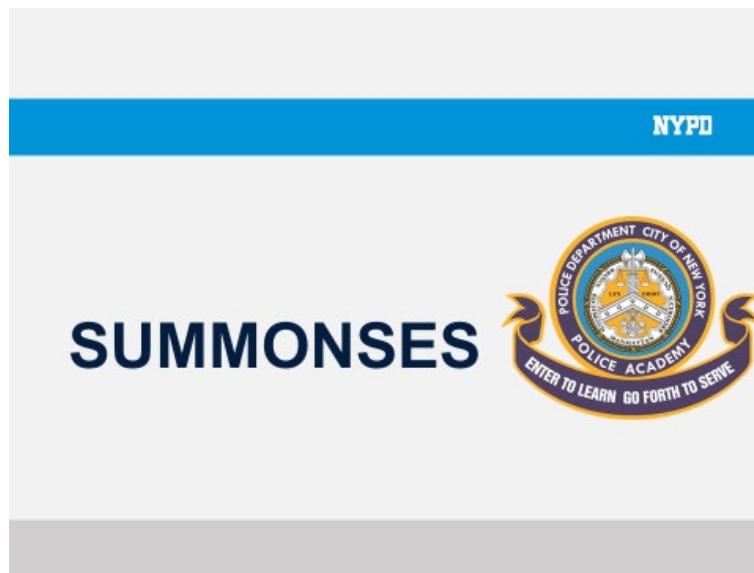
- Observation of the level and quality of classroom participation.
- Observation and evaluation of module learning outcomes as applied to classroom exercises, lesson’s quiz, and 100-question multiple choice exam.

References:

NYPD Police Student’s Guide, NYPD Patrol Guide



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Why is it Important for Police Officers to know the Material in this Chapter?

As you are already aware, policing is a profession of service, protection, and enforcement. While the majority of your time on patrol will involve service to the community like responding to aided cases, vehicle collisions, or the enhancement of the overall quality-of-life for all New York City residents, you will also be called upon to impartially enforce the laws governing New York City and New York State. When called upon to do so, there are different tools available for you to enforce the various laws, statutes, ordinances, and regulations that govern the city.

Article 140 of the New York State Criminal Procedural Law provides you the authority to arrest persons who have committed or are believed to have committed an offense. You have learned about this authority to arrest and arrest processing in the previous trimester. This chapter, however, focuses on the various enforcement tools available to you when an arrest may not be warranted; certain offenses permit you to issue a **summons** (or notice of violation) *in lieu of arrest*, returnable to the various courts or agencies charged with their adjudication. Depending on the charge, a violator may be ordered to appear before a judge or be required to pay a fine. In either case, the failure of a violator (or respondent) to appropriately answer a summons may result in higher fines or the issuance of a warrant of arrest by the appropriate court.

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Learning Outcomes

NYPD

1. Explain the general procedures, preparation, issuance, and conditions of service for various summonses issued by the Department.
2. List the types of summonses issued by the Department.
3. Identify the return dates for the various summonses issued by the Department.
4. Properly prepare a “parking,” “moving,” “criminal,” or “OATH,” summons.

Learning Outcomes:

1. Explain the general procedures, preparation, issuance, and conditions of service for various summonses issued by the Department.
2. List the types of summonses issued by the Department.
3. Identify the return dates for the various summonses issued by the Department.
4. Properly prepare “parker,” “mover,” “criminal”, or “OATH”, summons.

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Definition

NYPD

- Summons: a written accusatory instrument issued by a public servant, which charges a person with committing a specific offense.
- A summons will also instruct the violator when and where to appear in court.
- Issued in lieu of arrest.

Signing Out Summonses

NYPD

- Electronic Summons Tracking System (ESTS) used to maintain a record of all summons requisitioned, distributed, served and/or processed.
- All UMOS below the rank of captain assigned to enforcement duties must carry a sufficient amount of summonses

Learning Outcome #1
Explain the general procedures, preparation, issuance, and conditions of service for various summonses issued by the Department.

Explain the Conditions of Service for Various Summonses Issued by the NYC Police Department.

Summons Defined

A summons is an **accusatory instrument**, and as such, requires a police officer to affirm, or swear to, the indicated charge. Similar to a courtroom where you raise your hand and swear to tell the truth, when issuing a summons you will affirm the commission of the offense by signing your name, and *any false statements that are made intentionally in a courtroom or erroneously written on a summons by a member of this Department, are intolerable and inexcusable acts which will subject the officer to a criminal charge of perjury and subsequent termination of employment with the NYPD.* In this chapter, you will learn about parking, moving, and civil summonses. In the chapter titled *Transit Operations*, you will learn about Transit Adjudication Bureau Notices of Violation.

Signing out Summonses

The Department utilizes the Electronic Summons Tracking System (ESTS) to maintain a record of summonses requisitioned, distributed, served, and/or processed. The ESTS allows summonses to be electronically scanned into a centralized database (via bar code readers) at the command and borough levels for expeditious data retrieval and statistical analysis. All uniformed members of service below the rank of captain who are assigned to enforcement duties must carry a sufficient amount of summonses. Uniformed members of service not ordinarily required to carry summonses, or temporarily assigned to enforcement duty that may require serving a summons, will obtain a sufficient number of summonses from the command where

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Signing Out Summonses

NYPD

- UMOS will request summonses from Desk Officer
- Examine summonses to ensure the packet contains 20 or 25 summonses depending on the packet received
- After summonses have been served, sign and return each respective certificate and give, with appropriate copies, to clerical staff

temporarily assigned; unused summonses will be returned at the end of assignment.

When a uniformed member of service requires summonses, they will:

- Request the appropriate summonses and certification of service card from the desk officer. This card is the document that you will record the sequential summons number, date of issuance, name of the respondent/defendant or vehicle registration, and other information as required. The appropriate certification of service cards are as follows:
 - **Certification of Parking Summonses Served**
 - **Certification of Moving/Criminal Court Summonses Served**
(also used for civil summonses returnable to OATH)
- Examine summonses to ensure the packet contains twenty (20) or twenty-five (25) summonses. Parking, moving, and criminal court summonses each contain 20 summonses in a packet while civil summonses returnable to OATH contain 25 summonses in a packet.
- Ensure the summonses are consecutively numbered.
- Sign for summonses on **Summons Distribution Card**.

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Chapter 8 – Summonses



Impression Management	Issuing Summonses	Issuing Summonses
NYPD	NYPD	NYPD
<ul style="list-style-type: none">• In order to gain the utmost compliance when issuing a summons, police officers need to maintain a professional demeanor.• Professional presence is a component of impression management• An immaculate appearance, coupled with respectful deflective statements leads to a goal of voluntary compliance	<ul style="list-style-type: none">• Conditions of service:<ul style="list-style-type: none">• In general a violator should be 16 years of age or older• except if violator is unable to care for self due to illness, injury, intoxication• Issued in lieu of arrest• Signed under oath	<ul style="list-style-type: none">• Individuals who are 16 or 17 years of age may receive summonses for all violations, traffic infractions and Vehicle Traffic Law Misdemeanors• Attempt to notify parent/guardian of 16 and 17 year olds

Issuing Summonses

Issuing a summons can be a stressful experience based on the attitude of the civilian as well as the attitude, communication skills and appearance of the officer. In fact, the nature of the interaction depends *heavily* on the actions, attitude, and words of the officers involved. *Effective communication* and *impression management* are two useful tools that will aid in reducing the stress of the experience. *Effectively communicating* allows the officer to deflect negative responses and use key phrases to gain the utmost compliance. This is a component of impression management, which states that an immaculate appearance and proper body language, coupled with respectful deflective statements, can lead to the goal of **voluntary compliance**.

When preparing summonses, regardless of the type or agency to which they are returnable, certain rules apply, such as:

- In general, a violator should be 16 years of age or older.
 - Except a summons should not be issued if the violator is unable to care for oneself due to *illness, injury, intoxication*, or any other circumstance which would preclude the issuance of a summons/notice of violation.

Note: Individuals 16 or 17 years of age may receive summonses for all violations (unless Department policy dictates otherwise) traffic infractions and Vehicle Traffic Law Misdemeanors. However, when issuing a criminal court summons for a Penal Law violation to a 16 or 17-year-old, attempt to notify a parent or guardian, but do not detain the individual solely for the purpose of this notification.

