



POLICE STUDENT'S GUIDE

Police Science



Summons

~ CHAPTER 8 ~

Topics and concepts included in this chapter:

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.

Mandatory Patrol Guide Procedures

Summons

P.G. 209-01	Conditions of Service
P.G. 209-02	Summonses and Notices of Violation Returnable Agencies
P.G. 209-03	Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) – Criminal Justice Reform Act (CJRA)
P.G. 209-04	Summons Return Date and Time
P.G. 209-07	Parking Summonses – General Procedure
P.G. 209-09	Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court
P.G. 209-14	Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) – Graphic
P.G. 209-18	Summons Served or Prepared in Error
P.G. 209-33	Parental Notification for Criminal Court Summonses Issued to Individuals Under Eighteen Years
P.G. 209-36	Electronic Summons Tracking System (ESTS)
P.G. 217-18	Vehicle Collision – Pedestrian/Bicyclist Right of Way Law



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Required Digital Activity Log Entries for “A,” “B,” “C,” and “OATH” Summons

- Date and time offense observed
- Description of offense
- Summons number
- Respondent's/motorist's/defendant's name and date of birth
- Type and *serial number* of government photo identification used to determine name and date of birth of respondent/motorist/defendant
 - If no license and/or warrant check conducted, note the reason
- I/CAD event number
- License plate number and state/province of registration, if applicable
- Make and model of vehicle, if applicable
- Number of passengers in vehicle, if applicable
- Any other pertinent information that will aide in the prosecution at court
 - Bringing your **Digital Activity Log entries** from the date of issuance of the summons, including your copy of the summons, to court when called to testify is required
 - If you fail to bring these items when appearing at court, you may be subject to Departmental discipline



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PART I: GENERAL PROCEDURES FOR SUMMONSES

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.

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



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temporarily assigned to enforcement duty that may require serving a summons, will obtain a sufficient number of summonses from the command where 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**.

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.



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- 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.

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



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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.

- Summons 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 summonses are required for each violation.
- **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.



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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 Summons Served, Certification of Moving/Criminal Court Summons Served** card with appropriate copies of each summons to *clerical staff*.
- When transferred or separated from the Department, deliver unused summonses 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.

PART II: TYPES OF SUMMONSES ISSUED BY THE NYPD

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 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 *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.



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- 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.
- 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 E. 23rd St.
 - Correct - N/S of E. 23rd St., 50' W/O 2nd Ave.
- If available, you may also use a more specific address, such as "front of" or "opposite of." For example,
 - Incorrect - Midway btwn E. 20th St. btwn 2nd & 3rd Ave.
 - Correct - I/F/O 235 E. 20th St.
- 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; or
 - Operators name, if present.
- Do **not** use military time, use civilian time instead.



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- 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 Summons Served** card.
 - The pink copy of the Notice of Parking Violation will be attached to the **Certification of Parking Summons 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 motorist 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 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



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inspection sticker (as seen from the driver's seat, the registration sticker must be located **to the right side of the inspection sticker**).

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:

- | | |
|---|---|
| <ul style="list-style-type: none">• Double parking• Fire zone• Fire hydrant• No standing | <ul style="list-style-type: none">• 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.

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:



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- 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.

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).

FIVE-MINUTE GRACE PERIOD

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



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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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PRINT ALL ENTRIES **PRESS** **HARD** **USE BALL POINT PEN**

PRESS

HARD

USE BALL POINT PEN

WRITE ONLY ONE VIOLATION PER TICKET

Parking Summons

Service Copy (Front)

The City of New York Notice of Parking Violation

Permit Displayed? Yes No Type _____ Name or VIN _____

Date Registration Expires - N/S _____

Name of Operator, if present.
If not present, then Owner of Vehicle Bearing Licence.
Operator Present but ID Refused?
N/S = Not Shown

PLATE											
-------	--	--	--	--	--	--	--	--	--	--	--

PLATE TYPE	PAS	SRF	OTHER	PLATE TYPE							
	COM	CT	PA		NY	MA	FL	VA	MD	NC	Other

N/S	Sdn	Van	Subn	Delv	Tir	Plu	Taxi
Color							
Model Yr							

ALT MAKE PLATE	Chev	Ford	Honda	Dodge	Jeep	Linc	Mercu	Toyot	Nissan	Mitsu	Mer/Be	GMC	Mazda	OTHER
State														

NY	Kings	Bronx	Qns	Rich	County
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THE OPERATOR & OWNER OF THE ABOVE VEHICLE ARE CHARGED AS FOLLOWS:

Time												
AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	AM

Date of Offense												
AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	AM	AM

Time 1st Observed	AM	Date 1st Observed	/	/	Precinct
PM	PM				

--	--	--	--	--	--

Front of	Place of Occurrence	Opposite
----------	---------------------	----------

Operational?	Yes	No
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Code	All Other Areas	Fine	Manhattan 96 th St & South	CHARGED VIOLATION OF SECTION 4-08 (SUBSECTION BELOW) OF NYC TRAFFIC RULES	METER #
34	<input type="radio"/>	\$35	<input type="radio"/>	\$65	Expired Meter (h)(2)
37	<input type="radio"/>	\$35	<input type="radio"/>	\$65	Expired Muni-Meter (h)(10)
38	<input type="radio"/>	\$35	<input type="radio"/>	\$65	Fail to Disp. Muni-Meter Receipt (h)(10)
20	<input type="radio"/>	\$60	<input type="radio"/>	\$65	No Parking (d)
21	<input type="radio"/>	\$45	<input type="radio"/>	\$65	No Parking, SCR (d)(1)
27	<input type="radio"/>	\$180	<input type="radio"/>	No Parking Except Handicap Plates/Permits (d)(3)	
78	<input type="radio"/>	\$65	<input type="radio"/>	Nighttime Pkg Comm. Vehicle Residential St. (k)(6)	
16	<input type="radio"/>	\$95	<input type="radio"/>	No Standing Except Trucks loading/unloading (k)(2)	
31	<input type="radio"/>	\$115	<input type="radio"/>	No Standing Commercial Metered Parking (l)(3)(ii)	
17	<input type="radio"/>	\$95	<input type="radio"/>	No Standing Except Auth Vehicles (o)(4)	
19	<input type="radio"/>	\$115	<input type="radio"/>	No Standing Bus Stop (c)(3) Other Description, Rider or Time Limit:	
14	<input type="radio"/>	\$115	<input type="radio"/>	No Standing (c)	
46	<input type="radio"/>	\$115	<input type="radio"/>	Double Parking (o)(1)	
70	<input type="radio"/>	\$65	<input type="radio"/>	Registration Sticker (j)(3) NYS Only	
71	<input type="radio"/>	\$65	<input type="radio"/>	Inspection Sticker (j)(6) NYS Only	
67	<input type="radio"/>	\$165	<input type="radio"/>	Pedestrian Ramp (o)(7)	
40	<input type="radio"/>	\$115	<input type="radio"/>	Fire Hydrant (o)(2) Feed From:	
74	<input type="radio"/>	\$65	<input type="radio"/>	Missing/Improperly Displayed Plate (j)(2)	

Days in effect (ALL unless otherwise specified)							
M	T	W	Th	F	Sa	Su	
Hours in effect (All unless otherwise specified)							
From:							AM
To:							PM

From:							AM
To:							PM

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

<input type="radio"/>	Sub Section
-----------------------	-------------

I affirm under penalty of perjury (penal law 210.45) that I personally observed the offense charged above; if the operator was present, I wrote the operator's name above or marked the "ID refused" oval and personally served this Notice upon him/her, if no name appears above and the "ID refused" oval is not marked, I affixed this Notice to the vehicle. Rev. 10/04

Signature of Complainant

ISSUING AGENCY

6

Nov. 1994

Name of Complainant (printed)

Tax Reg.
No.

