PURPOSE To safeguard prisoners in police custody.

DEFINITIONS HOLDOVER PRISONER - a prisoner who has entered the court process but has not yet been arraigned and has been returned to police custody for overnight detention.

PRISONER SECURITY GUIDELINES - all prisoners while in the custody and control of personnel from this Department will be searched on their entry and exit from any police, detention, district attorney, or court facility. Prisoners being transported from any location, not included above, will be searched prior to departure from the location and upon arrival at the transport destination. The searches will be conducted as per the guidelines set forth in *P.G. 208-05, "Arrests - General Search Guidelines"* (see ADDITIONAL DATA). The ranking officer supervising the transport of a prisoner(s) and all supervising officers and borough court section supervisors will ensure that this procedure is strictly adhered to.

PROCEDURE When prisoners must be detained in Department detention facilities or transported to courts or other facilities:

DESK OFFICER

1. Request borough court section concerned to assign cell space and determine method of transportation to an activated detention facility giving:
   a. Name, gender, and physical condition of prisoner
   b. Precinct of arrest and arrest number
   c. Status of processing
   d. Next destination of prisoner (e.g., photo, court, etc.)
2. Notify borough court section concerned if prisoner must be detained for a brief period of time in a detention facility not activated by borough court section concerned, giving:
   a. Reason and amount of time prisoner is to be lodged
   b. Charge against prisoner
   c. Name, gender, and age of prisoner.
3. Comply with instructions given by borough court section concerned.
4. Make Command Log entry of facts and instructions received.
5. Have appropriate entries made on **PRISONER ROSTER (PD244-145)** if prisoner detained.
6. Assign police attendant to temporary duty within cellblock.
   a. If a prisoner is placed in a cell alone because he/she threatens or fights with another prisoner(s), is causing disruption, or for any other reason, ensure that a member of the service will continue to monitor that prisoner closely.
7. Record any change of custody in Command Log.

DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR

8. Permit prisoner to be interviewed by the following properly identified persons when on official business:
   a. Supervisory officer of this Department
   b. Member of Detective Bureau or detective squad
   c. District Attorney or representative
   d. Chief Medical Examiner or representative
   e. Prisoner's legal representative (in precinct/district/PSA, interview is conducted in muster room ONLY; in borough court section, interview is permitted in location designated by borough court section supervisor)
   f. Official of a City department, if prisoner is an employee of that department
   g. Federal law enforcement officer
   h. Member of the clergy (upon request by prisoner)
   i. New York State Department of Corrections and Community Supervision (DOCCS) officers to serve parole violation papers
   j. Foreign Consulate/Embassy Officers.
9. Enter the following information under "Details" on **ARREST REPORT - SUPPLEMENT (PD244-157)** when an attorney interviews a prisoner at precinct, district, PSA, or borough court section:
   a. Name, address, and telephone number of attorney
   b. Name and address of person who retained attorney
   c. Whether the prisoner was interviewed
   d. Time arrived and departed from the stationhouse/borough court section.
10. Permit parents or legal guardian to visit a prisoner between 18 and 21 years of age, for not longer than fifteen minutes, in the muster room, provided that:
   a. Detective squad commander, arresting officer, or, if visit is at other than precinct of arrest, desk officer, precinct of arrest is consulted,
   b. Visit is in presence of desk officer/borough court section supervisor,
   c. Prisoner has been detained more than four hours,
   d. Prisoner is <u>not</u> eligible for a summons, and/or
   e. Visit does <u>not</u> interfere with police business.
11. Enter name, address, and relationship of person visiting prisoner on **ARREST REPORT - SUPPLEMENT**.
   a. If the interview occurred at a location other than the precinct of arrest or borough court section, facts relating to the visit will be telephoned to the desk officer, precinct of arrest, who will have all pertinent details entered under "Details" on the **ARREST REPORT - SUPPLEMENT**.
12. Advise prisoner of availability of clergy whenever it appears prisoner is despondent, confused, or likely to commit suicide.
13. Permit prisoner to make use of telephone privileges declined during arrest process.
14. <u>DO NOT</u> confine female prisoner with a nursing baby in a cell.
   a. Assign female police attendant or female uniformed member of the service, if available within command, as guard.
15. Have child delivered to responsible member of family or to a hospital, if mother unable to provide care.

PRISONERS BEING TRANSPORTED

DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR

16. Assign escort officer(s) to guard prisoner(s) being transported to detention facilities.
    a. Assign member of outgoing platoon, at change of tour, to guard and transport prisoner(s) if assignment of escorting officer would result in overtime.
    b. Assign separate escort officer(s) to prisoner(s) having different destinations (e.g., female cells, hospital, etc.)
17. Assign additional escort officer(s) when:
    a. More than two prisoners being guarded and transport chains are not available, OR
    b. More than nine prisoners being transported by transport chains, OR
    c. Several detention stops are involved, OR
    d. More than one prisoner with different destinations.
    e. Prisoner is designated "high risk" escape threat (see ADDITIONAL DATA statement under heading, "HIGH RISK" PRISONERS).

ESCORTING OFFICER

18. Rear cuff all prisoners or place on transport chains if appropriate, before leaving cell block.
    a. Secure loose ends of chain when less than five prisoners are secured on chain.
    b. Double lock transport chain cuffs.
    c. For better control, physically hold prisoner OR hold chain linking handcuffs, as circumstances dictate.

DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR

19. Closely supervise the removal of all prisoners from the precinct.
20. Determine if prisoner is a potential escape risk after conferring with arresting officer.
    a. Place leg restraints on prisoner prior to transport if it is determined prisoner is a potential escape risk, OR prisoner refused to be fingerprinted, OR prisoner is being transported to a hospital for medical treatment.
21. Ensure that attendant places prisoners on transport chains <u>before</u> leaving cell block.
    a. Escorting officers may use transport chains or handcuffs when escorting one or two prisoners; <u>more than</u> two prisoners, transport chains <u>must</u> be used.
    b. Make certain transport chains are in double lock mode, when utilized.
22. Step from behind the desk and <u>personally</u> check that all prisoners are secured to transport chains or rear handcuffed, if appropriate, when prisoners are being removed.
23. Utilize available command personnel to assist attendant and escorting officers loading prisoners onto patrolwagon.

DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR (continued)

24. Ensure that members of the service are alert and properly positioned to prevent escape.
25. Have attendant, or escorting officer, if attendant not available, prepare **PRISONER TRANSPORT DISPATCH (PD171-132)**.
    a. If more than one prisoner, and different destinations involved, separate **DISPATCH** will be prepared for each destination.

ESCORTING OFFICER

26. Obtain both copies of **PRISONER TRANSPORT DISPATCH** from attendant and comply with instructions.
27. Ride in transporting vehicle and keep prisoners under constant surveillance while transporting to court, etc.
28. Deliver prisoner(s) to assigned detention facility.
29. Assist attendant in searching and placing prisoner in cell.

POLICE ATTENDANT

30. Conduct complete search of prisoner (see *P.G. 208-05*, "*Arrest - General Search Guidelines*").
31. Lock prisoner in cell.
32. Make entries on **PRISONER ROSTER** and file at desk when completed.

DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR

33. Periodically conduct personal inspection of prisoner noting their condition and document the inspection under the "Remarks" caption on the **PRISONER ROSTER**.

ESCORTING OFFICER

34. Deliver prisoner's fingerprints to appropriate borough court section facility if prisoner is not printed on Livescan.