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Issuing Summonses

NYPD

- Issued for Misdemeanors or Violations listed in:
 - NYC AC
 - NYC HC
 - NYC TR
 - NY Code of Regs. (Transit)
 - NYS VTL
 - NYS PL
 - Complete list provided in P.G. 209-01

Issuing Summonses

NYPD

- Issued for all PL violations, except:
 - Criminal solicitation
 - Failure to respond to an appearance ticket
 - Appearance in public under the influence of narcotics or a drug other than alcohol

In lieu of arrest, a summons/notice of violation would be authorized for the following:

- Any misdemeanor or violation listed (full list in P.G. 209-1) in the:
 - Agriculture and Markets Law (concerning animals)
 - Vehicle and Traffic Law, except Sections 380, 392, 392a, 421, 422, 423, 426, 600, and 1192
 - New York City Administrative Code, except § D46-18.0 Cigarette Tax
 - New York City Health Code (e.g., Smoking and Vaping Restrictions Inapplicable § 1399-q and Inhalation of Certain Toxic Vapors or Fumes, and Certain Inhalants; Sale of Glue and Hazardous Inhalants in Certain Cases § 3380)
 - New York City Traffic Regulations, except § 148
 - New York Code of Regulations - Part 1050 (Transit)
 - For any misdemeanor or violation listed in any provisions of any code, rule, regulation or order enacted by any bureau, authority, agency, or commissions affecting facilities located in the City of New York.
- All Penal Law violations, except:
 - § 100 - Criminal Solicitation
 - § 215.58 - Failure to Respond to Appearance Ticket
 - § 240.40 - Appearance in Public under the Influence of Narcotics or a Drug other than Alcohol

Note: Familiarize yourself with the references listed above. Laws applicable to NYS and NYC may be found on the Department Intranet home page by clicking “Directives and Manuals” followed by “New York State Laws.” Select the legal reference applicable to any sections listed above.

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Preparation and Issuance

NYPD

- Prepare in numerical order
- Use black or blue ink ballpoint pen
- Do not cross out
- Do not pre-sign
- One violation per summons
- Obtained from the desk officer
- If prepared in error, bring all parts to the C.O.
- Do not write on side margins

- Summonses will be prepared in numerical order.
- Use a black or blue ink ballpoint pen.
- Legibly print information in *BLOCK LETTERS*.
- Cross-outs are *NOT* permitted.
- If a member prepares a summons in error, the remaining parts of the summons will be brought to the command and given to the *commanding officer* along with a complete explanation of the circumstances.
- Do not pre-sign summonses (i.e., do not affirm the commission of the violation prior to preparing the summons).
- Under no circumstances will an issuing member of the service write on the side margin of the summons.
- Record only one violation per summons. *Two violations on the same summons will result in automatic dismissal at the adjudicating agency.* For example, if you observe a vehicle pass a steady red light signal and later discover the driver has allowed the inspection to expire, you shall then issue *two summonses*; separate

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Preparation and Issuance

NYPD

- Make Digital Activity Log entries describing details for each summons served
- Hand deliver all summonses served to desk officer at end of tour for scanning into the ESTS
- Do not put served summonses into summons receptacle boxes

Required Activity Log Entries

NYPD

- Date and Time of offense observed
- Description of offense
- Summons #
- Violator's name & date of birth
- Type of ID presented, include Serial #
- License plate # and state of registration
- Make and model of vehicle
- Number of passengers in vehicle
- I/CAD event #
- Any other pertinent info that will aid you at court

- **Digital Activity Log** entries describing the details of the incident will be made for every summons prepared.
- *Hand-deliver* indicated copies of summons, intact, direct to desk officer at end of tour *on date of issuance* for scanning into ESTS.
 - **Under no circumstances** will a member of the service deposit a summons directly into a receptacle designated for storage of served summonses.
- Keep "Officer Copy" for final accounting of the summons pack.

Submitting Packets of Summonses

The following is how to submit packets of summonses, whether or not they have been fully completed:

- After all summonses in a packet of summonses have been served, sign and deliver the **Certification of Parking Summonses Served, Certification of Moving/Criminal Court Summonses Served** card with appropriate copies of each summons to *clerical staff*.
- When transferred or separated from the Department, deliver unused summonses

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and the appropriate **Certification** along with the appropriate copies of each summons served to the *desk officer/distributing supervisor* of the command where the summons packet(s) was/were issued.

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Traffic Enforcement

NYPD

Three goals:

1. Maintain safe and expeditious traffic flow
2. Ensure compliance with state and local traffic regulations.
3. Prevent collisions, protect life, and property

Learning Outcome #2

List the Various Summonses Issued by the Department.

Traffic enforcement, which is the total law enforcement effort directed toward obtaining compliance with vehicle and traffic laws, is a part of the patrol function of any police department. Do not be mistaken by that. It may not be your primary responsibility, but many traffic law violations are criminal and must be dealt with the same as crimes against persons or crimes against property. The police traffic function has three goals:

1. *Movement* - To maintain the safe and expeditious flow of traffic;
2. *Investigation and enforcement* - To ensure compliance with NYS and NYC traffic regulations; and,
3. *Education and design* - To prevent collisions and protect life and property so that the responsible agencies can correct the problem you have identified.

Upon observation of a traffic infraction or violation of a traffic law, a police officer must determine what enforcement or corrective measure is necessary. You may decide to warn and admonish, issue an "A," "B," or "C" summons, or in some situations, arrest the violator.

Note: In order to contribute to community oriented policing and problem solving, supervisors will direct officers to utilize selective enforcement. Selective enforcement is defined as Vehicle and Traffic Law (VTL) enforcement directed towards the time and location of high traffic-incident frequency and types of violations occurring. Directing enforcement in this manner contributes greatly to public safety rather than directing enforcement to areas of low traffic-incident frequency.

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Parking Summons ("A")	Parking Summons ("A")	Parking Summons ("A")
NYPD	NYPD	NYPD
<ul style="list-style-type: none">• Highway:<ul style="list-style-type: none">• any public roadway, street, or avenue.• Unattended abandoned vehicle:<ul style="list-style-type: none">• With no license plates affixed, for more than 6 hours, on any highway/public place,• On a public street in excess of 7 consecutive days,• More than 96 hours on the property of another without permission.	<ul style="list-style-type: none">• Derelict vehicle:<ul style="list-style-type: none">• Motor vehicle so dilapidated, burned out, stripped, vandalized, etc., as to be of no apparent value other than scrap• Note: A summons will never be issued to a vehicle if it is deemed to be abandoned or derelict	<ul style="list-style-type: none">• No more than <u>3</u> summonses may be issued to any parked vehicle at the same location on the same day• Do not issue additional summonses to a vehicle displaying three or more summonses• Ascertain if vehicle is abandoned, derelict or stolen• During inclement weather fold summons before placing on vehicle

List the Various Summonses Issued by the Department.

Parking Summonses ("A" Summonses)

When issuing a summons for a parking violation, the appropriate summons to prepare is the NYC "Notice of Parking Violation."

- Cite only valid applicable violations and sections of the New York City Traffic Rules. No violations of other rules or laws (e.g., VTL) can be cited on a Notice of Parking Violation.
- Query NYSPIN (New York State Police Information Network) through the zFINEST system, when necessary to determine if the vehicle is reported stolen; circumstances that may warrant such a query are:
 - Presence of summonses on the vehicle, which were issued on a previous date;
 - Vehicle has damage consistent with theft (e.g., broken windows or damaged locks);
 - Vehicle discovered at a location where the parking of vehicles is unlikely or at a time that is unusual;
 - Any suspicion by a member of the service arising either from the member's own observations or experience or from credible statements made by others that the vehicle may be stolen.
- **Never** issue a parking summons to a vehicle deemed to be *abandoned* or

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derelict.

- *Abandoned* - A motor vehicle that is left unattended:
 - For more than **six hours** with **no license plates** affixed on any **highway** (i.e., any public roadway, street, or avenue) or other public place; OR
 - For more than **96 hours** on the **property of another** without the permission of the owner; OR
 - For more than **seven consecutive days** on a public street or area that is not otherwise restricted by posted signs, including a residential area.
- *Derelict* - A motor vehicle that is so dilapidated, burned out, stripped, vandalized, etc., that it has no apparent value other than scrap.
- *No more than three summonses* may be issued to any *parked* vehicle at the same location on the same day.
 - In cases where more than three violations are evident, summonses should be prepared for the **three most serious** violations.
 - Do not issue additional summonses to a vehicle displaying three or more summonses. In this case, the member will ascertain if the vehicle is abandoned, derelict, or stolen.

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Parking Summons (“A”)

NYPD

- When indicating the location of the vehicle, the description must be specific:
- Incorrect
 - “Across from McDonald’s on E. 23rd St.”
- Correct
 - “N/S E. 23rd St., 50’ W. of 2nd Ave.”