105066163-1



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NOTICE OF VIOLATION

YOU CAN RESPOND TO THIS NOTICE OVER THE INTERNET, BY MAIL OR IN PERSON; HOWEVER, THE NYC DEPARTMENT OF FINANCE MUST RECEIVE YOUR ANSWER TO THIS NOTICE WITHIN 30 DAYS FROM THE DATE OF THIS OFFENSE OR YOU WILL BE SUBJECT TO AN ADDITIONAL \$10 PENALTY. FAILURE TO ANSWER AS REQUIRED SHALL BE DEEMED AN ADMISSION OF LIABILITY. ADDITIONAL PENALTIES WILL BE CHARGED AND A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU. VEHICLES OWNED BY PERSONS WITH OUTSTANDING JUDGMENTS MAY BE TOWED.

PLEA FORM

READ THE INSTRUCTIONS BELOW AND THEN COMPLETE THIS PLEA FORM BASED UPON WHETHER YOU WISH TO PLEAD "GUILTY" OR "NOT GUILTY".

I HEREBY PLEAD	<input type="checkbox"/> GUILTY	<input type="checkbox"/> NOT GUILTY
NAME _____		
ADDRESS _____	APT _____	
CITY _____	STATE _____	ZIP _____
SIGNATURE _____	DATE _____	

IF YOU ARE PLEADING "GUILTY" YOU MUST PAY THE FINE PAY OVER THE INTERNET: Go to www.nyc.gov/finance to pay by Credit or Debit Card. You will be charged a small service fee.
OR
PAY BY PHONE: Call 212-504-4041 to pay by Credit Card. You will be charged a small service fee.



PAY BY MAIL: Use the attached envelope or mail your payment to the NYC Department of Finance, PO Box 2127, New York, NY 10272-2127. Mail your payment within 20 days of the date of this Notice to ensure that it will be received by the 30th day.

- 1) Include this Notice with the above Plea Form completed.
- 2) Include payment in full, by check or money order. DO NOT SEND CASH. Make the payment out to the NYC Department of Finance.
- 3) Write the Ticket Number, the Plate Number and the State of Registration on the front of your payment.

OR

PAY IN PERSON: Bring this Notice with your payment to any Finance Business Center listed below. You can pay by cash, check or money order or with a credit or debit card. See a cashier or use one of our convenient payment kiosks.

IF YOU ARE PLEADING "NOT GUILTY" YOU MUST REQUEST A HEARING

HEARING BY WEB: Go to www.nyc.gov/finance on the internet and follow the instructions. Note: If you choose a Hearing-By-Web, you can only submit a written statement as your defense. If you have any supporting evidence to present, select another hearing option.

OR

HEARING BY MAIL: Send the following information to the NYC Department of Finance Hearing By Mail Unit, PO Box 29021, Brooklyn, New York 11202-9021:

- 1) This Notice with the above Plea Form completed and marked "Not Guilty".
- 2) a clear and complete statement of why you believe you are not guilty, and
- 3) any supporting evidence such as witness statements, photographs, diagrams, etc.

KEEP ORIGINAL DOCUMENTS AND SEND COPIES
For Broken or Fast Meter defenses, or if you have a Department of Transportation Special Parking ID and wish to plead "Not Guilty", you do not need to send any evidence now. Just check the appropriate box below and enter your DOT Permit Number if applicable:

- Broken Meter Fast Meter (For Violation Code #34 only) DOT Permit Number _____

OR

HEARING IN PERSON: No appointment is necessary. Bring this Notice and your evidence to a Borough Business Center listed below, Monday through Friday between 8:30am and 4:30pm.

NYC DEPARTMENT OF FINANCE
FINANCIAL BUSINESS CENTERS
Open Monday through Friday 8:30am - 4:30pm
Bronx - 1400 Williamsbridge Road - 1st Floor
Brooklyn - 210 Joralemon Street - 1st Floor
Manhattan - 66 John Street - 2nd Floor
Queens - 144-06 94th Avenue - 1st Floor
Staten Island - 350 St. Marks Place - 1st Floor

24 HOUR ASSISTANCE
SERVICIO 24 HORAS
911
Outside NYC
(212) NEW-YORK
TTY (Hearing Impaired)
(212) 504-4115
www.nyc.gov/finance

Parking Summons

Service Copy (Rear)

Parking Summons

Envelope

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.



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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-summons 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:

- 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.



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Sample of Client ID Check Results

DCID - DRIVER LICENSE CHECK BY CLIENT ID NUMBER

REQUEST SENT: 08/14/2012 11:52:04
RESPONSE RECEIVED: 08/14/2012 11:52:06
SER#: 281150

!150CCV8999368
NYIS PTST NYPA 1152
NY03030F1

DCJS SEARCH RESULTS

NAM/CLAUS,SANTA C
.SEX/M,RAC/ .DOB/1927-01-20

NO RECORD - NYSPIN WANTED PERSONS FILE



NO NCIC WANT NAM/CLAUS,SANTA C DOB/19270120 SEX/M
***MESSAGE KEY QW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF
EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE
EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS
FILES ARE SEARCHED WITHOUT LIMITATIONS.

!150CCV8999368
NYS P OINQ NYPA 1152
NO RECORD NYSPIN ORDER OF PROTECTION FILE
NAM/CLAUS,SANTA C
SEX/M RAC/U DOB/01201927

REQUEST PARAMETERS

clientId : 310817680
More : Y

!150CCV8999368
NYMV DLIC NYPA 1152
LIC310817680
TODAYS DATE: 2012-08-14 11:52:06 CLIENT ID: 310817680
CLAUS,SANTA,C DOB: 1927-01-20 SEX: MALE
BX 759 HEIGHT: 5 FEET 09 EYES: BROWN
NORTH POLE NY 12946 COUNTY: ESSEX
MOTORIST ID #: C12049 82518 081030-27000
LICENSE CLASS: "D"
EXPIRATION: 1989-01-20
STATUS: EXPIRED

!150CCV8999368
NYS P PARO NYPA 1152
NY03030F1
NO RECORD - NYSPIN PAROLE FILE
NAM/CLAUS,SANTA C
.SEX/M,RAC/ .DOB/012027

!150CCV8999368
NCIC PTST NYPA 1152
NY03030F1

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;



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- 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.

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."

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As for the New York State vehicle registration card and windshield sticker, review the following items:



CARD

Registration Class Code

FF000016

Plate Number

3

3/Name

VIN12345678910111
1980 FORD SEDN
DMV1234 PAS X

03/31/12

12

VOID

STICKER

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

Insurance Company Code	Effective Date	Policy Number
666 INSURANCE COMPANY	11/05/2001	TEST1234
MOTORIST, MIKE 123 MAIN STREET ALBANY, NY 12228	12:01 a.m. (not acceptable to obtain registration after 45 days from effective date.)	Expiration Date 11/05/2002 12:01 a.m.
An authorized NEW YORK insurer has issued an Owner's Policy of Liability Insurance complying with Article 5 (Motor Vehicle Financial Security Act) of the NEW YORK Vehicle and Traffic Law to:	Address with respect to the following Motor Vehicle: 1986 CADIL Year GENERIC 1232374 Vehicle Identification Number	THIS ID CARD MUST BE CARRIED IN THE INSURED VEHICLE FOR PRODUCTION UPON DEMAND
MOTORIST, MIKE 123 MAIN STREET ALBANY, NY 12228		WARNING: Any person who issues or produces an ID card knowing that an Owner's Policy of insurance is not in effect may be committing a misdemeanor. In addition, a person who presents an ID card if insurance is not in effect may be committing a misdemeanor.
		The name of the registrant and the name of the insured must coincide.
		REPLACEMENT VEHICLE NOTATION: DMV WILL ONLY PROCESS A VEHICLE CHANGE (RE-REGISTRATION) USING THE REPLACED VEHICLE'S CURRENT REGISTRATION.