DESK OFFICER, PRECINCT OF ARREST

35. Obtain original copy of **PRISONER TRANSPORT DISPATCH** from escorting officer and file chronologically.

DESK OFFICER, PRECINCT OF DETENTION

36. Keep all cell doors and other doors leading into cellblock area locked if cells have not been activated.
37. Make entry in Command Log and notify an available supervisory officer to inspect cellblock when informed that command's cells are activated.
38. Assign police attendant.

SUPERVISORY OFFICER CONCERNED

39. Observe opening of detention area.
40. Inspect each cell to ascertain that cells are clean and free of unauthorized items.
41. Make Command Log entry indicating time the first prisoner lodged and condition of cells.

HOLDOVER PRISONERS IN ADDITION TO OTHER REQUIRED ACTION LISTED ABOVE

DESK OFFICER, PRECINCT OF DETENTION

42. Assign member(s) to escort prisoners to court.
43. Direct escorting officer to complete captions and sign **PRISONER ROSTER** when prisoner is removed from cell.
44. Review **PRISONER ROSTER** for accuracy and completeness.
45. Initial **PRISONER ROSTER** next to "Time of Admission" column for each prisoner removed.

POLICE ATTENDANT

46. Prepare **PRISONER TRANSPORT DISPATCH** listing all prisoners having same destination.
    a. Prepare separate **DISPATCH** form for each destination.

ESCORTING OFFICER

47. Verify prisoner placed on transport chains are same as listed on **DISPATCH** and take "head count."
48. Deliver prisoners to holding pen at destination.
49. Return to command for assignment or proceed to original destination, as appropriate.

ADDITIONAL DATA

"HIGH RISK" PRISONERS

Determinations as to whether a particular prisoner presents a potential escape risk should be made on a case-by-case basis. Factors that can be considered in making this determination include the seriousness of the offense charged, prisoner unwillingness to identify himself or herself, forcible resistance to arrest, threats of violence and/or escape threats directed at uniformed members of the service, a known history of violence, weapons possession, or escape/attempted escape.

USE OF LEG RESTRAINTS

The use of leg restraints does not replace the requirement to rear handcuff the prisoner. All procedures detailing the use of handcuffs remain in effect. When using leg restraints on a prisoner, the escorting officer is to exercise caution to prevent the prisoner from falling.

Leg restraints MUST be used when transporting a prisoner that has refused to be fingerprinted and for ALL prisoners being transported to a hospital for medical treatment. If the desk officer determines that extenuating circumstances exist that preclude placing leg restraints on a prisoner that has refused to be fingerprinted or is being removed to a hospital for medical treatment, a Command Log entry will be made detailing the reason why.

Leg restraints may not be placed on prisoners for "punitive" purposes. Determinations as to whether a particular prisoner presents a potential escape risk should be made on a case by case basis. Factors that can be considered in making this determination include the seriousness of the offense charged, prisoner unwillingness to identify himself or herself, forcible resistance to arrest, threats of violence and/or escape threats directed at police officers, known history of violence, weapons possession or escape/attempted escape.

ADDITIONAL DATA (continued)

ACTIVATION OF DETENTION FACILITIES

Borough court section concerned activates detention facilities, assigns cell space, and determines method of transportation for EVERY prisoner scheduled for detention or change of custody (i.e., to court, hospital) even though precinct of arrest has cells. Refer to P.G. 210-17, "Arrest Processing of Pre-Arraignment Prisoners Designated as 'Special Category' " and/or A.G. 304-06, "Prohibited Conduct," regarding gender, if necessary.

CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL

Members of the Citizen's Policy and Complaint Review Council are permitted to enter and inspect precinct detention cells and any books or records pertaining to these cells at any and all times.

ARREST OF PERSONS WHO ARE LIMITED ENGLISH PROFICIENT OR DEAF OR HARD OF HEARING

Members of the service are reminded that if the prisoner appears to have difficulty understanding/communicating in English, the member of the service concerned should comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons." If the prisoner appears to be Deaf of hard of hearing, the member of the service concerned should comply with P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing." The use of a bilingual employee or the Language Initiative Program is the preferential method for interpretation when interacting with a prisoner. It is recommended that certified members of the Language Initiative Program be used for custodial interrogations. Appropriate Command Log entries will be made when interpretation services are utilized.

PRISONER CONFLICTS

Whenever an arresting officer/investigator becomes aware that there is the need to separate two or more defendants from one another due to threats made by one defendant to another, or due to the potential for one defendant to assault another, a notation will be made at the bottom of each defendant's Prisoner Movement Slip in the "Detention Alert" section under the caption "Other (Explain)." The notation must contain the name and arrest number of the other defendant involved, as well as an indication as to why separation is deemed necessary (e.g., prisoner had a fight with the other prisoner, prisoner was threatened by other prisoner). If separation is required for confidential or sensitive reasons, such as one prisoner testified against another, enter the name and telephone number of the arresting officer/assigned investigator so that further information can be obtained if necessary, rather than entering the actual reason for the separation. (If detention personnel are unable to contact the arresting officer/assigned investigator for further information, they will continue to keep the affected prisoners separated from one another).

In the event that an arrest processing officer or escorting officer becomes aware that a conflict exists between prisoners requiring their separation, the officer must:

a. Inform the arresting officer/assigned investigator of the circumstances in order that the latter may make entries on the Prisoner Movement Slips, OR

b. Personally make entries on the Prisoner Movement Slips which must then be brought to the attention of the court section personnel for entry on the courthouse generated movement slips.

ADDITIONAL DATA (continued)

The information entered on the Prisoner Movement Slip prepared at the precinct must also be entered on the computerized movement slip generated at the courthouse when the prisoner is photographed. In addition to the notation on the movement slip, the arresting officer/assigned investigator/escorting officer will notify the concerned borough court section supervisor.

Members of the service assigned to prisoner detention functions at a command and at the courthouse must examine and be guided by the information contained in the "Detention Alert" caption on each Prisoner Movement Slip in regard to separating prisoners, etc.

HANDCUFFING PROTOCOL

The Department's policy is to handcuff all prisoners with hands behind their back, when practical.

a. If it is safer for the member of the service and the subject, the member of the service may front-cuff the subject initially, and then rear-cuff as soon as it is practical and safety allows.

b. If members of the service are having difficulty rear-cuffing a subject (i.e., injury to prisoner, size of prisoner, prisoner resisting arrest, etc.), two sets of handcuffs linked together, may be utilized. In addition, Department issued leg restraints or Velcro straps to immobilize the legs of a subject may be used as an effective tactic to gain control, limit the subject's ability to flee or harm other individuals, and reduce or eliminate the necessity to use force.

(1) Utilizing two sets of handcuffs should only be used as a form of temporary restraint and should be transitioned to one set of handcuffs when it is safe and practical to do so.

If available, Department issued alternative restraining devices should be used to restrain, or further restrain, subjects whose actions may cause injury to themselves or others.

When a prisoner has surrendered at a law enforcement facility and is accompanied by an attorney, the uniformed member of the service may request authorization from an immediate supervisor not to use handcuffs, after the supervisor and uniformed member of the service have evaluated the following criteria:

a. Potential threat to the officer, prisoner and other persons

b. Possibility of the prisoner escaping.

In all circumstances, uniformed members of the service should conduct a search of the prisoner.