Parking Summons (“A”)

NYPD

- Any omission or missed description of any of the following elements will result in dismissal of the summons:
 - License plate number
 - License plate type
 - Expiration date
 - Make of vehicle
 - Model of vehicle
 - Operators name, if present
- Use registration sticker on vehicle for
- Above information

- When indicating the location of the vehicle, the description must be specific. You may need to indicate the number of feet north/south/east/west of street or avenue. For example,
 - *Incorrect* – Across from McDonald’s on East 23rd Street
 - *Correct* – Northside of East 23rd Street, 50 feet west of 2nd Avenue
- If available, you may also use a more specific address, such as “*front of*” or “*opposite of.*” For example,
 - *Incorrect* – Midway between East 20th Street between 2nd and 3rd Avenue
 - *Correct* – In front of 235 East 20th Street
- Utilize the vehicle registration sticker as the primary source of information for vehicles registered in New York State. You must enter all available information required by the captions on the summons. Any omission or missed description of any of the following mandatory identification elements will result in dismissal of the Notice of Parking Violations:
 - License plate number
 - License plate type
 - Expiration date
 - Make of vehicle
 - Model of vehicle
 - Operators name, if present
- Do **not** use military time; use civilian time instead

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Parking Summons (“A”)

NYPD

- Make Digital Activity Log entries and complete captions on the certification of summons served card
 - Attach pink copy of summons
- For out of state vehicles, information is based on visual observation of vehicle
 - “N/A” is used in captions when info is not available

- Place the “Service Copy” of the Notice of Parking Violation and the orange self-addressed envelope on the windshield of the vehicle.
 - During inclement weather, fold summons to ensure information entered thereon remains legible.
- After placing the summons on the vehicle, record full details of the event within your **Digital Activity Log Application**, as well as appropriate captions of the **Certification of Parking Summonses Served** card.
 - The pink copy of the Notice of Parking Violation will be attached to the **Certification of Parking Summonses Served** and turned in upon completion of the package of summonses.
 - The remaining two copies will be delivered intact to the command and hand-delivered to the desk officer.

Parking Meter Violations

The New York City Department of Transportation uses a pay-by-cell application as one of the ways motorists may pay for parking at muni-meters citywide. This feature allows a motorist to pay for a parking meter via an application on a cellphone. It does not produce a paper receipt for the payee to display on the dashboard of a vehicle. Consequently, only Traffic Enforcement Agents who are in possession of an Automated Summons Enforcement System Device (ASES) have the ability to verify whether the

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parking meter has been paid for. Police officers will **not** issue parking meter violations.

Parking Offenses Involving Vehicles from Another State

When issuing a summons to vehicles registered outside of New York State, the officer will provide as much information as possible based on their visual observation of the vehicle. If the officer intentionally does not complete an information caption on the summons, a reason for the omission must be entered in the caption (e.g., unreadable, covered, or not shown). Write “N/A” in a caption when the required caption information is not available (e.g., registration stickers on New Jersey vehicles are not printed with an expiration date).

Certain violations involving registration and inspection requirements only apply to vehicles registered in New York State and are not applicable to vehicles registered outside of New York State. Vehicles registered outside of New York State will not be issued a Notice of Parking Violation for expired/missing registration, expired/missing inspection, improper display of a registration sticker, or improper display of an inspection sticker (as seen from the driver’s seat, the registration sticker must be located **to the right side of the inspection sticker**).

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Diplomatic Vehicles

NYPD

- Plates issued by the U.S. Dept. of state
- 3 types: Diplomat, Consul, or Staff
- Unoccupied diplomat & consul vehicles summonsed for violations creating safety hazards
 - Double parking
 - Fire zone/hydrant
 - No standing/stopping
 - Bus stop
 - Parking in crosswalk/on sidewalk

Parking Offenses Involving Diplomatic-Related Vehicles

Official “Diplomat,” “Consul,” and “S” (Staff) vehicle license plates, which are colored red, white, and blue, are **only** issued by the United States Department of State. The following codes define the diplomatic immunity rights of the car and driver:

- *“D” prefix* – plates bearing the word “Diplomat” imprinted thereon are issued to representatives of foreign missions, Secretariat of United Nations, and Organization of American States.
- *“C” prefix* – plates bearing the word “Consul” imprinted thereon are issued to representatives of foreign governments having consular status.
- *“S” prefix* – plates bearing the letter “S” imprinted thereon are issued to staff members of various foreign governments. They do not have parking immunity; however, if such a vehicle is occupied, the occupants have diplomatic immunity and will be treated accordingly.

Although Diplomat, Consul, and Staff plates will not be issued without proper insurance coverage, operators of such vehicles are not required to carry insurance cards. However, the operator must carry a “certificate of registration.” A Notice of Parking Violations will be placed upon an unoccupied, illegally parked vehicle bearing “Diplomat” or “Consul” registration plates that creates a safety hazard. The following violations create safety hazards:

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- Double parking
- Fire zone
- Fire hydrant
- No standing/No stopping
- Bus stop
- Parking in crosswalk
- Parking on sidewalk

If a Notice of Parking Violation is issued to a vehicle bearing Diplomat/Consul registration plates, the code “DP” will be entered under the caption “Other” on the line used to identify the state of vehicle registration.

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NYC Special Parking Permit

NYPD

- Issued to people with certain disabilities
- Allowed to park at:
 - All no parking areas
 - No standing, except trucks loading and unloading areas
 - All meters without payment

NYC Special Parking Permit

NYPD

- May not double park or obstruct traffic lanes
- May not park at:
 - No standing / stopping signs
 - Fire hydrants, bus stops, taxi stands
 - Crosswalks, driveways, sidewalks
 - Garment district cross-town streets

City Parking Permit for People with Disabilities

The Department of Transportation issues laminated parking permits (i.e., New York City Special Parking Identification Permits) to people with certain disabilities. This permit is authorized for use on city streets and will be displayed in full view on the driver's side dashboard. The permit entitles the operator of a vehicle to park:

- At any metered parking space (passenger or commercial) without charge;
- At any "No Parking" space, regardless of hours including those for "street cleaning" (formerly known as "alternate side of the street");
- At any space designated for use by "Authorized Vehicles," including "Diplomats" (DPL), "New York Press" (NYP), or any governmental agency; or,
- In any "No Standing except Trucks Loading/Unloading" or "Truck Loading Zone," *except* in the Garment District parking area (i.e., Manhattan, 35th to 41st streets between 6th to 8th Avenues). These signs should be read carefully; permit holders may park only during the days and times that trucks may park.

New York City Special Parking Identification Permits are **not** authorized for parking:

- In "No Standing" or "No Stopping" zone, *except* as specified above;
- In spaces designated for "Ambulances and Ambulettes";
- In "Hotel Loading" zone;
- In taxi stands;
- In bus stops;
- In fire zones or at hydrants; or,
- In crosswalks, driveways, on sidewalks, or for double parking.

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Double Parking of Passenger Vehicle

NYPD

- Illegal at all times, regardless of
 - Location,
 - Purpose, or
 - Duration

Double Parking of Passenger Vehicles

Double parking of passenger vehicles is illegal at all times, including when street cleaning is occurring, regardless of location, purpose, or duration. An occupied illegally parked vehicle causes the same safety hazard and congestion as an unoccupied vehicle. As for commercial vehicles, be guided by NYC DOT Traffic Rules § 4-08(f)(1).

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Five-Minute Grace Period

NYPD

- Applies for 5 minutes at start of displayed time restriction on posted parking restriction signage
- “A” summons written after 6 minutes
- Doesn’t apply to signs bearing no time period, such as “No Parking Anytime”

Certain Parking Violations Excluded

NYPD

- Does not apply where there are signs bearing no time period, such as
 - “No Parking Anytime”
 - “No Standing Anytime”
 - “No Stopping Anytime”

Enactment of Administrative Code Section 19-213, Five (5) Minute Grace Period for Certain Parking Violations

NYC Administrative Code § 19-213 provides the public with a five-minute grace period at the time the violation occurs for muni-meters and for all posted parking restriction signage bearing a time period. This grace period only applies for the five minutes at the start of the displayed time restriction on posted parking restriction signage and for the five minutes after the printed expiration time on muni-meter receipts. This rule applies to a variety of posted parking restrictions; thus, an “A” summons will only be written after 6 minutes. Examples of how this grace period should be applied (for our purposes, muni-meters are excluded):

- A sign indicating “No Parking from 8:00 A.M. to 9:30 A.M.” means that a UMOS would not be authorized to issue an “A” for that violation until 8:06 A.M.
- A sign indicating “No Standing from 7:00 A.M. to 7:00 P.M.” means that a UMOS would not be authorized to issue an “A” for that violation until 7:06 A.M.

The five-minute grace period does not apply where there are signs bearing no time period, such as “No Parking Anytime” or “No Standing Anytime.” It also does not apply to the end of prohibited times such as street cleaning rules that prohibit parking, for example, until 2:00 P.M. In other words, a motorist **MAY NOT** legally park until 2:00 P.M., not 1:55 P.M. The grace period also does not apply where the violation does not depend on signage (e.g., parking at a fire hydrant).