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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 (Speeding)
2. Failed to Yield Right of Way to Pedestrian
3. Disobey Traffic-Control Device
4. Driving While Using a Portable Electronic Device (Texting)
5. Use of Mobile Telephone (Cellphone)
6. Failure to Wear Seatbelt or Use Child Safety Seat
7. Reckless Driving
8. Unlicensed Operator
9. Failed to Yield Right of Way to Vehicle
10. Improper Turn
11. Unsafe Lane Change
12. Failure to Signal
13. Overtaking and Passing School Bus
14. Following Too Closely
15. Improper Passing
16. Backing Unsafely
17. Tinted Windows
18. Disobey Steady Red Signal

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.

SEATBELTS

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.



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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).

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).

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.



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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.

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.

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



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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.

AAR 1430715		New York State - Department of Motor Vehicles	
		SIMPLIFIED INFORMATION / COMPLAINT	
		The People of the State of New York vs. _____	
LAST NAME _____		FIRST NAME _____ M.I. _____	
NUMBER & STREET ADDRESS _____		APT. NO. _____ PHOTO LIC. BRANCH _____	
CITY _____ STATE _____ ZIP CODE _____		OWNER IS _____ LIC CLASSED TYPE _____	
I.D. NUMBER _____ SEX _____ DATE OF BIRTH (MM/DD/YY) _____			
STATE _____ LICENSE EXPIRES (MM/DD/YY) _____		VEH. TYPE _____ VEH. YR. _____ VEH. MAKE _____ VEH. COLOR _____	
PLATE # _____ REG. STATE _____		REGISTRATION EXPIRES (MM/DD/YY) _____	
BICYCLE			
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS			
TIME (GIVEN HH:MM) _____ DATE OF OFFENSE (MM/DD/YY) _____		TRAFFIC RULES ADMIN. CODE PENAL. SEC. _____	
		MAY TAX LAW TRADE LAW MYCRO TITLE	
IN VIOLATION OF: SECTION AND SUBSECTION _____		OTHER LAW _____	
DESCRIPTION / NARRATIVE _____		APPROV. IN SPEED ZONE _____	
PLACE OF OCCURRENCE _____		MILE # _____ LOCATION CODE _____	
IN THE <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village OF: _____ COUNTY OF: _____ PRECINCT: _____		MILE TYPE: _____	
RADAR OPERATOR NAME (Print) _____			
DATE APPEARED _____		ARREST TYPE _____	
OFFICER ID # _____		OFFICERS COMMAND _____	
THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN EITHER THE: _____			
<input type="checkbox"/> TRAFF. VIOL. BUREAU: _____ OR THE <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> Criminal <input type="checkbox"/> District COURT OF: _____ COUNTY OF: _____ JURISDICTION: _____			
ADDRESS _____			
CITY _____ STATE _____ ZIP CODE _____			
<input type="checkbox"/> RETURN BY MAIL BEFORE, OR IN PERSON ON: _____		<input type="checkbox"/> MUST APPEAR IN PERSON ON: _____	
at: _____ M _____		FOR COURT USE ONLY	
COURT DATE _____		JUSTICE CODE _____ DATE ADJUDICATED _____ DATE SENTENCE IMPOSED _____	
CHARGE CONNECTED TO: <input type="checkbox"/> AS ABOVE <input type="checkbox"/> VTL <input type="checkbox"/> OTHER _____		DISPOSITION / SENTENCE _____	
AMT. BAIL FORFEITURE: _____ DATE: _____		FINE: _____ PURCHASE: _____	
		DAYS / MONTHS / YEAR _____	
AAR 1430715			

TO PLEAD GUILTY OR NOT GUILTY ONLINE																																																																		
You may plead guilty or not guilty and schedule a hearing online for most violations at www.nysdmv.com/eplead.htm .																																																																		
TO PLEAD GUILTY OR NOT GUILTY BY MAIL																																																																		
<ul style="list-style-type: none"> • Complete and SIGN the Plea Notice below. Mail within 15 days (with your payment if pleading guilty) to: TRAFFIC VIOLATIONS PLEA UNIT, P.O. BOX 2950-ESP, ALBANY, NY 12220-0950. • Only credit cards, or checks or money orders payable to the Department of Motor Vehicles, are accepted. • Tickets for equipment violations may only be dismissed if you mail a receipt for repair, showing that the repair was made within one business day of the violation. 																																																																		
FINE SCHEDULE FOR GUILTY PLEASE BY MAIL																																																																		
Fines could be higher if you plead NOT GUILTY and are then found GUILTY at hearing, or when appearing before a judge, even to plead guilty. The total amount includes the fine and all applicable surcharges and CANNOT be reduced.																																																																		
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Signature or _____ Person Entering Plea _____ Date _____																																																																		
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Street _____ City _____ State _____ Zip Code _____																																																																		
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Credit Card Number _____ Expiration Date _____																																																																		
Name As It Appears On Card _____																																																																		
Cardholder Signature _____																																																																		
Expiration Date 07-2024																																																																		

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



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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.
- 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 smart phone or computer.

This space is intentionally left blank.



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LOCAL LAW 45 OF 2021-TRAFFIC ENCOUNTERS NEW VEHICLE REPORT AND VEHICLE CHECKPOINT FORM FAQS

IS THE VEHICLE REPORT REQUIRED WHEN STOPPING ELECTRONIC MOTORIZED VEHICLES (E-BIKES, E-SCOOTERS)?

YES

CAN WE PARTIALLY COMPLETE FORM AND FINALIZE LATER?

YES – The form can be saved before validating (finalizing). Any applicable related report numbers (summons, stop report, arrest report etc.) must be inserted into the form before validating.

IF A CAR IS PARKED AND I APPROACH AT A LEVEL 3 STOP, DO I NEED TO DO THIS?

YES

DOES THIS LAW APPLY TO ISSUING PARKING SUMMONS VIOLATIONS?

NO – Unless the car is being stopped/held BEYOND a parking violation i.e., turns into an investigative encounter or probable cause develops.

DOES THIS APPLY TO VEHICLE ACCIDENTS?

NO – Exception: if car left scene and you are stopping that car to issue a summons.

CAN YOU FINALIZE FORM WITHOUT HAVING REPORT NUMBERS YET?

NO – However, you can SAVE the incomplete form and update it once you have the applicable report number.

CAN AN OFFICER SEARCH THE FORMS SYSTEM TO SEE HOW MANY TIMES THIS DRIVER WAS WARNED AND ADMONISHED?

YES

CAN MORE THAN ONE SUMMONS NUMBER BE INSERTED INTO THE FORM?

YES

IS THIS FORM DISCOVERABLE?

YES

DOES THIS FORM GET FILLED OUT EVEN IF YOU WARN AND ADMONISH?

YES



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IF THE DRIVER REFUSES TO PROVIDE INFORMATION- DO YOU HAVE TO COMPLETE FORM?

YES – ‘Unknown’ is written in space for name.

DOES A REPORT HAVE TO BE FILLED OUT IF YOU CONDUCT A VEHICLE STOP AND THE VEHICLE DRIVES OFF BEFORE THE OFFICER APPROACHES THE DRIVER SIDE?

YES – ‘Unknown’ will be selected where applicable. If the vehicle does not comply with your sirens/lights and never stops, then no form is required.

DO WE NEED A REPORT IF THE VEHICLE NEVER COMPLIES WITH A MOS REQUEST TO STOP?

NO

MAY I SAVE INFORMATION IN PHONE AND FILL OUT LATER?

YES

CAN I VOID THE FORM AFTER IT IS VALIDATED?

YES

WILL REPORT BE REQUIRED FOR WELLNESS CHECK, FLAT TIRE, VEHICLE OBSTRUCTION, PARKING SUMMONS?