RESTRAINT OF PREGNANT PRISONERS

When a uniformed member of the service believes a prisoner is pregnant, the uniformed member of the service will initially rear cuff the prisoner, absent exceptional circumstances (e.g., medical emergencies, visibly pregnant prisoner who may be difficult to rear cuff and who poses no immediate threat, etc.), and notify their immediate supervisor.

The immediate supervisor will then determine if a less restrictive method of restraint is appropriate and tactically sound. Less restrictive methods may include front handcuffing, or handcuffing one hand to a stationary post. If less restrictive methods are not appropriate, the immediate supervisor may determine that a more appropriate method of restraint is warranted.

ADDITIONAL DATA (continued)

When determining whether the level of restraint is appropriate, the immediate supervisor should consider the totality of the circumstances, including, but not limited to:

a. Safety of members of the service, prisoner and other individuals present,
b. Likelihood of prisoner escaping,
c. Circumstances and/or crime leading to arrest of prisoner,
d. Demeanor and behavior of prisoner,
e. Whether prisoner appears to be in late stages of pregnancy and may present a fall risk, and
f. Whether prisoner appears to be in labor.

PRISONER SECURITY SURVEY

To promote safety for members of the service and improve prisoner security, a prisoner security survey will be conducted annually during the last week of September, in all Department facilities where prisoners are processed. Commanding officers will make certain that prisoners being processed will not be allowed in areas containing Department lockers, or have access to any Department or personal property that might provide a means of escape or cause injury. The prohibition against prisoners being held, even temporarily, in areas containing Department lockers or of prisoners having access to Department or personal property of members shall be strictly enforced and clearly and frequently communicated to all members of the command by commanding officers concerned.

*Commanding officers will report the results of the annual prisoner security survey, by September 30th, each year, on **Typed Letterhead**, addressed to the bureau chief concerned, through channels. Included in the report will be a description of prisoner processing areas, hazards or deficiencies observed and corrective action taken.*

Investigative units located in precinct stationhouses will be surveyed by the precinct commander in consultation with the investigative unit commander. Results will be reported on the precinct commanding officer's report. NO duplicate report is required from the investigative unit commander but responsibility for corrective actions will reside with the unit commander.

*Bureau chiefs will review the prisoner security survey reports received from subordinate commands. The reports will be forwarded to the Strategic Analysis Section, Office of the Chief of Department, with a covering **Typed Letterhead**, indicating that corrective action has been initiated or completed, if required. The Strategic Analysis Section is responsible for collating the reports received from bureau chiefs and providing administrative assistance to the Prisoner Security Board.*

PRISONERS AND VICTIMS WITH COMMUNICABLE DISEASES

Information concerning a prisoner's or a victim's affliction with a communicable disease must be kept confidential. This information generally should not be released to the public, the media, the person's family and friends, or to other prisoners. There may be unusual circumstances under which release of this information is warranted. Any such release, however, may only be made with the written consent of the Deputy Commissioner, Legal Matters.

ADDITIONAL DATA (continued)

In some cases, prisoners may volunteer their positive status regarding a communicable disease indicating the need to be segregated from general prisoner population or the need for medical treatment. In such cases, isolation cells should be used, if available. This information may be recorded on a Prisoner Movement Slip or on form ***MEDICAL TREATMENT OF PRISONER (PD244-150)*** *in order to alert personnel assigned to Corrections, District Attorneys' offices or courts.*

Members of the service who are exposed to a communicable disease should follow the provisions of A.G. 330-09, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."

DISRUPTION IN CELL AVAILABILITY

In those instances where there is a substantial disruption in the availability of detention cells, at either a command or a borough court section facility, caused by a civil or natural emergency, or disturbance, or any other circumstance which would deny the use of the cells, the commanding officer/duty captain investigating the incident will ensure that a telephone notification is made to the borough court section. An ***UNUSUAL OCCURRENCE REPORT (PD370-150)*** *describing the incident will be faxed to the borough court section concerned. A copy of this* ***REPORT*** *will be forwarded to the Criminal Justice Bureau. The Criminal Justice Bureau will make the determination as to whether a notification is to be made to the New York State Commission of Correction.*

PRISONERS DESIGNATED AS "FOR OTHER AUTHORITY (FOA)"

If a federal court or detention facility is unable to lodge a FOA prisoner (i.e., court closed, etc.) the Criminal Justice Bureau has designated the Brooklyn Court Section to detain these holdover prisoners until the respective federal entity is ready for intake. All appropriate paperwork will accompany the FOA prisoner.

SEXUAL ASSAULT AND SEXUAL HARASSMENT OF PRISONERS

The Department has a zero tolerance policy toward all forms of sexual assault and sexual harassment of prisoners by other prisoners or any other person. Any instance or allegation that a prisoner was sexually assaulted or sexually harassed while in custody of this Department will be immediately reported to a supervisor and P.G. 210-07, "Prisoners – Unusual Occurrence" will be complied with. A prisoner who reports being a victim will be separated from the alleged offender and medical attention will be provided if appropriate.

RELATED PROCEDURES

Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Prisoner Meals (P.G. 210-06)
Unusual Occurrences Involving Prisoners (P.G. 210-07)
Guidelines for Prisoner Holding Pens (P.G. 210-08)

FORMS AND REPORTS

ARREST REPORT - SUPPLEMENT (PD244-157)
MEDICAL TREATMENT OF PRISONER (PD244-150)
PRISONER ROSTER (PD244-145)
PRISONER TRANSPORT DISPATCH (PD171-132)
Typed Letterhead
UNUSUAL OCCURRENCE REPORT (PD370-150)

Section: Prisoners		Procedure No: 210-03
HOSPITALIZED PRISONERS - ARRESTS BY MEMBERS OF OTHER POLICE AGENCIES		
DATE EFFECTIVE: 01/23/23	LAST REVISION: R.O. 3	PAGE: 1 of 2

PURPOSE To advise other police agencies of the procedure to be followed in guarding hospitalized prisoners arrested by members of their agencies.

DEFINITION

OTHER POLICE AGENCIES:

a. New York City Department of Correction
b. New York State Department of Corrections
c. Uniformed Court Officers
d. Port Authority Police
e. Metropolitan Transportation Authority Police
f. Amtrak Police
g. Sea Gate Police
h. F.D.N.Y. (Fire Marshals)
i. Department of Environmental Protection Police
j. Triborough Bridge and Tunnel Authority.

PROCEDURE When an arrest is effected by a member of another police agency and the prisoner is admitted to a hospital:

DESK OFFICER, PRECINCT OF ARREST/ BOROUGH COURT SECTION

1. Advise arresting officer that he/she must guard prisoner and notify agency concerned to provide relief so that arrest processing will not be delayed.
2. Notify agency concerned, by telephone, to provide guards around the clock.
3. Record under "narrative" on **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, name and location of hospital and ward or room number.
4. Notify desk officer of precinct wherein hospital located, if hospital located in other than precinct of arrest.

DESK OFFICER, PRECINCT OF HOSPITALIZATION

5. Provide uniformed member of the service to guard prisoner temporarily in multiple arrest cases, if arresting officer is required to process/arraign other prisoners.
   a. Notify agency concerned, by telephone, to provide relief (give location of hospital and room or ward number).
   b. Make follow-up notification if relief not provided within one hour.
6. Request agency to provide prisoner with transportation to court at time of release from hospital.
   a. Agency concerned will supply officer to guard prisoner.