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Moving Summons (“B”)

NYPD

- Issue a “B” when you personally serve a summons returnable to TVB
- The following forms of government photo identification are considered valid forms of identification:
 - Valid photo driver’s license
 - Valid passport
 - Citizen/naturalization papers
 - NYS non-driver identification
 - NYS driver’s permit
 - Municipal Identification Card (ID NYC)
 - Other government photo ID

Traffic Summonses (“B” Summonses)

When you personally observe a “moving” violation, a summons returnable to the Traffic Violations Bureau (TVB) will be prepared. Prior to actually writing the summons, you will need to obtain information from the violator to determine their eligibility to receive the summons in lieu of arrest. When a violation is observed, inform the motorist/bicyclist (moving violations can also be issued to bicyclists) of the offense committed and request that the violator show **proof of identity** and residence. In automotive cases, examine the *driver’s license*, *vehicle registration*, and *insurance identification card* for vehicles registered in New York State.

For all cases in which you prepare a Traffic Violations Bureau summons (“movers”, “moving” summons, “B” summons), issue only **one** copy of the summons for each violation cited. Only the yellow copy of the summons labeled “New York State - Department of Motor Vehicles - Motorist Copy - Traffic Violations Bureau” will be issued to the motorist. If your assigned RMP is equipped with a mobile summons printer, then the B-summons should be issued via the FORMS application and printed out using the mobile printer. Regardless if the B-summons was issued using the electronic format or the manual format, all B-summonses will be entered into the FORMS application.

Personal Identification

As a general rule regarding the issuance of summonses, the following forms of government photo identification are considered **valid** forms of identification:

Instructor Notes:



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- Valid photo driver's license (from New York State, another state, or another country);
 - Fill in the "Photo Lic. Shown" oval at the top of the summons.
- Valid passport;
- Citizen or naturalization papers;
- New York State non-driver identification;
- New York State driver's permit;
- Municipal Identification Card (ID NYC); or,
- Other government issued photo identification.

Note: Under no circumstances will you issue a "moving" summons to an unidentified violator.

From the list above, the most common form of identification that will be offered upon request is a driver's license. It has a photo of the bearer and pertinent information that you will need in order to conduct a *warrant check* and then, issue a summons.

Note: If a warrant check determines that a motorist has an outstanding warrant(s), an arrest is authorized.

In order to prevent members of the service from accepting a fraudulent form of identification, members should know that the most recent version of the New York State driver's license, permit, and ID cards contain a number of security features. These features are:

- Polycarbonate material (when dropped on a hard surface, it has a unique metallic sound);
- Laser engraved photo (i.e., burned into the card);
- Tactile laser engraved signature, client identification number, date of birth, and expiration date;
- Anti-copy ink colors and rainbow printing;
- Secondary photo image in clear window on the right side;
- Variable wave pattern (the license holder's name with a string of variable sized text) which transitions through the secondary photo window; and,
- UV printing (under UV light has detailed graphics that cover the front surface of the card).

For anyone under 21 years old, the driver's license or identification card is in vertical format rather than horizontal. The phrase, "Under 21," appears in red above the photo.

Instructor Notes:



Police Science Chapter 8 – Summonses



Moving Summons (“B”)

NYPD

- The following items are contained on NYS registration sticker on windshield:
 - Vehicle identification number (VIN)
 - Vehicle plate check-digit number
 - Body type
 - Plate number
 - Expiration date
 - Vehicle make and year

Vehicle Registration

A registered vehicle in New York State will have a vehicle registration sticker affixed in the far, lower left-hand corner of the inside windshield (as seen from the driver’s seat), which is also accompanied with a vehicle registration card.

New York State law does not require a driver to present the registration card as long as the vehicle registration sticker is properly affixed to the windshield. The reason for this is that all relevant information is contained on the registration sticker. To that end, NYS VTL § 401(4) states:

“If a vehicle does not have affixed a validating sticker which indicates the plate number, the vehicle identification number and the expiration date of the registration, the failure to produce the certificate of registration, or a photostatic copy of such certificate, shall be presumptive evidence of operating a motor vehicle or trailer which is not registered as required by this article.”

In addition, NYC DOT Traffic Rules § 4-12(a)(3) further states:

“Vehicle operators must present and/or surrender their operator’s license, vehicle registration, and insurance documents upon request of a law enforcement officer.”

The following items are contained on a New York State Vehicle Registration windshield sticker:

- | | |
|--------------------------------------|-----------------------------------|
| -Vehicle Identification Number (VIN) | -Vehicle plate check-digit number |
| -Vehicle body type | -Vehicle plate number |
| -Expiration date | -Vehicle make and year |

Instructor Notes:



Police Science

Chapter 8 – Summonses



Moving Summons (“B”)

NYPD

- NYS law requires that motorists show proof of insurance by presenting a valid insurance card
- The following vehicles are exempt from carrying insurance cards:
 - Taxis, buses, and rental vehicles
 - Government owned vehicles
 - Interstate commerce, or public service commission vehicles
 - Farm vehicles (certain ones)

Insurance Card

New York State law **requires** that all vehicles operating on public highways be insured and that drivers are able to demonstrate proof of insurance by presenting a valid insurance card. The following vehicles are exempt from this requirement:

- Taxis, buses and rental vehicles
- Government-owned vehicles
- Public Service Commission vehicles
- Certain farm vehicles

Instructor Notes:



Police Science Chapter 8 – Summonses



Moving Summons (“B”)

NYPD

- The Mayor's Vision Zero initiative is to reduce vehicular, bicycle and pedestrian collision injuries and deaths.

Hazardous Traffic Violations

NYPD

- Over the maximum speed limit
- Failed to yield right of way to pedestrian
- Disobey traffic-control device
- Driving while using a portable electronic device
- Use of mobile telephone
- Failure to wear seatbelt or use child safety seat
- Reckless driving
- Unlicensed operator
- Failed to yield right of way to vehicle
- Improper turn
- Unsafe lane change
- Failure to signal
- Overtaking and passing school bus
- Following too closely
- Improper passing
- Backing unsafely
- Tinted windows
- Disobey steady red signal

TRAFFIC ENFORCEMENT (VISION ZERO)

In 2014, Vision Zero became an official City policy which sought to reduce vehicular, bicycle, and pedestrian collision injuries and deaths on the streets of NYC with the NYPD taking the lead role. Vision Zero is designed to increase enforcement against dangerous moving violations such as speeding and failing to yield to pedestrians, along with other hazardous violations. Sustained attention and priority in enforcement should be given to those hazardous violations that are the major cause of most collisions, deaths, and injuries on the roadways. Patrol Guide Procedure 209-09 lists the eighteen most hazardous violations:

1. Over Maximum Speed Limit VTL 1180 (d)(1), 1180 (d)(2)
2. Failed to Yield Right of Way to Pedestrian TR 4-03 (a)(1)(i), TR 4-04 (b)(1), VTL 1142 (b)
3. Disobey Traffic-Control Device VTL 1110 (a)
4. Driving While Using a Portable Electronic Device (Texting) VTL 1225-d (1)
5. Use of Mobile Telephone (Cellphone)
6. Failure to Wear Seatbelt or Use Child Safety Seat VTL 1229-c (1), c (2), c (3)
7. Reckless Driving VTL 1212
8. Unlicensed Operator VTL 509 (1), 509 (2)
9. Failed to Yield Right of Way to Vehicle TR 4-07 (a), VTL 1140 (a), 1141, 1142 (a), 1143, 1144 (a)

Instructor Notes:



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10. Improper Turn
11. Unsafe Lane Change VTL 1128 (a)
12. Failure to Signal
13. Overtaking and Passing School Bus VTL 1174 (a)
14. Following Too Closely VTL 1129 (a)
15. Improper Passing VTL 1123 (a)(1), 1124
16. Backing Unsafely VTL 1211 (a), (b)
17. Tinted Windows VTL 375 (12-a)(b)(1), (12 -a)(b)(2), (12-a)(b)(3), (12-a)(b)(4)
18. Disobey Steady Red Signal VTL 1111 (d)

Instructor Notes:



Police Science Chapter 8 – Summonses



General Traffic Provisions

NYPD

- Failure to stop for a school bus
- Driver of vehicle must stop before meeting or overtaking, from either direction:
 - School bus that stopped for purpose of receiving / discharging school children
 - Has in operation a flashing red signal and/or stop sign
 - Driver shall not proceed until the bus resumes motion or until signaled by the bus driver or police officer

Additional Information on Summonsable Offenses under the VTL

Failure to Stop for a School Bus

This law mandates the driver of a vehicle, upon a highway or street, to stop before meeting or overtaking, from **either** direction, any school bus that has stopped for the purpose of receiving or discharging school children and has in operation a flashing red signal and/or stop sign. The driver shall not proceed until the school bus resumes motion or until signaled by the school bus driver or a police officer to proceed.