NO – However, a report will be required IF circumstances elevate beyond these events.

DO WE NEED REPORT FOR WHEN WE APPROACH CARS AT STOP LIGHT AND HAND OUT EDUCATION OUTREACH FLYERS?

NO

DO YOU NEED A REPORT FOR ‘SPILL-BACK’ SUMMONS (CAR STOPPED AS MOVING VIOLATION BUT ONLY ISSUE PARKING SUMMONS)?

YES – If stop began as moving violation stop, you must do a form.

DO YOU HAVE TO FILL OUT A VEHICLE REPORT AFTER EVERY VEHICLE THAT IS STOPPED DURING THE DURATION OF A CHECKPOINT?

YES – But only one Vehicle Checkpoint Form is required.

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



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Police Science



categories of bikes and other vehicles eligible for moving violations. See the graphic below for what constitutes an E-Bike and an E-Scooter.

Electric Bicycles & More

Not everything is an e-bike. Know the differences - and always ride legally and safely.

Know the difference	E-Bike Class 1	E-Bike Class 2	E-Bike Class 3	Moped Class C	Moped Class B	Moped Class A	E-Scooters	Not Legal e-mobility devices
	Electric Bike with Pedal Assist	Electric Bike, Throttle up to 20 MPH, Operable Pedals	Electric Bike, Throttle up to 25 MPH, Operable Pedals	Limited Use Motorcycle, Low-speed, 2-3 Wheels	Limited Use Motorcycle, Low-speed, 2-3 Wheels	Limited Use Motorcycle, Low-speed, 2-3 Wheels	Device with handlebars, a floorboard or seat, weighing less than 100 lbs. Can be powered by electric and/or human power	The following are examples of illegal e-mobility devices
How fast can I go?	20 MPH	20 MPH	25 MPH	20 MPH	30 MPH	40 MPH	15 MPH	
Do I need a license?	No	No	No	Yes, Driver's License	Yes, Driver's License	Yes, Driver's License Endorsement	No	
Do I need to register my bike?	No	No	No	Yes, Must be registered with NYS DMV, must have license plates & VINs	Yes, Must be registered with NYS DMV, must have license plates & VINs	Yes, Must be registered with NYS DMV, must have license plates & VINs	No	
Where can I ride?	Bike Lanes* and streets with speed limits no greater than 30 MPH	Bike Lanes* and streets with speed limits no greater than 30 MPH	Bike Lanes* and streets with speed limits no greater than 30 MPH	Right lane and/or shoulder** (except when making a left turn)	Right lane and/or shoulder** (except when making a left turn)	Vehicular Lanes **	Bike Lanes* and streets with speed limits no greater than 30 MPH	
Do I need to wear a helmet?	Recommended for all, Required for 16-17 year olds and working cyclists	Recommended for all, Required for 16-17 year olds and working cyclists	Yes, Required by law	Recommended	Yes, Required by law	Yes, Required by law	Recommended for all, Required for 16-17 year olds	
	*Including on bridges		** Including vehicle lanes on bridges					

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.



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Police Science



- 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 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.

FILLING OUT A “B” SUMMONS

Moving Summons are used throughout New York State by multiple agencies; consequently, there are some parts of the summons that are not utilized by every agency, and knowing what is applicable to this Department is important to accurately complete the summons and issue the correct copy to the motorist. In addition, the NYS DMV uses some very specific codes that uniformed members of the service must be familiar with to correctly complete the summons. The following guide will assist you:



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Police Science



**TVB
Summons
Court Copy
(Front)**

AAR 1430715

New York State - Department of Motor Vehicles			Simplified Information / Complaint POLICE AGENCY		
The People of The State of New York VS.			NYPD		
LAST NAME	FIRST NAME	M.I.	LOCAL POLICE CODE		
NUMBER & STREET ADDRESS			APT. NO.	PHOTO SHOWN	
CITY	STATE	ZIP CODE	OWNER IS OPER.		
LIC CLASS/ID TYPE					
I.D. NUMBER			SEX	DATE OF BIRTH (MM/DD/YY)	
STATE	LICENSE EXPIRES (MM/DD/YY)	VEH. TYPE	VEH. YR.	VEH. MAKE	VEH. COLOR
		A	B	C	
PLATE #	REG. STATE	REGISTRATION EXPIRES (MM/DD/YY)			
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS					
TIME (24hour MM:MM)	DATE OF OFFENSE (MM/DD/YY)		VTL	TRAFF. ADMIN	PRMPL. ECL
IN VIOLATION OF: (SECTION AND SUBSECTION)			TR	M	NYCCR
			I	N	TITLE
			R	S	
			M	D	
DESCRIPTION / NARRATIVE			MPH	IN MPH/ZONE	
				COL. VEH.	BUS
				HAZ. MAT.	
			US DOT#		
PLACE OF OCCURRENCE			HAY #	LOCATION CODE	
				D	
			E	NCIC 03030	
IN THE <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village					
OF: F COUNTY OF: PRECINCT:					
COMPLAINANT SIGN AND PRINT NAME/RANK Affirmed under penalty of perjury					
G RADAR OPERATOR NAME (Print)					
DATE AFFIRMED		ARREST TYPE H	OFFICER ID #	OFFICER'S COMMAND I	
THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN EITHER THE: <input checked="" type="checkbox"/> TRAFF. VIOL. BUREAU IN: OR THE <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> Criminal <input type="checkbox"/> District					
COURT OF:		COUNTY OF: SUMMONS PART			
ADDRESS					
CITY		STATE		ZIP CODE	
<input type="checkbox"/> RETURN BY MAIL BEFORE, OR IN PERSON ON: / / at : M					
FOR COURT USE ONLY					
COURT CODE	JUSTICE CODE	DATE ADJUDICATED		DATE SENTENCE IMPOSED	
CHARGE CONVICTED OF: <input type="checkbox"/> AS ABOVE <input type="checkbox"/> VTL <input type="checkbox"/> OTHER		DISPOSITION / SENTENCE		FINE	
				SURCHARGE	
AMT DIL. FORFEITURE DATE		<input type="checkbox"/> LIC	<input type="checkbox"/> REV	<input type="checkbox"/> SUSP	<input type="checkbox"/> MAND <input type="checkbox"/> PERM DAYS / MONTHS / YEAR

AAR 1430715

A. Print preapproved single alphanumeric digit.

Passenger	1	Truck/trailer	6
Bus	2	RV	7
Motorcycle	3	Farm Veh.	8
Moped	4	All Other	9
Truck	5	No Vehicle	0
Pick-up	P	ATV	A
Van	V	Bicycle	B

B. Vehicle Make

If the Make is one word than utilize the first 4 letters of the name [Hyundai + HYUN]

If the Make is two words than utilize the first 2 letters of each name [Alpha Romeo = ALRO]

If the Make is an abbreviation consisting of letters only, print them with no punctuation. [BMW]

C. Use Two Digit Code

Black - BK Blue – BL Gray – GY Green – GR

D. Location Code = Command Code

E. Highway Type

Interstate	- 1	Town	- 4	Off-Road	- 7
State	- 2	Village	- 5	Parking lot	- 8
County	- 3	City	- 6	Parkway	- 9

F. City of New York

G. Officer signs and Prints his/her name/rank

H. Arrest Type

Patrol	- 1	Accident w/ Prop. Damage	- 5
Radar	- 2	Accident w/ injury	- 6
Road Check	- 3	Accident/Fatality	- 7
Scales	- 4	Air Craft	- 8

I. Officer's Command

= Command Code (again)

ALWAYS

Police Agency = **NYPD**
NCIC Code = **03030**

*Always bubble "City" & "Traff. Viol. Bureau in:"



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TVB
Summons

Motorist Copy
(Front)