DESK OFFICER CONCERNED

7. Supply authorization for visits to prisoner as per *P.G. 210-02.*

ADDITIONAL DATA *Photographic Unit will photograph prisoners arraigned at bedside by arresting agencies. Similarly, the Identification Unit will provide expertise in obtaining fingerprints, if normal means cannot be utilized.*

ADDITIONAL DATA (continued)

Borough court section concerned will provide staff assistance to arresting agency in bedside arraignments, when necessary.

RELATED PROCEDURES

Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Hospitalized Prisoners (P.G. 210-02)
Bedside Arraignment (P.G. 210-05)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

NYPD

PURPOSE To obtain medical/psychiatric treatment for prisoners in police custody.

DEFINITION PRISONER REQUIRING PSYCHIATRIC TREATMENT - an emotionally disturbed prisoner, who has attempted suicide, is extremely violent, or exhibits other irrational behavior.

PROCEDURE When a prisoner in custody requires medical/psychiatric treatment:

UNIFORMED MEMBER OF THE SERVICE

1. Request ambulance and remove prisoner to hospital directly from place of arrest, if necessary.
   a. Accompany prisoner to hospital.
   b. Make digital **Activity Log** entry.
      (1) Include name of person notified re: Medic Alert Emblem, if worn.
      (2) Include Ambulance Call Report (ACR) number or Patient Care Report (PCR) number related to the prisoner (obtain from responding ambulance attendant).
   c. Notify desk officer.
2. Request the Emergency Service Unit for the application of a spit hood if the prisoner is spitting at or threatening to spit at any person.

NOTE *Only Emergency Service Unit personnel may apply a spit hood.*

3. Prepare **MEDICAL TREATMENT OF PRISONER (PD244-150)** form for each prisoner who:
   a. Receives medical/psychiatric treatment, OR
   b. Refuses treatment after claiming injury or illness, OR
   c. Is in apparent need of treatment, OR
   d. May require prescribed medication, OR
   e. Volunteers his/her positive status regarding a communicable disease, if not documented on Prisoner Movement Slip, OR
   f. Already has previously treated injuries, OR
   g. Has a spit hood placed on them.
4. Enter data recorded in Section I of **MEDICAL TREATMENT OF PRISONER** form into the "Medical Treatment of Prisoner" application within the Finest Online Records Management System (FORMS) by selecting the "Reserve" function.
   a. Record the Medical Treatment of Prisoner number generated within the FORMS "Medical Treatment of Prisoner" application in the corresponding box of the **MEDICAL TREATMENT OF PRISONER** form.

SUPERVISOR AT SCENE

5. Ensure that **MEDICAL TREATMENT OF PRISONER** form is prepared in accordance with steps "3" and "4" above and accompanying ADDITIONAL DATA statements under heading, "PREPARATION OF MEDICAL TREATMENT OF PRISONER FORM," when a prisoner is removed from the scene of an arrest direct to a hospital for medical/psychiatric treatment.
   a. Review and sign Section I of **MEDICAL TREATMENT OF PRISONER** form.

EMERGENCY SERVICE UNIT MEMBER

6. Apply a spit hood, if necessary.
   a. Monitor and remain with the subject wearing a spit hood until relieved by a medical professional with the minimum certification of Emergency Medical Technician, unless it is removed.
   b. Request the Emergency Service Unit Supervisor, if there is a disagreement between EMS and Emergency Service Uni personnel about the application or removal of a spit hood.

EMERGENCY SERVICE UNIT SUPERVISOR

7. Confer with EMS supervisor if there is a disagreement between EMS and Emergency Service Unit personnel about the application or removal of a spit hood.

DESK OFFICER, COMMAND OF ARREST/ BOROUGH COURT SECTION

8. Request ambulance and have prisoner removed to hospital, if medical/ psychiatric/drug addiction treatment is required during arrest processing (see ADDITIONAL DATA statement under heading, "LIFE-THREATENING MEDICAL SITUATIONS" and "SUSPECTED INGESTION OF NARCOTICS/OTHER DANGEROUS SUBSTANCES.").
   a. Make Command Log entry.
      (1) Include name of person notified re: Medic Alert Emblem, if worn.
      (2) Include Ambulance Call Report (ACR) number or Patient Care Report (PCR) number related to the prisoner (obtained from the responding ambulance attendant).
9. Ensure that **MEDICAL TREATMENT OF PRISONER** form is prepared in accordance with steps "3" and "4" above and accompanying ADDITIONAL DATA statements under heading, "PREPARATION OF MEDICAL TREATMENT OF PRISONER FORM."
   a. Review and sign Section I of **MEDICAL TREATMENT OF PRISONER** form.
10. Direct, in non-emergency situations, that prisoners requiring medical, psychiatric, or drug addiction treatment, which may result in being admitted to the hospital, be removed to a local hospital for treatment and evaluation.
11. Confer with medical staff at the local hospital. If the medical staff at that hospital determines that the prisoner has a psychiatric condition that requires admission to a hospital, the prisoner will be transferred to the appropriate hospital as determined by medical staff, using only a private ambulance under contract with that local hospital. FDNY Emergency Medical Service ambulances will NOT be used to transport the prisoner. Generally:

DESK OFFICER, COMMAND OF ARREST/ BOROUGH COURT SECTION (continued)

a. MALE prisoners requiring admission for psychiatric treatment will be transported to Bellevue Hospital

b. FEMALE prisoners requiring admission for psychiatric treatment will be transported to Elmhurst General Hospital.

12. Assign uniformed member of the service to escort prisoner.
    a. Ensure that appropriate relief is provided to uniformed members of the service guarding prisoners.
13. Make entry in Command Log when prisoner leaves.
14. Direct arresting officer to continue arrest processing, and have another uniformed member of the service assigned to escort prisoner, when possible.

ARRESTING/ ESCORTING OFFICER

15. Rear cuff and place leg restraints on prisoner before transporting to hospital.
    a. Handcuffs and leg restraints will be double locked.
16. Remain with prisoner at all times in hospital.
17. Notify the desk officer of prisoner status prior to transport from local hospital to Bellevue or Elmhurst General Hospital.
18. Ride inside the ambulance when accompanying the prisoner to either Bellevue or Elmhurst General Hospital.
19. Make digital **Activity Log** entry.
    a. Include name of person notified re: Medical Alert Emblem, if worn.
    b. Include Patient Identification Number (in place of Ambulance Call Report [ACR] number or Patient Care Report [PCR] number) related to the prisoner (obtained from hospital intake personnel).
20. Notify desk officer, precinct of arrest/Borough Court Section facility, regarding Medical Alert Emblem and Patient Identification number.

DESK OFFICER, COMMAND OF ARREST/ BOROUGH COURT SECTION

21. Make Command Log Entry.
    a. Include name of person notified re: Medical Alert Emblem.
    b. Include Patient Identification Number (in place of Ambulance Call Report [ACR] number or Patient Care Report [PCR] number) related to the prisoner (obtained from hospital intake personnel).
22. Make the appropriate notation of the prisoner's new location and determine, what, if any, additional resources are needed for the transfer, if a prisoner is transferred from the initial hospital to another hospital for psychiatric treatment.

ESCORTING OFFICER

23. Request room change if security is inadequate.
24. Do <u>not</u> remove handcuffs or leg restraints, unless requested by attending physician.
    a. If requested to remove handcuffs or leg restraints, inform physician of circumstances of arrest.
    b. If physician still requests removal, request the response of the patrol supervisor to evaluate the need for additional personnel and equipment (including Emergency Service Unit) to ensure safety during prisoner treatment prior to removal of handcuffs or leg restraints.