Instructor Notes:



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General Traffic Provisions	General Traffic Provisions	Safety Restraints																					
NYPD	NYPD	NYPD																					
<ul style="list-style-type: none">Rules regarding seatbelts:<ul style="list-style-type: none">All children under 4 must be restrained by a safety seatPassengers under 4 but over 40 pounds must be in a booster seatAll children 4 to 7 must be in a booster seat with a lap shoulder belt systemAll passengers age 8-15 must be restrained by a safety belt (backseat)	<ul style="list-style-type: none">Rules regarding seatbelts:<ul style="list-style-type: none">All front seat or back seat passengers 16 years old or older are required to wear seatbelts, this includes taxis and livery vehiclesEach adult violator gets a summonsIf a juvenile violator (less than 16) the operator is issued the summons	<table><tr><th>AGE:</th><th>REAR SEAT:</th><th>FRONT SEAT:</th></tr><tr><td>Driver</td><td>N/A</td><td>SEATBELT</td></tr><tr><td>16 or Over</td><td>SEATBELT</td><td>SEATBELT</td></tr><tr><td>8 - 15</td><td>SEAT BELT</td><td>SEATBELT</td></tr><tr><td>4 - 7</td><td>BOOSTER SEAT</td><td>BOOSTER SEAT</td></tr><tr><td>Under 4 and Over 40 lbs.</td><td>BOOSTER SEAT</td><td>BOOSTER SEAT</td></tr><tr><td>Under 4</td><td>SAFETY SEAT</td><td>SAFETY SEAT</td></tr></table>	AGE:	REAR SEAT:	FRONT SEAT:	Driver	N/A	SEATBELT	16 or Over	SEATBELT	SEATBELT	8 - 15	SEAT BELT	SEATBELT	4 - 7	BOOSTER SEAT	BOOSTER SEAT	Under 4 and Over 40 lbs.	BOOSTER SEAT	BOOSTER SEAT	Under 4	SAFETY SEAT	SAFETY SEAT
AGE:	REAR SEAT:	FRONT SEAT:																					
Driver	N/A	SEATBELT																					
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Under 4 and Over 40 lbs.	BOOSTER SEAT	BOOSTER SEAT																					
Under 4	SAFETY SEAT	SAFETY SEAT																					

Seat Belts

Department of Motor Vehicle statistics asserts that every year, more lives are saved and serious injuries prevented because of the increased use of seatbelts. Still, more lives could be saved if all New Yorkers use their seatbelts for every trip.

Note: This includes members of the Department whether on- or off-duty (see P.G. 202-02 and 202-03).

New York State seatbelt law requires the following:

- The driver and all front and/or back-seat passengers **16** or older are required to wear seatbelts (one person per belt), this includes taxis and livery vehicles.
- Children between the ages of **8** and **15** must wear seatbelts, this includes when they are a passenger in a taxi or livery.
- Children ages **4** to **7** must ride in a properly restrained booster seat with a lap shoulder belt system.
 - Safety seats and child restraint systems must be certified according to Federal Motor Vehicle Safety Standard No. 213. Child restraint systems are typically referred to as booster seats and must meet the child's height and weight recommendations according to the child restraint manufacturer.
- Children under the age of **4** must ride in properly restrained safety seats.
- Children less than **4** years old but weighing more than **40** pounds may be restrained in a booster seat with a lap shoulder belt.
- It is also a violation for anyone **4** or older to be in a seated position equipped with both a lap safety belt and shoulder harness belt and not be restrained by **both** lap and harness belts (not the same as the 5-point harness which child restraints are equipped with).

Instructor Notes:

Note: When members of service are transporting a child under the age of eight in a Department vehicle, the child must be properly secured in a restraint system (see P.G. 215-28).



Police Science

Chapter 8 – Summonses



General Traffic Provisions

NYPD

- Exemption from safety belt rules:
 - School bus passengers 4 or older (under 4 – need car seat)
 - Authorized emergency vehicles
 - Buses, other than school buses
 - 1964 or older model vehicles

General Traffic Provisions

NYPD

- Regarding plate covers, members of the service shall not ordinarily issue summonses for license plate covers violations to vehicles bearing out-of-state license plates

The following, however, are exempt from using safety belts:

- School bus passengers **4** years old or older (school bus drivers must wear safety belts and all passengers under the age of **4** must be restrained by car seats);
- Authorized emergency vehicles;
- Buses (other than school buses); or,
- 1964 or older model vehicles.

Note: Common equipment violations other than seatbelts may be found in the New York State Vehicle and Traffic Law sections 375 (required equipment), 391 (motorcycle equipment), and 306-b (inspection required).

All-Terrain Vehicles and Dirt Bikes

NYC Administrative Code Section 19-196 makes it unlawful to operate all-terrain vehicles or dirt bikes in New York City except where there is consent, written or posted, of the owner or lessee of the property. Members of the service may issue a traffic summons or an OATH civil summons.

Plate Covers

Members of the service shall NOT ordinarily issue summonses for local license plate cover violations (§ 402 of the New York State Vehicle and Traffic Law/Code 74 of the New York City Traffic Rules) to vehicles bearing out-of-state license plates. Such a summons should be issued only if the member of the service is aware that the controlling law in the motorist's home state also prohibits license plate covers.

Instructor Notes:



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Pedestrians' Right of Way on Sidewalks

The driver of a vehicle emerging from or entering an alleyway, building, private road or driveway shall yield the right of way to any pedestrian approaching on any sidewalk extending across such alleyway, building entrance, road or driveway.

Instructor Notes:



Police Science Chapter 8 – Summonses



General Traffic Provisions

NYPD

- Persons riding bicycles on public streets subject to many of same laws as drivers
- The word “bicycle” will be entered on portion of summons designated for year & make of vehicle

Bicyclists

Although registration and licensing provisions do not apply to bicycles, persons riding bicycles on public streets are subject to many of the same traffic laws as operators of motor vehicles. One notable exception relates to Local Law 154 of 2019. This law amended the New York City Administrative Code requiring a person operating a bicycle while crossing an intersection to follow pedestrian control signals, except where otherwise indicated by traffic control devices (e.g., dedicated bicycle crossing signal, etc.). As a result of the law, cyclists will proceed through a red vehicular traffic light when pedestrians traveling in the same direction are permitted to cross the street. Cyclists, however, will continue to yield to pedestrians in crosswalks.

In cases where a bicyclist may be summonsed for a violation of the traffic law, they will be issued the same summons that is issued to a vehicular violator. The word “**BICYCLE**” will be entered in bold print on that portion of the summons designated for the year and make of the vehicle. Also, on the reverse side of the yellow motorist’s copy of the summons, a line will be drawn through the instructions that direct the violator to answer the summons by mail. The bicyclist will be instructed that they are ineligible to plead by mail or Internet and that they must appear in person at the applicable court, as indicated on the motorist’s copy. Further note that a **Juvenile Report System Worksheet** will be prepared for individuals who are at least 7 and less than 18 years of age who violate applicable provisions of the traffic laws.

Instructor Notes: Review, with recruit officers, the Traffic Ticket example listed in the Student Guide.

Note: MOS should be aware that § 207, subdivision 5, of the Vehicle and Traffic Law (“Disposing of a Uniform Traffic Summons”), does *NOT* apply to situations where a motorist destroys or discards his/her copy of the summons that was issued by the member of the service. MOS may, however, issue a Criminal Court summons for littering (Administrative Code §16-118, subdivision 1) in appropriate circumstances.



Police Science Chapter 8 – Summonses



Local Law 45 of 2021

NYPD

- Vehicle Report must be completed after all traffic stops
- Including traffic stops involving non-motor vehicles
- One report for each motorist
- Report is accessible via FORMS

Local Law 45 of 2021- Traffic Encounters

When engaged in enforcement of any moving violation where a traffic stop is conducted, it is important for members of the service to comply with Local Law 45 of 2021. This law requires the Department to report on the number of vehicles stopped by uniformed members of the service (including non-motor vehicles such as bicycles electronic bicycles, and electronic scooters), as well as demographic information of the operator of each vehicle. To capture this data, uniformed members of the service will be required to fill out a **Vehicle Report** after all traffic stops.

The **Vehicle Report** will document information pertaining to all vehicle stops including non-motor vehicles such as bicycles, irrespective of enforcement action, i.e., the Vehicle Report must be filled out even if no enforcement action is taken, and only one Report should be filled out for every vehicle stopped. Only information pertaining to the vehicle operator needs to be collected. Officers must remember:

- A Vehicle Report will not be completed for any passenger; however, other reports may be required for the driver and/or one or more passengers (e.g., Stop Report, Consent to Search Report).
- Only one Vehicle Report will be completed by a single Uniformed Member of Service for each vehicle stop, regardless of how many UMOS are effectuating the stop.
- If enforcement action is taken as a result of the vehicle stop (summons, arrest, seizure of vehicle), the corresponding report number must be included on the Vehicle Report.