New York State - Department of Motor Vehicles
TRAFFIC TICKET

LAST NAME	FIRST NAME M.I.	LOCAL POLICE CODE					
NUMBER & STREET ADDRESS		APT. NO. PHOTO LIC SHOWN					
CITY	STATE ZIP CODE	OWNER IS OPER. LIC CLASS/ID TYPE					
I.D. NUMBER	SEX	DATE OF BIRTH (MMDDYY)					
STATE	LICENSE EXPIRES (MMDDYY)	VEH. TYPE	VEH. YR.	VEH. MAKE	VEH. COLOR		
PLATE #	REG. STATE	REGISTRATION EXPIRES (MMDDYY)					
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS							
TIME (24hour HHMM)	DATE OF OFFENSE (MMDDYY)		VTL	TRAFF. RULES	ADMIN. CODE	PRHPL	ECL
			NAV	TAX LAW	TRANS LAW	NYCRR	TITLE
IN VIOLATION OF: (SECTION AND SUBDIVISION)		TR	M	I	S	D	OTHER LAW
DESCRIPTION / NARRATIVE			MPH	IN MPH ZONE			
			COL VEH	BUS	HAZ MAT		
			US DOT#				
PLACE OF OCCURRENCE			HWY #	LOCATION CODE			
			HWY TYPE	NCIC			
IN THE <input type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village		COUNTY OF:		PRECINCT:			
COMPLAINANT SIGN AND PRINT NAME/RANK Affirmed under penalty of perjury.							
RADAR OPERATOR NAME (Print)							
DATE AFFIRMED	ARREST TYPE	OFFICER ID #		OFFICER'S COMMAND			
TRAFFIC VIOLATIONS BUREAU HEARING OFFICES (718) 488-5710							
<input type="radio"/> TRAFF. VIOL. BUREAU IN:		Manhattan, N. - 159 East 125th Street (3rd Floor) * Queens, N. - 30-56 Whitestone Expwy * Queens, S. - 168-35 Rockaway Blvd. Rochester - 16 E. Main Street (5th Floor) Staten Island - 1775 South Avenue *					
Bronx - 696 East Fordham Road * Brooklyn, S. - 2875 W. 8th Street * Brooklyn, N. - Atlantic Ctr Mall (2nd Floor), 625 Atlantic Ave.* Buffalo - 295 Main Street Manhattan, S. - 19 Rector Street (2nd Floor) Suffolk County - State Office Building, Veterans Memorial Highway Hauppauge, NY *		Business Hours: Monday - Friday 8:30AM - 4:00PM * Also Thursday 4:00PM - 6:00PM					
YOU MUST ANSWER THIS TICKET WITHIN 15 DAYS OF THE DATE OF OFFENSE. TO ANSWER ON-LINE AT WWW.NYSDMV.COM/EPLEAD.HTM OR BY MAIL, FOLLOW THE INSTRUCTIONS ON THE OTHER SIDE.							
FAILURE TO ANSWER WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGMENT AGAINST YOU.							
MOTORIST COPY-TRAFFIC VIOLATIONS BUREAU							
AAR 1430715							
UT-60 (5/10)							



POLICE STUDENT'S GUIDE

Police Science



TVB
Summons

Motorist Copy
(Rear)

TO PLEAD GUILTY OR NOT GUILTY ON LINE

You may plead guilty or not guilty and schedule a hearing online for most violations at www.nysdmv.com/eplead.htm.

TO PLEAD GUILTY OR NOT GUILTY BY MAIL

- Complete and SIGN the Plea Notice below. Mail within 15 days (with your payment if pleading guilty) to:
TRAFFIC VIOLATIONS PLEA UNIT, P.O. BOX 2950-ESP, ALBANY, NY 12220-0950.
- Only credit cards, or checks or money orders payable to the Department of Motor Vehicles, are accepted.
- Tickets for equipment violations may only be dismissed if you mail a receipt for repair, showing that the repair was made within one business day of the violation.

FINE SCHEDULE FOR GUILTY PLEAS BY MAIL

Fines could be higher if you plead NOT GUILTY and are then found GUILTY at hearing, or when appearing before a judge, even to plead guilty. The total amount includes the fine and all applicable surcharges and CANNOT be reduced.

VIOLATIONS						
			Total	Total		
Seat Belt		\$130	Disobeyed Traffic Control Device		\$130	
Cell Phone		\$130	Equipment		\$ 90	
Most other violations		\$130	Oversize/Length (Non-Owner)		\$330	
Red Light Offenses in 18 Months	Red Light (everywhere else) NYC	\$270	Unlicensed or Unregistered	Total	Total	
			60 Days or Less	\$120	60 Days or Less	\$115
			Over 60 Days	\$175	Over 60 Days	\$145
1st Offense	\$270	\$175	Speeding	Speeding in School Zone	Speeding in Work Zone	
2nd Offense	\$455	\$270	1-10 MPH over limit	\$140	\$200	
3rd Offense	\$1020	\$550	11-20 MPH over limit	\$195	\$310	
			21-30 MPH over limit*	\$195	\$310	
			If 31 MPH or more over limit, you must appear in person.*			

Included in the total amount for each violation (except equipment) is a mandatory \$60 surcharge and \$20 fee. Equipment violations include a \$30 mandatory surcharge and \$20 fee.

*A guilty plea or conviction of a speeding violation of 21 MPH or more over the speed limit will add at least 6 points to your license and subject you to a Driver Responsibility Assessment.

NOTE: You will be notified of a balance due if a particular violation requires a higher fine, if you owe additional fees, if the amount of your payment is insufficient or if you are required to appear in person.

PLEA NOTICE

I, THE UNDERSIGNED, PLEAD: GUILTY NOT GUILTY

If you are pleading GUILTY, it is the same as being found guilty by a judge. In either case, you may be required to pay a fine and, in addition, your driver license and/or registration may be suspended or revoked as prescribed by law. If your guilty plea results in your having 6 or more points on your driver record for violations committed during an 18-month period, a Driver Responsibility Assessment will be imposed. For more information, visit our website at www.nysdmv.com. For some violations, you are required to appear in person even if you wish to plead guilty.

If you are pleading NOT GUILTY, you will be notified by mail of your hearing date, time and location.

YOUR PLEA WILL NOT BE RETURNED. PLEASE MAKE A COPY FOR YOUR RECORDS.

Print Name _____ Phone# _____

Signature of _____

Person Entering Plea _____ Date _____

NEW ADDRESS IF DIFFERENT FROM TICKET ADDRESS

Street _____

City _____ State _____ Zip Code _____

TO PAY FINE WITH CREDIT CARD WHEN PLEADING GUILTY - FILL OUT INFORMATION BELOW

Credit Card Number _____ Amount _____

Name As It _____

Appears On Card _____

Cardholder Signature _____ Expiration Date _____

MM-60 (5/10)



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AAR 1430715

New York State - Department of Motor Vehicles
UNIFORM TRAFFIC TICKET

LAST NAME

FIRST NAME

M.I.

LOCAL POLICE CODE

NUMBER & STREET ADDRESS

APT. NO.

PHOTO LIC
SHOWN

CITY

STATE ZIP CODE

OWNER'S
OPER.

LIC CLASS/ID TYPE

I.D. NUMBER

SEX DATE OF BIRTH (MM/DD/YY)

STATE

LICENSE EXPIRES (MM/DD/YY)

VEH. TYPE

VEH. YR.

VEH. MAKE

VEH. COLOR

PLATE #

REG. STATE

REGISTRATION EXPIRES (MM/DD/YY)

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

TIME (24hour HHMM)

DATE OF OFFENSE (MM/DD/YY)

VTL TRAFF COOP PRMPL ECL

IN VIOLATION OF: (SECTION AND SUBDIVISION)

TRIN

MISD

DESCRIPTION / NARRATIVE

MPH IN MPH ZONE

PLACE OF OCCURRENCE

HWY # LOCATION CODE

HWY TYPE NCIC

IN THE City Town Village

COUNTY OF:

PRECINCT:

COMPLAINANT SIGN AND PRINT NAME/RANK Affirmed under penalty of perjury.