ESCORTING OFFICER (continued)

25. Remain immediately outside room and attempt to maintain visual contact, even if requested to leave examination room after informing physician of circumstances of arrest.
26. Make appropriate entries of foregoing in digital **Activity Log** and request attending physician to sign entries.
    a. Indicate physician's refusal to sign any entries.
27. Complete entries on **MEDICAL TREATMENT OF PRISONER** form.
28. Notify desk officer, precinct of arrest, who will notify Borough Court Section concerned immediately, if prisoner is admitted to any hospital (see *P.G. 210-02, "Hospitalized Prisoners."*).

DESK OFFICER, COMMAND OF ARREST

29. Inquire with Department of Correction prison ward whether prisoner admitted for psychiatric treatment can be lodged in prison ward, and request Department of Correction take custody of prisoner.
    a. Make entry of inquiry in Telephone Record.
    b. Notify escorting officer of results of inquiry with Department of Correction.

ESCORTING OFFICER

30. Search prisoner in accordance with *P.G. 208-05, "Arrests – General Search Guidelines,"* for weapons, evidence, and/or contraband prior to lodging prisoner with Department of Correction prison ward, regardless of whether a prior search has already been conducted.
    a. Make digital **Activity Log** entry indicating results of search.
31. Forward copy of **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159), MEDICAL TREATMENT OF PRISONER** form, Prisoner Movement Slip, and a physical copy of any active warrant(s) (where applicable) in live arrest cases, to Department of Correction supervisor for any prisoner admitted for psychiatric treatment in Bellevue or Elmhurst General Hospitals. In cases where the prisoner being admitted for psychiatric treatment has an active warrant only and no arrest number, forward copy of **MEDICAL TREATMENT OF PRISONER** form and a physical copy of any active warrant(s).
    a. Notify desk officer, command of arrest, if Department of Correction refuses to take custody of prisoner.

NOTE *If Department of Correction refuses to take custody of the prisoner, desk officer, command of arrest, should consult with a supervisor from the appropriate Borough Court Section. Contact information for each Borough Court Section can be found in the ADDITIONAL DATA statement. It will be the responsibility of the Borough Court Section supervisor to resolve any custody issues with the Department of Correction, Custody Management Unit.*

BOROUGH COURT SECTION

32. When notified by Department of Correction that a prisoner admitted to a prison ward is released to police custody, immediately notify desk officer, command of arrest, to arrange for prisoner transport.

DESK OFFICER, COMMAND OF ARREST

33. Make an entry in the Telephone Record when notified by Borough Court Section that prisoner is being returned to police custody.
    a. Include identity of prisoner, location of prisoner, and arrest/warrant information.
34. Arrange for an escorting officer to return to Department of Correction prison ward and take custody of prisoner within four hours of receiving notification from Borough Court Section.

NOTE

*Notwithstanding an emergency, when a prisoner lodged in a Department of Correction prison ward is released to police custody prior to bedside arraignment, the command concerned **MUST** take custody within four hours from notification by Department of Correction. If the command concerned cannot take custody of the prisoner within four hours, a notification must be made to the Borough Court Section supervisor, who will coordinate response with the Department of Correction, Custody Management Unit.*

ESCORTING OFFICER

35. When prisoner is released to police custody, transport prisoner as follows:
    a. Return prisoner to command of arrest, if arrest processing is not completed thereat
    b. Remove prisoner to Borough Court Section facility, if arrest processing was completed at command of arrest.
        (1) Confer with Borough Court Section supervisor prior to transporting a prisoner who is confined to a wheelchair or otherwise mobility impaired, and be guided by his/her direction regarding lodging and further processing.
36. Deliver completed **MEDICAL TREATMENT OF PRISONER** form to desk officer, Borough Court Section facility.

DESK OFFICER, BOROUGH COURT SECTION

37. Forward three copies of completed **MEDICAL TREATMENT OF PRISONER** form (white, blue, and pink) with prisoner to Department of Correction.
    a. Retain fourth (buff) copy of **MEDICAL TREATMENT OF PRISONER** form at Borough Court Section facility.
38. Direct arresting/escorting officer to obtain receipt for prisoner on pink copy of form and return to Borough Court Section facility.
    a. Complete entries on buff copy of form retained at desk.
    b. Return buff copy to arresting/escorting officer.
    c. File pink copy of form at Borough Court Section facility.
    d. Forward duplicated copy of **MEDICAL TREATMENT OF PRISONER** form to arresting officer's command for file, if different than command of arrest.

ESCORTING OFFICER

39. Deliver buff copy of **MEDICAL TREATMENT OF PRISONER** form to desk officer, command of arrest.

DESK OFFICER, COMMAND OF ARREST

40. Ensure all data from buff copy of **MEDICAL TREATMENT OF PRISONER** form is entered into "Medical Treatment of Prisoner" application within FORMS.
41. Finalize all pending submissions within FORMS.

OPERATIONS COORDINATOR, COMMAND OF ARREST

42. Ensure all **MEDICAL TREATMENT OF PRISONER** forms are finalized within FORMS.
43. File buff copy of **MEDICAL TREATMENT OF PRISONER** form.

ADDITIONAL DATA

PRISONER SECURITY

To prevent escape, leg restraints will be placed on ALL prisoners transported to a hospital for medical treatment. If the desk officer determines that extenuating circumstances exist that preclude placing leg restraints on a prisoner that is being transported to the hospital for medical treatment, a Command Log entry will be made detailing the reasons why.

All procedures detailing the use of handcuffs remain in effect. When using leg restraints on a prisoner, the escorting officer is to exercise caution to prevent the prisoner from falling.

Patrol supervisors and desk officers shall assign additional personnel to accompany arresting officers who remove prisoners to hospitals for treatment, based on the following:

a. Type of offense (e.g., violent crime, resisting arrest)

b. Physical size of prisoner
c. Prisoner's past history, if known (e.g., history of violence, escape attempts)
d. Suspected escape opportunity
e. Lack of physical signs of injury (e.g., faking injury to attempt escape).

In the event the prisoner must be placed in a hospital bed or on a gurney:

a. Handcuff prisoner (double locked) to the bed or gurney
b. Utilize second pair of handcuffs to handcuff prisoner's free wrist to bed or gurney, before removing first pair of handcuffs for treatment
c. Keep prisoner under constant observation, even if prisoner is handcuffed to a hospital bed or gurney, to prevent escape at all times.

Supervisors may also consider the assignment of Emergency Service Unit for extraordinary circumstances.

Patrol supervisors and desk officers shall direct that long chain handcuffs and leg restraints be used if available and appropriate to secure prisoners.

LIFE-THREATENING MEDICAL SITUATIONS

IN ALL LIFE THREATENING SITUATIONS, APPARENT HEART ATTACK, BREATHING DIFFICULTIES, SERIOUS FRACTURES, SEVERE HEMORRHAGING, EPILEPSY, EXTREME EMOTIONAL DISTURBANCE, ETC., A PRISONER WILL BE REMOVED TO THE NEAREST HOSPITAL.