Instructor Notes:



Police Science Chapter 8 – Summonses



- A Vehicle Report must be completed for each vehicle stopped during the duration of a checkpoint, but only one Vehicle Checkpoint Form is needed.
- The Vehicle Report can be accessed within the **Finest Online Records Management System (FORMS)** from any Department-issued smartphone or computer.

E-Bikes and E-Scooters

As stated in Local Law 45 of 2021, E-Bikes and E-Scooters are included in the categories of vehicles requiring a Vehicle Report, and they are also included in the categories of bikes and other vehicles eligible for moving violations. See the graphic in Student Guide for what constitutes an E-Bike and an E-Scooter.

E-Bike (Electric Assist Bicycle) – A bicycle which is not more than 36 inches wide and has an electric motor of less than 750 watts, equipped with or without operable pedals. There are three classes of E-Bikes:

- Class 1 – E-Bike that has a maximum speed of 20 mph and will only provide assistance while the person is pedaling.
- Class 2 – E-Bike that has a maximum speed of 20 mph and may propel the bicycle without assistance from the operator.
- Class 3 – E-Bike that has a maximum speed of 25 mph and may propel the bicycle without assistance from the operator. This class is only applicable in New York City.

E-Scooter (Electric Scooter) – Every device weighing less than one hundred pounds that may have handlebars, has a floorboard that can be stood upon by the operator, and an electric motor; can be powered by the electric motor and/or human power; and has a maximum speed of no more than 15 mph on a paved level surface when powered solely by the electric motor.

Note: A Motorized Scooter is any wheeled device that has handlebars and is designed to be stood or sat upon by the operator, is powered by a gasoline motor and is capable of propelling the device without human power (i.e., it has a throttle) and cannot be registered with the New York State Department of Motor Vehicles (DMV). The term does not include scooters that can be registered by the DMV, wheelchairs, or other mobility aids designed for use by persons who are disabled, or an electric scooter or an electric assist bicycle as defined above.

E-Bikes and E-Scooters must be operated in compliance with all rules and Regulations in the VTL, Administrative Code, and NYC Traffic Rules that govern the use of bicycles, including equipment requirements such as helmets, reflectors, and bells. Currently, there is no labeling requirement that would indicate the wattage or maximum speed of an

Instructor Notes:



Police Science Chapter 8 – Summonses



E-Bike or E-Scooter. Without a label, MOS will be unable to determine if the use of a particular E-Bike or E-Scooter is in compliance with the new laws. Thus, enforcement should be limited to traffic and equipment violations that pertain to bicycles.

Note: Members of the service shall not seize e-bikes or e-scooters for Traffic Violations alone. E-Bikes and E-Scooters may only be seized if they are used in conjunction with criminal activity or their continued operation is unsafe because of improper equipment.

Instructor Notes:



Police Science

Chapter 8 – Summonses



Criminal Summons (“C”)	Criminal Summons (“C”)	Criminal Summons (“C”)
NYPD	NYPD	NYPD
<ul style="list-style-type: none">• Issue a “C” when you personally serve a summons returnable to Criminal Court• Defendant’s cell phone and home numbers will be placed in the appropriate spaces.• Defendant’s race and the correct court location are to be filled into corresponding bubble provided.	<ul style="list-style-type: none">• A summons with a properly completed “factual allegations” section will eliminate the need for the issuing officer to appear in court on the return date• When preparing this section, you must indicate the specific actions of the offender. Example:<ul style="list-style-type: none">• Incorrect: “the defendant committed the violation of disorderly conduct”• Correct: the defendant sat in the roadway, thereby obstructing vehicular traffic. When asked to leave, the defendant refused	<ul style="list-style-type: none">• Sign and date both the front and reverse side of the original copy (white sheet) when utilizing the expedited affidavits for “drinking in public” and “disorderly conduct”.• Acceptable to draw a line through the factual allegations field on front of summons or write “See Reverse.”

Criminal Court Summonses (“C” Summons)

A **Personal Service Summons** is used for violations returnable to Criminal Court. Generally, “C” summonses are issued to persons who violate specific rules of the New York City Administrative Code and violations in the New York State Penal Law (e.g., disorderly conduct).

On the “C” summons itself, pertinent information such as the defendant’s cell phone and home numbers are to be collected and written in the appropriate spaces provided. Also, the defendant’s race and the correct court location are to be filled in with the corresponding bubble on the summons. The “Factual Allegations” section is then completed on the front of the summons, which is required for all violations returnable to Criminal Court. A summons with a properly completed “Factual Allegations” section will eliminate the need for the issuing officer to appear in court on the return date to prepare a complaint and will enable the court to issue a warrant for a defendant who fails to appear. When preparing this section, you must indicate the **specific** actions of the offender, **not** just a recitation of the law. For example:

- **Incorrect** – “The defendant committed the Penal Law violation of disorderly conduct.”
- **Correct** – “The defendant sat in the roadway in the middle of the intersection at 50th Street and 5th Avenue, thereby obstructing vehicular traffic. When asked to leave, the defendant refused.”

You must ensure that the specific violation cited is correctly described. For example, the case will be dismissed if you indicate on the “Title of Offense” section of the summons that the defendant committed “Trespass” and incorrectly describe in the “Factual Allegations” section of the summons the Penal Law violation of “Disorderly Conduct” instead.

Note: There are sample “Factual Allegations” on the reverse of the “Police/Agency Copy 2” for commonly charged offenses. These samples of “Factual Allegations” are

Instructor Notes:



Police Science Chapter 8 – Summonses



only templates and should not be replicated word for word; instead, officers must complete the “Factual Allegations” field with facts that they personally observed, not conclusions.

When utilizing the expedited affidavits on the rear of the summons for “drinking in public” or “disorderly conduct,” it is not necessary to complete the “Factual Allegations” section on the front of the summons. Instead, draw a line through the factual allegations field or write, “See Reverse” (see graphic at end of this section). It is imperative to sign and date BOTH the front and reverse side of the original copy (white sheet).

Note: Regarding disorderly conduct, in November 2017 a bill of interest to the Department became local law under NYC Administrative Code § 10-177. The amendment includes civil and criminal penalty for disorderly behavior, which is very similar to the NYS Penal Law § 240.20. As a result, the offense of “disorderly behavior” is eligible for a criminal summons (punishable by imprisonment up to 5 days or a fine up to \$200) **or** a civil summons (liable for up to \$75, recoverable at OATH).

Instructor Notes:



Police Science Chapter 8 – Summonses



Criminal Summons (“C”)

NYPD

- When issuing a Criminal Court summons, a warrant check must be conducted to determine if the individual is eligible for the summons
- If warrant check positive (10-18), the officer will arrest the individual and remove to command for processing
- If warrant check negative (10-19), the officer will issue a summons and release the individual

Warrant Checks

When issuing a “C” summons, a warrant check must be conducted to determine if the individual is eligible for the summons. For instance, if the individual is “wanted” on a warrant, they are not eligible and they must be arrested. Warrant checks are conducted through the Communications Section (“*Central*”) or through the use of the Department issued iPhone or tablet computer. Central will return one of these two radio codes:

- 10-18 - arrest and remove person to command
- 10-19 - may issue a summons and release individual

Instructor Notes:



Police Science Chapter 8 – Summonses



Criminal Summons (“C”)

NYPD

- When a “C” summons is issued to a person under 18, the UMOS will:
 - Attempt to notify parent/guardian
 - Make photocopy of summons and write name, address, phone number of parent/guardian on photocopy
 - Do not write on the actual summons
 - Give photocopy to precinct youth officer

Issuance of a “C” Summons to an Individual under Eighteen Years

When issuing a “C” summons to an individual who is age 16 or 17, a UMOS will do the following:

- As stated earlier in the chapter, attempt to notify the parent/guardian. Do not detain the individual solely for the purpose of making this notification. Once the summons has been properly served, allow the violator to leave.
- Indicate the name, address, and telephone number of the parent/guardian on a photocopy of the summons, and indicate if the notification was actually made. **DO NOT** write on the actual summons.
- Deliver the photocopy of the summons to the precinct youth officer and process the original in the usual manner.

Instructor Notes:



Police Science Chapter 8 – Summonses



Criminal Summons (“C”)

NYPD

- Pedestrians shall be subject to traffic control signals and directions of any law enforcement officer.
- All pedestrian offenses and traffic misdemeanors shall be issued a criminal court summons and processed through NYC Criminal Court

Pedestrian Offenses and Traffic Misdemeanors

Pedestrians shall be subject to traffic control signals and pedestrian control signals and to the lawful orders and directions of any law enforcement officer. As per P.G. 209-02, all pedestrian offenses and traffic misdemeanors shall be issued a “C” summons and processed through New York City Criminal Court.