RADAR OPERATOR NAME (Print)

DATE AFFIRMED

ARREST TYPE

OFFICER ID #

OFFICER'S COMMAND

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN THE:

 City Town Village Criminal District

COURT OF:

COUNTY OF:

SUMMONS PART

ADDRESS

CITY

STATE

ZIP CODE

 RETURN BY MAIL BEFORE, OR IN PERSON ON: _____ / _____ / _____ at _____ M MUST APPEAR IN PERSON ON: _____ / _____ / _____ at _____ M

A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle, or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law.

Conviction may subject you to a mandatory surcharge and/or Driver Responsibility Assessment as prescribed by law. Failure to respond may result in a warrant for your arrest, suspension of your driver license and/or a default judgment against you.

AAR 1430715

MOTORIST COPY-TSLED

UT-60 (5/10)

OFFICER'S NOTES		
LIGHT	WEATHER	PAVEMENT
DAY	CLEAR	DRY
DARK	CLOUDY	WET
DARK LIGHTED	RAIN	SNOW
DAWN	SLEET	SLUSH
DUSK	SNOW	ICE
FOG	FOG	MUDGY
AREA	ROADWAY	OFFICER ACTIVITY
BUSINESS / COMM	1 WAY	PATROL STATIONARY
SCHOOL ZONE	2 LANE	PATROL MOVING
RESIDENTIAL	4 LANE / LANES	RADAR
RURAL / HIGHWAY	DIVIDED HIGHWAY	CHECK POINT
PARK / PLAYGROUND	UNPAVED / OFF ROAD	TOLL BOOTH
INDUSTRIAL	PARKING LOT	ACCIDENT ARREST
WORK ZONE	DEFENDANT	SIR
VEHICLE	HT WT	DIR
MAKE	EYES HAIR	MV104A
MODEL	COMPLEXION	ARREST
STYLE	SCARS / MARKS	OTHER
COLOR	TATOOES	
AXLES	MISC.	PHOTO LIC. DISP Y N
TAPE	SPORT LIC.	NCIC CHECK Y N
SCALES	PERMIT #	TOUR OF DUTY
# OCCUPANTS	FACILITY ID	DAY OF WEEK
LENGTH	WATERWAY	
HIN#	LAUNCH / MARINA	
OTHER OFFICER(S)		
DEFENDANT'S SPONTANEOUS STATEMENT:		
NOTES:		

TVB Summons
Agency Copy* (Front)
*Returned with CERTIFICATION

TVB Summons
Officer Copy (Rear)



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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.

CRIMINAL COURT SUMMONSES ("C" SUMMONSES)

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 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.



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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).

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

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.

PEDESTRIAN OFFENSES AND TRAFFIC MISDEMEANORS



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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.

Criminal Court Summons

White
Original Copy
(Front)

CRC-3206 (07/17)		Complaint/Information				
The People of The State of New York vs.						
Name (<i>Last, First, MI</i>)		Date of Birth (<i>mm/dd/yy</i>)				
Street Address		Apt. No.				
City		State	Zip Code			
Cell Phone Number (<i>Write N/A or Refused if not provided</i>)		Home Phone Number (<i>Write N/A or Refused if not provided</i>)				
()		1	()			
Court Appearance Date (<i>mm/dd/yy</i>): <i>(Ensure correct return date is entered)</i>		2	at: 9:30 a.m.			
The court appearance location: <input type="radio"/> Other (specify) 3						
<input type="radio"/> Bronx Criminal Court	<input type="radio"/> Kings & New York Criminal Court	<input type="radio"/> Midtown Community Court	<input type="radio"/> Redhook Community Justice Center	<input type="radio"/> Queens Criminal Court		
<input type="radio"/> Richmond Criminal Court						
ID/License Number		State	Type/Class	Expires (<i>mm/dd/yy</i>)		
Race <input type="radio"/> White <input type="radio"/> Black <input type="radio"/> Hisp. White <input type="radio"/> Hisp. Black <input type="radio"/> Am. Ind./Alaskan Native <input type="radio"/> Asian/Pacific Is.		Sex	Ht	Wt		
		Eyes	Hair	Plate/Reg		
Reg State	Expires (<i>mm/dd/yy</i>)	Plate Type	Veh Type	Make	Year	Color
The Person Described Above is Charged as Follows:						
Title of Offense:						
Time 24 Hrs (<i>mm</i>)		Date of Offense (<i>mm/dd/yy</i>)			County	
Place of Occurrence					Precinct	
In Violation of Section		Subsection	VTL <input type="checkbox"/>	Admin Code <input type="checkbox"/>	Penal Law <input type="checkbox"/>	Park Rules <input type="checkbox"/> Other
Factual Allegations (<i>describe how the offense was committed, OR complete reverse</i>):						
6						
NYPD CODE <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4		ICAD #				
Defendant stated in my presence (<i>in substance</i>):						
<p>I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.</p>						
Complainant's Full Name Printed		Rank/Full Signature of Complainant			Date Affirmed (<i>mm/dd/yy</i>)	
Tax Registry #		Agency			Command Code	

4441323494

JULY 2022



POLICE STUDENT'S GUIDE

Police Science



Criminal Court Summons

**White
Original Copy
(Rear)**

**Although a “C”
summons may be
issued for NYC
Admin. Code §
10-125(b), it will
not be the
primary
enforcement tool**

Trespass Affidavit: Penal Law §140.05 (*To be completed by property owner/custodian.
Officer MUST complete factual allegations section on front of summons.)

I, _____ of (address) _____.

County of _____. State of New York, am the owner or custodian of the premises located at

(insert address) _____. The defendant

8

did not have any license or privilege to be in or upon said premises on (date) _____
or at any other time. I have read the facts stated herein as furnished by me and they are true upon my
personal knowledge and belief.

**False statements made herein are punishable as a Class A Misdemeanor pursuant to section
210.45 of the Penal Law. Affirmed under penalty of law.**

Full Signature of Deponent/Affiant (Owner/Custodian)

Date Affirmed (mm/dd/yy)

Disorderly Conduct: Penal Law §240.20

At the time and place of occurrence indicated herein, I personally observed the defendant, with the
intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: (select
only **ONE** of the following per summons)

[PL §240.20(1)] engage in fighting or in violent, tumultuous or threatening behavior, to wit: (In the
space provided below, describe specific acts or words used and manner which made them violent, etc.)

[PL §240.20(5)] obstruct vehicular or pedestrian traffic, to wit: (In the space provided below, specify
what the defendant did and the resulting obstruction)

[PL §240.20(6)] congregate with other persons in a public place and refuse to comply with a lawful
order of the police to disperse, to wit: (In the space provided below, describe both specific
communication to disperse and specific actions of defendant)

9

Public Consumption of Alcohol: NYC Administrative Code §10-125 (b)

At the time and place of occurrence indicated herein, I personally observed the defendant in
possession of an open container that contained an alcoholic beverage, to wit: an open (describe both
the container and the beverage, e.g., 16 oz. can of Acme beer)

I know the above described container contained alcohol containing more than one-half of one percent
(.005) of alcohol by volume based upon information and belief, the source of which is as follows:
(check **ALL** that apply)

- the label on the container states that it contains alcohol consisting of more than (.005)
of alcohol by volume.
- my professional training and experience as a police officer.
- the odor emanating from the container.
- my observations of the packaging which is characteristic of an alcoholic beverage.
- the defendant's statement that the substance is in fact what it is alleged to be.