ADDITIONAL DATA (continued)

SUSPECTED INGESTION OF NARCOTICS/OTHER DANGEROUS SUBSTANCES

When a uniformed member of the service observes or suspects that a prisoner has ingested a narcotic or other dangerous substance, the prisoner will be transported from the place of arrest DIRECTLY to the nearest hospital facility. The uniformed member of the service WILL PROMPTLY notify the Communications Section dispatcher and the patrol supervisor upon observation or suspicion of ingestion, when transport to hospital is initiated, and upon arrival at the hospital. Emergency Medical Service (EMS) and hospital personnel will be informed of the quantity and type of substance ingested, if known. UNDER NO CIRCUMSTANCES will a prisoner who has ingested a narcotic or other dangerous substance be transported to the command for arrest processing prior to receiving medical treatment.

Whenever a member of the Criminal Justice Bureau assigned to a Borough Court Section observes, suspects, is informed of, or otherwise becomes aware that a prisoner in the custody of the Court Section may have ingested a narcotic and/or other dangerous substance and has not already been treated by a doctor for that condition, the member will immediately notify the Borough Court Section desk officer. The Borough Court Section desk officer will make a Command Log entry and arrange for the immediate removal of the prisoner to the nearest hospital emergency room. In those Borough Court Sections where the Emergency Medical Service is situated, the Borough Court Section desk officer will request the assistance of the assigned Emergency Medical Technicians (EMT) regarding the prisoner's medical treatment. However, in all cases where ingestion is suspected, it is the responsibility of the supervisor to ensure that the

prisoner is removed to the nearest hospital emergency room for treatment.
In all cases, the Borough Court Section desk officer will document the occurrence in the Command Log and direct the preparation of the ***MEDICAL TREATMENT OF PRISONER*** *form.*

RELIEF OF ARRESTING OFFICER GUARDING HOSPITALIZED PRISONER

In addition, when a prisoner is transported directly from the place of arrest directly to a hospital facility, the desk officer, precinct of arrest, will ensure that the arresting officer is relieved as soon as possible to expedite arrest processing. The arresting officer will comply with P.G. 210-02 "Hospitalized Prisoners" in regards to vouchering prisoner's property.

TREATMENT OF PRISONERS DETAINED IN DETENTION FACILITIES

When a prisoner who has been detained at a Borough Court Section or other detention facility, but has not been arraigned, requires medical/psychiatric/drug addiction attention, the Borough Court Section or command supervisor will ensure that the ***MEDICAL TREATMENT OF PRISONER*** *form is prepared and distributed, as indicated.*

Whenever a member of the Criminal Justice Bureau assigned to a Borough Court Section is informed of, or otherwise becomes aware that a prisoner in the custody of that Court Section requires medical/psychiatric/drug addiction attention, that member will immediately notify the Borough Court Section desk officer. The Borough Court Section desk officer will make a Command Log entry and ensure that medical treatment is

ADDITIONAL DATA (continued)

provided. In Borough Court Sections where the Emergency Medical Service is situated, the Borough Court Section desk officer will request the assistance of the assigned Emergency Medical Technicians (EMT) regarding the prisoner's medical treatment. However, if it is determined that a prisoner requires medical attention at a hospital emergency room, the supervisor is responsible to ensure that the prisoner is transported immediately for treatment.

In all cases, the Borough Court Section desk officer will document the occurrence in the Command Log and direct the preparation of a ***MEDICAL TREATMENT OF PRISONER*** *form.*

PRE-ARRAIGNMENT PRISONERS REQUIRING PRESCRIPTION MEDICATIONS

If, during the course of treating a pre-arraignment prisoner, a hospital physician or his/her health care assistant indicates the need for information concerning invoiced medication belonging to the prisoner, the individual will be given the appropriate ***PROPERTY CLERK INVOICE (PD521-141)*** *number. Furthermore, such individuals will be advised on how to contact the desk officer in the NYPD facility where the medication is invoiced. Desk officers receiving telephone inquiries of this nature are authorized to provide the name of the medication. If the hospital physician, after learning the name of the medication, advises the desk officer that the medication is not available at the hospital and requests that the medication be delivered to the hospital, the desk officer shall comply with the request. In this instance, the desk officer shall:*

a. Check the name of the medication against the ***PROPERTY CLERK INVOICE****, as appropriate*
b. Complete the "R.T.O." function using Finest Online Records Management System (FORMS) Property. Sign rank and name and include pertinent details under "Remarks" section including name of physician, hospital, and name of uniformed member assigned to deliver medication
c. Release medication to uniformed member assigned to make delivery
d. Make appropriate Command Log entry with all pertinent details.

The member assigned to deliver the medication to the authorized physician shall indicate receipt thereof by requesting the physician to sign the member's digital ***Activity Log****. If the physician refuses to sign, the uniformed member of the service concerned will note such fact in his/her digital* ***Activity Log****, making sure to include the full title and name of the person refusing and all details involved. In the event that any medication is returned to the command, it will have to be invoiced again pursuant to this procedure.*

If a physician at a hospital provides a pre-arraignment prisoner with medication to be taken by the prisoner during the pre-arraignment period, the uniformed member accompanying the prisoner will take custody of the medication until the member reaches the court section for processing. At this location, the medication will be given to the available nurse practitioner to hold until the prisoner needs to self-administer it. If a pre-arraignment prisoner needs further medication during the period of pre-arraignment detention in any form that is not authorized to be administered by a nurse practitioner, they will be taken to a hospital for that medication.

Prepare ***MEDICAL TREATMENT OF PRISONER*** *form when a properly identified relative or member of the prisoner's household appears at any Department facility where the pre-arraignment prisoner is located and:*

ADDITIONAL DATA (continued)

a. indicates that the prisoner has a medical condition or needs medication, AND/OR
b. brings medication in a pharmacy container with the prisoner's name.

The uniformed member preparing the form will ensure that all pertinent information is entered in the appropriate captions and in the "Remarks" section, including the name, address, and telephone number of the relative or household member, name of medication(s), nature of medical condition(s), and the name, address, and telephone numbers of the pharmacy and any physician noted on the label of any pharmacy container.

If as described above a properly identified relative or member of the prisoner's household appears at a Department facility and the pre-arraignment prisoner in question is not being detained there, the uniformed member of the service (UMOS) concerned will determine if the prisoner is still in Department custody. If so, the UMOS will ascertain the location and inform his/her supervisor. This supervisor will in turn contact the desk officer/supervisor at the Department facility where the prisoner is being held. Both the supervisor making the notification and the desk officer/supervisor receiving it will make respective command log entries. The entries will include the time of notification, the prisoner's name, and the name of the desk officer/supervisor receiving/making the notification. In addition, the desk officer/supervisor at the lodging facility receiving information relating to the prisoner's need for prescription medication shall prepare a ***MEDICAL TREATMENT OF PRISONER*** *form.*

Uniformed members of the service will not be required to accept medication from relatives or household members for the purpose of providing it to the prisoner.

Uniformed members of the service will not be required to invoice prisoner medications brought to the command by relatives or household members.

PREPARATION OF MEDICAL TREATMENT OF PRISONER FORM

In the event that a prisoner has prescription medications in his/her possession, such will be invoiced as required in P.G. 208-03, "Arrests - General Processing." In addition, with respect to any such medications, ensure that all appropriate captions on the ***MEDICAL TREATMENT OF PRISONER*** *form are properly filled out. Information listed on the pharmacy label of a prisoner's prescription container, which may include the name, address, and telephone number of the pharmacy/physician concerned, will be recorded in the appropriate captions and in the "Remarks" section of the form.*

Ensure that the "Remarks" section also contains any specific instructions from Emergency Medical Service (EMS) staff regarding the care of the prisoner, and/or if EMS staff brought the prisoner to a hospital room for further treatment. The appropriate check off boxes will be used to document that a prisoner has refused medical aid.