Instructor Notes:



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Issuance of a "C" in Lieu of Civil Summons

NYPD

There will be a new NYPD code box on the C-Summons for the officer to indicate one of four options (check only one box)

ORIGINAL

Issuance of a "C" in Lieu of Civil Summons

NYPD

[] 1 = Indicates OATH Recidivist
 [] 2 = Indicates returned on warrant and directed to issue C-Summons by Supervisor
 [] 3 = Other legitimate law enforcement reason that has been verified by Supervisor
 [] 4 = Not a CJRA violation or no civil option

Officer will record all appropriate details of summons in a Digital Activity Log entry

Transit Rules will be written on a TAB or C-Summons, *not* an OATH Civil Summons

Issuance of a "C" Summons in Lieu of a Civil Summons

When a "C" summons is issued to a violator who is ineligible to receive a Civil Summons, which is returnable to OATH, the uniformed member of the service will check off one of the reason codes on the front of the summons listed below:

- **Code 1:** Violator is an OATH recidivist and not eligible for a Civil Summons returnable to OATH
 - An "OATH recidivist" is a person who has two or more felony arrests in the past two years, has three or more unanswered Civil Summonses in the past eight years, or is on parole or probation.
- **Code 2:** Violator has a warrant or probable cause I-Card and is being returned to the issuing court to adjudicate the warrant and summons or is being arrested on a separate charge.
- **Code 3:** Officer articulated a legitimate law enforcement reason to issue a summons returnable to Criminal Court in lieu of OATH for a CJRA violation. Request the patrol supervisor to respond to the location and verify the issuance of the C summons and the circumstances for its issuance. Officer must detail the reason in their **Digital Activity Log**.
- **Code 4:** Violation cited is not covered under the CJRA (i.e., Penal Law violations) or subject violated multiple rules in which at least one is returnable to Criminal Court (if so, **all** summonses will then be returnable to Criminal Court). If Code 4 and other code(s) are applicable, select Code 4.

Instructor Notes: If a violator is stopped for multiple offenses and at least one of the offenses is a non-CJRA violation answerable in Criminal Court, the summoning officer will document all violations on summonses returnable to Criminal Court. Summoning officer must note reason code 4 in appropriate space on all summonses.



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Oath Summons (“OATH”)

NYPD

- Office of Administrative Trials and Hearings
- OATH adjudicates violations under: (partial list)
 - Health Code
 - Parks Department Rules
 - General and Food Vending Codes and Rules
 - Canine Waste Law
 - Noise Code and Rules
 - Sanitation Code
 - Sewer Code and Rules
 - Water Code and Rules

Oath Summons (“OATH”)

NYPD

- OATH summonses are returnable to OATH only
- OATH summonses are considered a civil matter
- If an OATH and a ‘C’ violation occur, make all returnable to Criminal Court
- In the event a violator cannot be properly identified, remove to command

CIVIL SUMMONSES (“OATH” SUMMONSES)

The Civil Summons, which is returnable to the Office of Administrative Trials and Hearings (OATH), is the City's central independent administrative law court; it is not part of the State Court system. The OATH Hearings Division is the division of OATH that is responsible for holding hearings on summonses issued by a variety of agencies including, but not limited to the NYC Department of Sanitation, NYC Department of Buildings, NYC Department of Parks and Recreation, and the NYPD.

Prior to OATH, **all** Environmental Control Board (ECB) violations were under the sole jurisdiction of ECB. Now, under the Criminal Justice Reform Act (CJRA) of 2016, these violations and certain violations of the New York City Administrative Code and New York City Park Rules are a Civil Summons returnable to OATH. The following may be written as a violation on an OATH summons:

- Open Container, NYC Administrative Code § 10-125(b), X25
- Excessive Noise (0700-2200), NYC Administrative Code § 24-218(a), N01 (used when not removing a sound reproduction device)
- Excessive Noise (2200-0700), NYC Administrative Code § 24-218(a), N04 (used when not removing a sound reproduction device)
- Violations of Title 56 of the Rules of the City of New York (Rules and Regulations of the New York City Department of Parks & Recreation), OATH code: D series, varies by violation

Instructor Notes:



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- Public Urination, NYC Administrative Code § 16-118(6), S9i
- Littering, NYC Administrative Code § 16-118(1)(a), S03
- Spitting, NYC Administrative Code § 16-118(1)(b), S9H

When issuing a Civil Summons, uniformed members of the service will request violators to show proof of identity and residence. Request a name check through Central or through the use of the Department smartphone or tablet computer. If the violator has an active warrant or an active **Investigation Card** labeled, “Perpetrator - probable cause to arrest,” remove the violator to the command. The violator will then be turned over to the responding detective concerning the warrant/I-Card after the issuance of a Criminal Court summons for the initial violation.

Note: After issuing the paper OATH summons to the respondent, all OATH summonses will be entered into the FORMS application. Moreover, Civil (OATH) Summonses will not be written in the Transit System when issuing summonses under the Transit Rules and Regulations. In all cases, when a Criminal Court summons is issued for an observed violation of New York City Transit Rules of Conduct, the Transit Rules violation code will be used for the charge. Code 4 will be selected on the summons.

Instructor Notes:

Do not use the Health Code provisions governing Littering or Spitting; they have been repealed.



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Failure to Yield Right of Way

NYPD

- OATH summonses are issued for A.C. 19-190 when a vehicle operator fails to yield right of way to pedestrian/bicyclist and the responding officer did not personally observe the incident.
- *You should be guided by P.G. 217-18, "Vehicle Collisions - Pedestrian/Bicyclists Right of Way Law," when issuing OATH summonses for violation of the right-of-way law.

Failure to Yield Right of Way

NYPD

- A.C. 190 (a) – used when no contact between vehicle and pedestrian/bicycle occurred or contact made but no injury occurred
- A.C. 190 (b) – used when vehicle makes contact and causes a physical injury due to vehicle operator failure to exercise due care

Issuance of an OATH Summons for Failure to Yield Right of Way

The issuance of an OATH summons for violation of Administrative Code 19-190, "Right-of-Way" law occurs when a vehicle operator fails to yield right-of-way to a pedestrian/bicyclist and the responding officer did not personally observe the incident. This is the most commonly issued OATH summons by the NYPD.

Note: You should be guided by Patrol Guide Procedure 217-18, "*Vehicle Collisions - Pedestrian/Bicyclists Right of Way Law*," when issuing OATH summonses for violation of the right-of-way law.

Administrative Code Section 19-190 consists of three intertwined subsections:

- Subsection (a) states that the operator of a motor vehicle who fails to yield to a pedestrian/bicyclist when the pedestrian/bicyclist has the right of way is guilty of a traffic infraction.
- Subsection (b) states that the operator of a motor vehicle is guilty when they violate subsection (a) and in doing so causes a physical injury.
- Subsection (c) states that the operator of a motor vehicle who commits subsection (a) or (b) but the commission was not caused by the motor vehicle operator's "failure to exercise due care" is not in violation of Administrative Code Section 19-190.

A.C. 19-190 (a) – is to be used when a vehicle operator failed to yield right-of-way to a pedestrian/bicyclist and:

- No contact was made between the vehicle and the pedestrian/bicyclist, or
- Contact was made between the vehicle and the pedestrian/bicyclist, but no injury occurred.

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A.C. 19-190 (b) – is used when a vehicle operator failed to yield right-of-way to a pedestrian/bicyclist and makes contact between the pedestrian/bicyclist, causing a physical injury due to the vehicle operator's failure to exercise due care.

The Legal Bureau has worked in collaboration with the office of the Chief of Transportation to address the difficulties encountered by members of the service who prepare OATH Summonses for violations of Administrative Code Section 19-190. New York City Police Academy Training Memo #4-20 resolves these difficulties by outlining the critical areas that each summons should address:

1. A witness who observed the incident: this witness may be the issuing UMOS, or a member of the public, the person struck by the vehicle, or even the vehicle operator him/herself.

a. "At t/p/o the undersigned observed..."

2. Respondent is the vehicle operator who failed to yield: this requires that the issuing UMOS allege that the Respondent was operating a motor vehicle.

a. "Respondent was driving a motor vehicle w/ NYS plate # 123ABC..."

3. **For violations of subsection (b) ONLY**: there must be physical contact AND a physical injury:

a. "... did strike pedestrian causing a severe laceration to the leg and substantial pain..."

4. Pedestrian must have had the right of way:

a. "...while the victim was walking in a marked crosswalk at the above location with a steadily lit "walk" signal."