Defendant stated in my presence (in substance): _____

Such possession was not while the defendant was participating in a block party, feast or similar function
for which a permit had been issued.

**I personally observed the commission of the offense charged herein. False statements made
herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.
Affirmed under penalty of law. (*If used, officer MUST sign front and back of summons.)**

Complainant's Full Name Printed

Rank/Full Signature of Complainant

Date Affirmed (mm/dd/yy)



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GLUE LINE

CRC-3206 (1/16)

Criminal Court Appearance Ticket

Name (Last, First, M.I.) _____ Date of Birth (mm/dd/yy) _____

Cell Phone Number (where court may contact you) _____ Home Phone Number (where court may contact you) _____
() _____ () _____

Show up to court on:

Court Appearance Date (mm/dd/yy): at: 9:30 a.m.

Your court appearance location: Other (specify) _____

Bronx Criminal Court Kings & New York Criminal Court Midtown Community Court Redhook Community Justice Center Queens Criminal Court Richmond Criminal Court

To avoid a warrant for your arrest, you must show up to court.

At court, you may plead guilty or not guilty.

Please see back for exceptions for Public Consumption of Alcohol and Public Urination offenses.

Court Locations: You must appear at the court location identified above.

Bronx Criminal Court	215 E 161 st Street, Bronx, NY 10451
Kings & New York Criminal Court	346 Broadway, New York, NY 10013
Redhook Community Justice Center	88-94 Visitation Place, Brooklyn, NY 11231
Midtown Community Court	314 W 54 th Street, New York, NY 10019
Queens Criminal Court	120-55 Queens Boulevard, Kew Gardens, NY 11415
Richmond Criminal Court	26 Central Ave, Staten Island, NY 10301

You are Charged as Follows:

Title of Offense:

Time 24 Hour (hh:mm) _____ Date of Offense (mm/dd/yy) _____ County _____

Place of Occurrence _____ Precinct _____

In Violation of Section Subsection VTL Admin Code Penal Law Park Rules Other

For Additional Information and Questions:

Visit the website or call the number below for additional information about your court appearance and translation of this document.

www.my summons.nyc

OR

Call 646-760-3010

Defendant stated in my presence (in substance):

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Complainant's Full Name Printed _____ Rank/Full Signature of Complainant _____ Date Affirmed (mm/dd/yy) _____

Tax Registry # _____ Agency _____ Command Code _____

DEFENDANT'S COPY

Criminal Court Summons

Defendant's Copy
(Front)

Criminal Court Summons

Defendant's Copy
(Rear)



POLICE STUDENT'S GUIDE

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Criminal Court Summons

Agency/Police Copy 1

CRC-3206 (07/17)		Complaint/Information The People of The State of New York vs.						
Name (Last, First, MI)		Date of Birth (mm/dd/yy)						
Street Address		Apt. No.						
City		State	Zip Code					
Cell Phone Number (Write N/A or Refused if not provided)		Home Phone Number (Write N/A or Refused if not provided)						
()		()						
Court Appearance Date (mm/dd/yy): (Ensure correct return date is entered)		at: 9:30 a.m.						
The court appearance location: <input type="radio"/> Other (specify) 3 <input type="radio"/> Bronx <input type="radio"/> Kings & New York <input type="radio"/> Midtown <input type="radio"/> Redhook <input type="radio"/> Queens <input type="radio"/> Richmond Criminal Court Criminal Court Community Court Community Justice Center Criminal Court Criminal Court								
ID/License Number		State	Type/Class	Expires (mm/dd/yy)				
Race <input type="radio"/> White <input type="radio"/> Black <input type="radio"/> Hisp. White <input type="radio"/> Hisp. Black <input type="radio"/> Am. Ind./Alaskan Native <input type="radio"/> Asian/Pacific Is.		Sex	Ht	Wt				
		Eyes	Hair	Plate/Reg				
Reg State	Expires (mm/dd/yy)	Plate Type	Veh Type	Make				
				Year				
				Color				
The Person Described Above is Charged as Follows:								
Title of Offense:								
Time 24 Hrs (mm)	Date of Offense (mm/dd/yy)	County						
Place of Occurrence			Precinct					
In Violation of Section	Subsection	VTL <input type="checkbox"/>	Admin <input type="checkbox"/>	Penal <input type="checkbox"/>	Law <input type="checkbox"/>	Park <input type="checkbox"/>	Rules <input type="checkbox"/>	Other <input type="checkbox"/>
Factual Allegations (describe how the offense was committed, OR complete reverse):					See Reverse			
NYPD CODE <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4					ICAD #			
Defendant stated in my presence (in substance):								
I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.								
Complainant's Full Name Printed		Rank/Full Signature of Complainant			Date Affirmed (mm/dd/yy)			
Tax Registry #		Agency			Command Code			
ORIGINAL								

If using the
Expedited
Affidavits on the
back for Public
Drinking or
Disorderly
Conduct, draw
line and write,
“See Reverse.”

1323494





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Criminal Court Summons

Agency/Police Copy 1
(Rear)
Sample Factual
Allegations for
Trespass Offense

SAMPLE FACTUAL ALLEGATIONS

FILL OUT THE "FACTUAL ALLEGATIONS" SECTION ON THE FRONT OF THE SUMMONS WITH FACTS (NOT CONCLUSIONS) THAT YOU PERSONALLY OBSERVED. REFER TO ACTIVITY LOG INSERT *SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS* (PD 260-211), FOR ADDITIONAL INSTRUCTIONS AND SAMPLES.

Trespass: Penal Law (PL) §140.05

BE SURE TO INCLUDE ALLEGATIONS SIMILAR TO THE SAMPLE LANGUAGE PROVIDED BELOW IN SECTIONS A, B, C, D (AND E IF NECESSARY).

A. At the time and place of occurrence indicated herein, I personally observed the defendant knowingly enter or remain unlawfully in or upon (*address of location*), where I saw the defendant (*describe what you saw defendant doing, i.e., standing, sleeping, sitting*) in or upon said premises.

B. Location: Said premises is: (*allege ONE*)

- *real property (if alleged, STOP and go to section C)
- *a building which is a (*allege ONE*) structure, vehicle, or water craft which is used: (*allege ONE*)
 - *as a dwelling (e.g. apartment building or house).
 - *by persons carrying on business therein.
 - *for overnight lodging of persons.

C. No License or Privilege: The defendant did not have license or privilege to be in or upon said premises in that: (*allege ALL that apply*)

- *said premises were not open to the public.
- *the portion of said premises that the defendant was observed in or upon was not open to the public.
- *the premises is a school building and the defendant did not have written permission to be present, did not have legitimate business or a purpose relating to the operation of the school, and did not have a relationship involving custody or responsibility for any pupil or student enrolled in that school.

D. Defendant's Knowledge: The defendant knew that he/she did not have license or privilege to be in or upon said premises because: (*allege ALL that apply*)

- *the defendant entered or remained beyond a locked (*allege ONE*) door/window.
- *the defendant entered or remain beyond clearly posted sign(s) indicating, in sum and substance, that unauthorized parties were not allowed beyond said sign(s).
- *the defendant stated that he/she does not work at said premises.
- *the premises is a dwelling, and the defendant: (*allege ALL that apply*).
- *stated that he/she was not a tenant of the building.
- *stated that he/she was not an invited guest of anyone residing in said premises.
- *could not provide any proof that he/she was permitted to be in or upon said dwelling.

E. WHERE DEFENDANT WAS PREVIOUSLY GIVEN A VERBAL OR WRITTEN TRESPASS WARNING, SUBSTITUTE THE FOLLOWING LANGUAGE IN PLACE OF SECTION C AND D ABOVE. HAVE THE PERSON WHO GAVE THE WARNING FILL OUT THE TRESPASS AFFIDAVIT ON THE REVERSE OF THE ORIGINAL COPY.