The Ambulance Call Report (ACR) number or Patient Care Report (PCR) number related to the prisoner will be entered in the appropriate caption in Section I of the ***MEDICAL TREATMENT OF PRISONER*** *form. An ACR number is assigned when a prisoner is transported to hospital via ambulance; a PCR number, in contrast, is assigned when a prisoner is transported to a hospital by any other means, e.g., RMP.*

ADDITIONAL DATA (continued)

In any instance where either a prisoner, attending physician, or hospital staff member, refuses to complete or sign in the designated caption(s) on the ***MEDICAL TREATMENT OF PRISONER*** *form, the uniformed member of the service concerned will note such fact on both the form and in his/her digital* ***Activity Log****, making sure to include the full title and name of the person refusing and all details involved.*

The Health and Hospitals Corporation (HHC) is entitled to a copy of the ***MEDICAL TREATMENT OF PRISONER*** *form. Therefore upon completion of the treatment of the prisoner, the uniformed member of the service concerned will allow hospital personnel to photocopy this form.*

A copy of ***MEDICAL TREATMENT OF PRISONER*** *form MUST accompany the prisoner until his/her custody is no longer the responsibility of this Department.*

When a prisoner dies, is seriously injured in connection with a police action, or sustains an injury resulting from a police firearms discharge, the uniformed member of the service will immediately request the response of the patrol supervisor, safeguard the possible crime scene and provide and/or secure appropriate medical attention for the injured prisoner. The patrol supervisor will respond to the scene and comply with P.G. 221-05, "Person Dies or Sustains a Serious Injury and is Likely to Die in Police Custody or in Connection With Police Action."

BOROUGH COURT SECTION/HOSPITAL PRISON WARD TELEPHONE NUMBERS

Borough Court Sections may be contacted 24 hours a day, 7 days a week at the following telephone numbers:
Manhattan Court Section
Brooklyn Court Section
Bronx Court Section
Queens Court Section
Staten Island Court Section

Department of Correction prison wards may be contacted 24 hours a day, 7 days a week at the following telephone numbers:
Bellevue Hospital Prison Ward
Elmhurst Hospital Prison Ward

PURPOSE To reduce manpower required to guard prisoners confined in hospitals.

DEFINITIONS PRISON WARD - a hospital ward under the jurisdiction of the Department of Correction.

MOBILE LIVESCAN DEVICE (MLD) - A portable, hand-held integrated fingerprint scanning device capable of capturing rolled and flat fingerprints and transmitting the captured fingerprints to the New York State Division of Criminal Justice Services (DCJS) via a cellular wireless network.

PROCEDURE When a prisoner not eligible for a **DESK APPEARANCE TICKET (PD260-121)**, is admitted to a hospital prior to arraignment, comply with *P.G. 210-02, "Hospitalized Prisoners,"* and, in addition:

DESK OFFICER, PRECINCT OF ARREST

1. Have arresting officer report to the precinct of arrest or other designated arrest processing facility and have court affidavit prepared.

ARRESTING OFFICER

2. Instruct civilian complainant to appear at the precinct of arrest, designated arrest processing facility, or Criminal Court on scheduled return date, as appropriate, if Supporting Deposition is not prepared.

DESK OFFICER, PRECINCT OF ARREST

3. Upon completion and signing of court affidavit by arresting officer, notify borough court section supervisor concerned that the court affidavit has been completed and request a bedside arraignment for hospitalized prisoner.
   a. Enter notification in Telephone Record.

BOROUGH COURT SECTION SUPERVISOR CONCERNED

4. Have completed arrest package delivered to Court Clerk for docketing.

DESK OFFICER, PRECINCT OF DETENTION

5. Prepare **BEDSIDE ARRAIGNMENT WORKSHEET (PD244-1411)**.
6. Ensure that a copy of all completed arrest related paperwork is kept in a folder at the desk, including:
   a. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   b. Prisoner Movement Slip
   c. **BEDSIDE ARRAIGNMENT WORKSHEET**.
7. Have copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET** and fingerprint/palmprint charts, (if required), delivered to guarding officer (see *P.G. 210-02, "Hospitalized Prisoners").*

DESK OFFICER, PRECINCT OF DETENTION (continued)

8. Assign uniformed member of the service to fingerprint/palmprint prisoner, if required.
   a. Obtain assistance from Identification Unit, if fingerprints/palmprints cannot be obtained by normal means.
9. Contact hospital administrator and determine how long prisoner will be confined for treatment.

NOTE *If hospital denies permission to fingerprint/palmprint, photograph or arraign prisoner due to prisoner's physical condition, ascertain earliest date when the prisoner can be processed.*

GUARDING MEMBER

10. Ask prisoner if he/she wants legal assistance and/or an interpreter and notify desk officer, precinct of detention, of results.

DESK OFFICER, PRECINCT OF DETENTION

11. Notify Patrol Borough concerned to verify availability of MLD, if prisoner requires fingerprinting.
12. Designate a uniformed member of the service trained in the use of an MLD to retrieve device and enter into Command Log:
    a. Name, rank, tax number of designated uniformed member of the service, and
    b. Location where MLD is to be utilized.
13. Record information concerning fingerprinting, request for legal assistance and/or interpreter on **BEDSIDE ARRAIGNMENT WORKSHEET**.
14. Direct precinct messenger to deliver completed fingerprint/palmprint charts to the borough court section supervisor concerned, if necessary.
15. Request Photographic Unit to photograph prisoner.
    a. Furnish Photographic Unit with information listed on **BEDSIDE ARRAIGNMENT WORKSHEET**.

DESIGNATED UNIFORMED MEMBER OF THE SERVICE

16. Fingerprint hospitalized prisoner using MLD.
    a. Ensure all fingerprints are captured successfully and transmitted to DCJS.

NOTE *In order to enhance safety, at least two uniformed members of the service must be present during the capturing of fingerprints utilizing an MLD. The use of an MLD for any purpose other than capturing a hospitalized prisoner's fingerprints is prohibited.*

If an MLD is utilized in a location with minimal or no cellular connection, the captured fingerprints will be stored until a proper network connection is established and then transmitted.

DESIGNATED UNIFORMED MEMBER OF THE SERVICE

17. Make digital **Activity Log** entry of results of fingerprint processing.
18. Notify desk officer, precinct of detention, and borough Court Section upon successful verification of fingerprints, or if MLD is defective/inoperable.
19. Return MLD to Patrol Borough concerned upon completion of use.

GUARDING MEMBER

20. Notify desk officer, precinct of detention, when prisoner has been photographed.
21. After arraignment, notify desk officer, precinct of detention, with the following information:
    a. Judge's name
    b. Arraignment date
    c. Disposition of arraignment

DESK OFFICER, PRE CINCT OF DETENTION

22. Prepare a service ticket via Service Portal if MLD is defective/inoperable.
    a. Provide service ticket number and brief description of issue to borough Court Section.
23. Make notation in Command Log of the following:
    a. Time of successful completed fingerprinting processing, or
    b. Service ticket number, if MLD is defective/inoperable.
24. Notify arresting officer of results of fingerprint processing.
25. Record arraignment information on **BEDSIDE ARRAIGNMENT WORKSHEET** and in Telephone Record.
26. Reassign guarding officer if prisoner is released from custody or posts bond.