5. Failure to exercise due care:

a. "The undersigned observed damage to the front end of Respondent's vehicle, indicating that the victim was directly in front of the vehicle when struck. Respondent failed to observe the victim in front of the vehicle."

"Due Care" may be defined as the degree of care that a prudent and competent (or, average) person engaged in the same activity would exercise under similar circumstances. Therefore, the term is relative depending on the particular circumstances of each incident. The "Details of Charge(s)" field on the summons must indicate affirmatively, using observed facts, how the driver/operator exhibited a lack of due care. When issuing an OATH summons for 19-190(b), MOS MUST describe in the details section of the summons both how the vehicle operator failed to yield the

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right-of-way AND what physical injury was suffered by the victim. In addition, describe how the vehicle operator failed to exercise due care (e.g., driver passed through a crosswalk and struck a pedestrian when said pedestrian crossed with a steady “walk” signal).

The issuance of an OATH summons for a right-of-way violation is predicated on the vehicle operator’s failure to exercise due care. If during the course of an investigation the MOS determines that the vehicle operator exercised due care, (i.e., the pedestrian ran out into the street between two parked vehicles) no summons should be issued. Members of the service are also reminded, in the event they observe an incident where a vehicle operator failed to yield right of way to a pedestrian/bicyclist (whether or not the individual was struck and/or injured by the vehicle), as an alternative to the OATH summons, they may issue a TVB summons for VTL 1146(b), “Drivers to Exercise Due Care.”

Instructor Notes:



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Considerations in Officer use of Discretion

NYPD

Does the violation:

- Cause feelings of being unsafe?
- Have the potential to cause people to feel unsafe?

Is the violation:

- A chronic condition?

Has the violator been previously warned?

Officer Discretion

Nothing in the Civil Summons procedure, or any other summons procedure for that matter, precludes officers from judiciously warning and admonishing individuals for violations of the New York City Administrative Code, the Rules of the City of New York, or New York City Park Rules, or summoning/arresting violators when a corresponding crime exists. When deciding whether to use discretion to warn and admonish violators or take enforcement action, uniformed members must consider the overall quality of life of NYC residents; i.e.:

- Is this violation causing people in the community to feel unsafe or uncomfortable?
- If left unchecked, does this violation have the potential to cause people to feel unsafe and uncomfortable?
- Is this a chronic condition causing these feelings (unsafe/uncomfortable)?
- Has the violator been previously warned?

Individuals who are the drivers of crime in the City are often violators of lesser infractions; consequently, it is imperative for members to realize that effectively addressing chronic and quality of life conditions will reduce violence and improve the

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quality of life for all New Yorkers. Addressing these conditions may take the form of public engagement and collaborating with members of the community, or when collaborative efforts do not work, taking enforcement action.

In the addendum to this chapter, documents have been provided as reference material for when members elect to take enforcement action for quality of life offenses. The “*Quick Reference: Enforcement of Street-Level QOL Violations*” provides an overview of a members’ authority when engaging individuals who are committing violation-level offenses, as well as a flowchart of the appropriate levels of enforcement (OATH or C-Summons). Also attached is an updated list of common summonsable offenses, along with sample narratives. These documents will also be available via the *Quality of Life* application on Department issued smartphones.

Instructor Notes:



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Returnable Agencies & Return Dates

NYPD	
Type of Summons:	Returnable to & Return Date:
Parking ("A")	NYC DOF, PVO R/D: printed on summons
Traffic ("B")	NYS DMV, TVB R/D: instructions printed on summons
Criminal Court ("C")	NYC Criminal Court R/D: as per FINEST message
OATH ("OATH")	Office of Administrative Trials & Hearings R/D: as per FINEST message

Learning

Outcome #3

Identify the Return Dates for the Various Summonses Issued by the Department.

"A" offenses: stopping, standing, and parking

Return date: information for violator is printed on the summons

- *Jurisdiction:* NYC Department of Finance, Parking Violations Operations

"B" offenses: traffic infractions (including those committed by bicyclists) other than stopping, standing, and parking

Return date: advise motorist to answer summons in accordance with the instructions printed on the summons

- *Jurisdiction:* NYS Department of Motor Vehicles, Traffic Violations Bureau

"C" offenses: pedestrian offenses, traffic misdemeanors, violations of the New York City Administrative Code, garages and parking lots offenses, and most other summonsable offenses, except violations of OATH and TAB

Return date: obtained at roll call and it is as per a FINEST message that is transmitted daily

- *Jurisdiction:* NYC Criminal Court

"OATH" offenses: food vendor and general vendor regulations, violations of certain NYC Administrative Code, graffiti law, health code, public health law (canine waste), provisions of the air code, noise code, and sanitation, and NYC Parks rules

Return date: obtained at roll call and it's as per a FINEST message that is transmitted daily

- *Jurisdiction:* Office of Administrative Trials and Hearings



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Summary

NYPD

Classroom Discussion - Summons Appendix

Learning Outcome #4
Properly prepare a “parking,” “moving,” “criminal,” or “OATH,” summons.

The police response to summonsable behavior anywhere within New York City is a major part of your patrol function. In cases when warning and admonishing the violator is not possible, the issuance of a summons or even a possible arrest may be your only valid option.

Obviously, there can be other circumstances that will lead you to use your discretion to take no further police action beyond that level of warning and admonishing, such as informing the violator that his/her behavior is unlawful and they should cease that behavior. Examples may be a tourist who is caught smoking and is honestly unaware that it is not permitted in the subway or a person drinking beer in a NYC park on New Year's Eve.

- **Note:** Use “8A - Appendix to Summonses” to review what you have just learned in this chapter.

Instructor Notes:



Police Science Chapter 8 – Summonses



Summary

NYPD

1. Explain the general procedures, preparation, issuance, and conditions of service for various summonses issued by the Department.
2. List the types of summonses issued by the Department.
3. Identify the return dates for the various summonses issued by the Department.
4. Properly prepare a “parking,” “moving,” “criminal,” or “OATH,” summons.

In this chapter, you have read about summonses. The Patrol Guide contains more extensive direction and procedures.

Summary:

- Explain the general procedures, preparation, issuance, and conditions of service for various summonses issued by the Department.
- List the types of summonses issued by the Department.
- Identify the return dates for the various summonses issued by the Department.
- Properly prepare a “parker,” “mover,” “criminal,” or “OATH,” summons.

Instructor Notes:

Make sure recruits read the mandatory Patrol Guide readings in conjunction with this chapter.



Supplemental

Effective Communication & Empathy Awareness: Summonses

In class, you will show a video that will be the topic of a discussion on effective communication and empathy. The purpose of this discussion is to determine ways to incorporate empathy into violation-level enforcement action. In order for you to prepare for this discussion, read the discussion plan below as well as question #1 which recruits will be asked within their student guide. You will moderate the discussion and address relevant points presented by the recruits, but ensure that aspects of the response below are introduced into the discussion and that the skills taught in the *Effective Communication and Empathy Awareness* lesson are revisited where applicable.

Discussion time: 15-20 minutes

Learning Outcome: Determine ways to incorporate empathy into violation-level enforcement.

Discussion Opening: *Can you truly have empathy when you are the one issuing the summons? (Listen to some of the recruits' answers and have them expand their answers where necessary).*

Discussion Question: Elicit responses to question #1 from the recruits (Identify recruits that have opposing opinions and have them discuss to try to convince the other of their opinion, if applicable).

1. When issuing a summons to an individual, what could be done on the part of a police officer to minimize the potential for a confrontational reaction from the person receiving the summons?

Play Video: (20K Officer Simmons Video [in Effective Communication folder in the Training folder]) – Utilize aspects of the response below when discussing the video.

Response

In terms of quantity, issuing summonses may be the most frequent enforcement



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action that you take throughout your career. In carrying out these actions, consider the position of the person receiving the summons; while it will be frequent to you, this likely will not be the case for the person being given a summons. Always inform the violator of what the nature of the violation is and what is about to take place (i.e., the type of summons that will be issued, the necessity to check for warrants prior to issuance, etc.). Frustration often comes from having a lack of information, so knowing what is happening and the steps to follow will likely serve to calm the person whom you have stopped. At the close of the enforcement action when it is time to issue the summons, many people tend to have follow-up questions, including questions that may be answered by reading the summons. Regardless if the summons can answer them or not, you should always thoroughly answer questions a violator may have in regards to the summons; “it’s on the summons,” does not suffice as a good answer. This may be the person’s first time receiving a summons and it may be a bit overwhelming to them. Consider their position in this interaction and think if it were you, would you like to have your questions answered.

Supplementary Question: *Do you think having empathy can consistently prevent you from having a confrontational interaction with a person you have stopped?*

Discussion Closing: *Can anyone identify any problems with having the approach in the video to violation-level enforcement? (Utilizing your experience and expertise, address any valid concerns raised by the recruits while stressing why having empathy is important).*