*Defendant had previously received a lawful (*allege ONE*) verbal/written order not to enter or remain in or upon said premises on (*date*), and that order was personally communicated to him/her by (*list name*), who is (*allege ONE*) the owner of said premises or authorized by the owner of said premises (*attach copy of written order if applicable*).



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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 Summons 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.

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 summonsing officer will document all violations on summonses returnable to Criminal Court. Summonsing officer must note reason code 4 in appropriate space on all summonses.

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.



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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
- 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

Note: Do not use the Health Code provisions governing these conducts; they have been repealed.

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 smart phone 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 a paper OATH summons to a 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.

ISSUANCE OF AN OATH SUMMONS FOR FAILURE TO YIELD RIGHT OF WAY



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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.

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 Summons 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:



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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 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



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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."

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 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



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offenses, along with sample narratives. These documents will also be available via the *Quality of Life* application on Department issued smartphones.



OATH 603812/16



SUMMONS TO APPEAR FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 43527770P

ENFORCEMENT AGENCY: Police Department

Respondent: Last Name	First Name	M.I.
Phone No.	Cell (2)	D.O.B. (3) MM / DD / YY
Mailing Address	(5)	
ID Number	ID Type (6)	
Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hisp. White <input type="checkbox"/> Hisp. Black <input type="checkbox"/> Am. Ind./Alaskan Native <input type="checkbox"/> Asian/Pacific Is.		
Date of Occurrence MM/DD/YY	Time of Occurrence HH : MM	AM (7) <input type="checkbox"/> PM <input type="checkbox"/>
Place of Occurrence (<input type="checkbox"/> At <input type="checkbox"/> In Front Of <input type="checkbox"/> Opposite)	Precinct (8)	

Include the summons number above on all communications

HEARING DATE: MM / DD / YY AT: HH : MM AM PM

You must respond by the above date.

See the BACK OF THIS SUMMONS to learn about your options.

WARNING: If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit or registration. The City might also take further legal action against you. See the back for more information.

Hearing Location: Office of Administrative Trials and Hearings (OATH)

Borough: (10) (See back for address) (844) 628-4692 www.nyc.gov/oath

<input type="checkbox"/> Admin. Code	<input type="checkbox"/> Parks Rules: 66 PCNY	<input type="checkbox"/> Other (11)
<input type="checkbox"/> Rules of City of NY	<input type="checkbox"/> Traffic Rules: 34 PCNY	
Section/Rule (12)	OATH Code (13)	
Mail-In Penalty (14)	Max. Penalty	Property Removed (15) <input type="checkbox"/> Yes <input type="checkbox"/> No

Details of Charge(s):

FACTUAL ALLEGATIONS

NYC Charter Sections 1048 and 1048-a and the Rules of the City of New York authorizes the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For an employee of the agency named above, action under the penalty of perjury that (1) I personally observed the commission of the violation charged; (2) I verified the existence of the violation through a review of Departmental records; (3) I was informed of the commission of the violation by some other witness that is known to the Department of Police and can be made available on a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

I/O Signature	Command (17)
Rank/Title	Name
	Tax No.



Civil Summons Returnable to the
Office of Administrative Trials and
Hearings (OATH) (Front)

MONS

AFFIDAVIT (CERTIFICATE*) OF SERVICE

(1)

State of New York, County of _____ SS: The undersigned being duly sworn deposes and says: That deponent is not a party to the action, is over 18 years of age, and;

- At the (2) time and place of occurrence did personally serve a true copy of this Summons on the respondent named therein.
- On (3) _____, 20 ____ at _____ AM PM at _____ did personally serve a true copy of this Summons on the respondent named therein by delivering said copy [two copies] to: _____
- the respondent.
 - a person of suitable age and discretion at respondent's place of business/abode.
 - an officer/director/managing agent/(other): _____ of respondent corporation.
 - designated agent in the Office of the Secretary of State, Albany, New York, as per Business Corporation Law §306(b).

Deponent herein describes the person served as follows:

- | | | | | |
|---------------------------------------|-------------------------------------|--|--------------------------------------|---|
| <input type="checkbox"/> Male | <input type="checkbox"/> Black Hair | <input type="checkbox"/> Fair Complexion | <input type="checkbox"/> Under 5' | <input type="checkbox"/> Under 100 Lbs. |
| <input type="checkbox"/> Female | <input type="checkbox"/> Brown Hair | <input type="checkbox"/> Medium Complexion | <input type="checkbox"/> 5'0" - 5'3" | <input type="checkbox"/> 100 - 150 Lbs. |
| <input type="checkbox"/> 14-20 Yrs. | <input type="checkbox"/> Blond Hair | <input type="checkbox"/> Dark Complexion | <input type="checkbox"/> 5'4" - 5'8" | <input type="checkbox"/> 150 - 200 Lbs. |
| <input type="checkbox"/> 21-35 Yrs. | <input type="checkbox"/> Gray Hair | <input type="checkbox"/> Red Hair | <input type="checkbox"/> 5'9" - 6'0" | <input type="checkbox"/> 200 - 250 Lbs |
| <input type="checkbox"/> 36-50 Yrs. | <input type="checkbox"/> White Hair | <input type="checkbox"/> Balding | <input type="checkbox"/> Over 6' | <input type="checkbox"/> 250 Lbs + |
| <input type="checkbox"/> 51-65 Yrs. | | | | |
| <input type="checkbox"/> Over 65 Yrs. | | | | |

Other Identifying Features _____

Alternative Service per NYC Charter § 1049-a(d)(2)

- At the time indicated on the front of this Summons.
- At _____ AM PM on _____ 20 ____ at _____ I attempted to personally serve this Summons on the respondent named herein but was unable to do so because;
- having attempted entry to the premises, I found the premises locked and no one responded to any bells, knocks or calls;
- having entered the premises and having identified myself, I was;
- advised by _____ that the respondent was not then present.
 - advised by _____ that no officer, director, managing agent or general agent of respondent was present.
 - unable to secure identification of the person(s) present.
- Service could not be made because _____

Therefore, I delivered a copy of this Summons to _____ described above, whom I believe to be an employee of respondent at the premises, because employee:

- So identified him/herself.
- Was performing work consistent with such employment.
- Other _____

Date _____ Signature _____

Print Name _____

Sworn to before me on _____

Signature of Certifying Officer Administering Oath:

Alternate Service Mailing Dates: _____

Statement of Witness. Issuing Officer **MUST** complete the Details of Charge Section on the front of this civil summons.

I, (7), have read the facts stated herein as provided by me. I personally observed these facts and affirm that they are true.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Affirmed under Penalty of Law:

Full Signature of Witness: _____ Date Affirmed: _____

*If not sworn, this statement shall constitute a certificate of service.

Civil Summons Returnable to the
Office of Administrative Trials and
Hearings (OATH) (Back)



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IN SUMMARY

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 Summons” to review what you have just learned in this chapter.



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Addendum:

Return Dates and Agencies.

House Party, Noise, & QOL Enforcement

Upon issuance of a summons, the violator will be requested to return on a specific date and to a specific agency that has jurisdiction over the summons. These agencies and dates vary according to the summons type.

"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 summonable 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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Non-Responsive



POLICE STUDENT'S GUIDE

Police Science



Non-Responsive



POLICE STUDENT'S GUIDE

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Non-Responsive



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Non-Responsive



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Non-Responsive



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Supplemental

Effective Communication & Empathy Awareness: Summons

In class, your instructor will show you a video that will be the topic of a discussion on effective communication and empathy. In order for you to prepare for this discussion, consider the following question regarding interactions between you (the officer) and members of the community. Utilize the skillsets taught to you during the *Effective Communication and Empathy Awareness* Lesson when considering your response.

Topic of Discussion

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?