NOTE *Bail may be posted at the borough criminal court concerned, not at the stationhouse, precinct of detention. After bail is posted, the Bail Receipt will be delivered to the desk officer, precinct of detention.*

GUARDING MEMBER

27. Obtain copy of Court Commitment order from the court officials, if prisoner is held on bail or remanded.
28. Contact hospital liaison and inquire about arrangements made for transfer of prisoner to Department of Correction.
29. Notify desk officer, precinct of detention, of transfer arrangements.
30. Deliver prisoner and Court Commitment order to the Department of Correction officer at hospital.
31. Sign Department of Correction form "Prisoner Ward Record" as a receipt for prisoner.
32. Make appropriate entries in digital **Activity Log** and include prisoner's name, arrest number, correction officer's name and shield number.
    a. Ensure digital **Activity Log** entries correspond with entries made by correction personnel under "Valuables Received" on Prisoner Ward Record.
    b. Report any discrepancy to desk officer, precinct of detention.

DESK OFFICER, PRECINCT OF DETENTION

33. Notify borough court section concerned when:
    a. Prisoner has been transferred.
    b. Bedside arraignment is delayed in excess of six or more days.
    c. Any problem arises which cannot be resolved by detention precinct personnel.
34. Upon completion of arraignment, have folder containing arrest related paperwork filed at precinct of detention.

BOROUGH COURT SECTION SUPERVISOR

35. Coordinate the procedural steps involved in bedside arraignments.
36. Establish communication with agencies and hospitals that may be involved in bedside arraignments.
37. Maintain a file containing the telephone number(s) of individuals to be contacted when arranging for bedside arraignments.

ADDITIONAL DATA

When a prisoner is released from a hospital prior to arraignment, the guarding member will obtain a signed medical release from the attending physician and escort the prisoner, rear cuffed, to court for arraignment. The uniformed member concerned will deliver the medical release to the borough court section supervisor. If a complaint has been previously prepared, borough court section personnel will retrieve and deliver the complaint to the court clerk for docketing.

When a Certificate of Release is presented for an arraigned and hospitalized prisoner stating that bail has been posted, the guarding member will notify the desk officer, precinct of detention, who will make appropriate entries on the ***BEDSIDE ARRAIGNMENT WORKSHEET*** *and* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET****. The Certificate of Release will be attached to the* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET*** *and the borough court section supervisor will be notified.*

NYPD

Section: Prisoners		Procedure No: 210-06	
PRISONERS' MEALS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide meals for detained prisoners.

DEFINITION MEAL HOURS - between 0500-0600, 1200-1300, and 1800-1900 hours.

PROCEDURE When a prisoner is confined in a detention cell:

POLICE ATTENDANT

1. Determine number of meals required and notify desk officer.
   a. Hot liquids (coffee, tea, hot chocolate, etc.), will not be provided with a prisoner's meal.

NOTE *Meals must be provided by this Department to prisoners:*
a. With funds who want to purchase own meal
b. With funds who want meals supplied by this Department
c. Without funds.

DESK OFFICER

2. Telephone restaurant, order required number of meals and obtain cost.
   a. Cost to Department may not exceed $1.80 per meal, per prisoner.
3. Prepare and sign **PRISONER MEAL VOUCHER (PD144-051)**.
   a. Prepare separate **PRISONER MEAL VOUCHER** for each meal period.
4. Issue vendor his/her copy of **PRISONER MEAL VOUCHER** when meal is delivered to precinct or picked up at restaurant.
5. Direct attendant to enter cost of meal provided each prisoner on **PRISONER ROSTER (PD244-145)**.
   a. If prisoner obtains food with own funds or refuses meal, entry must be made on **PRISONER ROSTER** and in Command Log.
6. Submit remaining copies of **PRISONER MEAL VOUCHER** to Operations Coordinator.

OPERATIONS COORDINATOR

7. Prepare separate **EXPENSE REPORT (PD102-061)** set at end of month for each restaurant from which meals were obtained.
   a. List the name and address of the vendor, the period covered and the total amount due the restaurant.
8. Submit **EXPENSE REPORT** sets and **PRISONER MEAL VOUCHERS** to commanding officer.

COMMANDING OFFICER

9. Certify each **EXPENSE REPORT** set and forward original and first copy with original copies of related **PRISONER MEAL VOUCHERS** to Audits and Accounts Unit by the 15th of each month.
10. File remaining copy of **EXPENSE REPORT** with related copy of **PRISONER MEAL VOUCHERS** attached.

ADDITIONAL DATA

When medical or other unusual conditions exist, a desk officer may authorize additional prisoner meals or meals at other than designated hours. A Command Log entry explaining the circumstances will be made. If a prisoner, who has missed the designated meal period due to arrest processing or any other reason requests to be fed, the desk officer will authorize such meal.

FORMS AND REPORTS

EXPENSE REPORT (PD102-061)
PRISONER MEAL VOUCHER (PD144-051)
PRISONER ROSTER (PD244-145)

NYPD

PURPOSE To make notifications and investigate certain unusual occurrences related to prisoners.

DEFINITION UNUSUAL OCCURRENCE – With regard to prisoners, means that a prisoner in the custody of this Department, or an unarraigned prisoner in the custody of the New York City Department of Correction:

a. Assaults a member of the service, or
b. Escapes or attempts to escape, or
c. Is sexually assaulted or sexually harassed or alleges that they were sexually assaulted or sexually harassed by another prisoner or any other person, or
d. Is involved in any other occurrence of an unusual nature.

PROCEDURE When an adult prisoner or a juvenile under 18 years of age in custody is involved in an unusual occurrence:

DESK OFFICER

1. Notify commanding officer/duty captain and borough court section supervisor concerned.
2. Notify Operations Unit, including:
   a. Name and sex of prisoner or child in custody
   b. Charge for which prisoner or child in custody is held.
3. Notify Internal Affairs Bureau Command Center if prisoner escapes or attempts to escape.

COMMANDING OFFICER/ DUTY CAPTAIN

4. Conduct investigation of incident.
5. Prepare a report on Typed Letterhead.
6. Forward three copies of report in all adult prisoner cases, one copy of report for child in custody, and two copies of report if child in custody dies, to Chief of Department, DIRECT.
7. Forward one additional copy of report to each of the following:
   a. Chief of Patrol (DIRECT),
   b. Chief of Internal Affairs,
   c. Chief of Training,
   d. Commanding Officer, Criminal Justice Bureau,
   e. Commanding Officer, Performance Monitoring Unit,
   f. Each intermediate command, and
   g. Commanding officer of member of the service concerned, if member not assigned to reporting command.

NOTE *If prisoner sustains a physical injury while in custody or attempts suicide, comply with P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action." If the prisoner dies or is likely to die, comply with P.G. 221-05, "Person Dies or Sustains a Serious Injury and Is Likely to Die in Police Custody or in Connection With Police Action."*

NOTE (continued)

PRISONER ESCAPE

In the event of a prisoner escape, arresting/escorting officers will immediately notify the radio dispatcher, their immediate supervisor (e.g., desk officer of member of the service command), and conduct a search to apprehend the prisoner.

NYPD

Section: Prisoners		Procedure No: 210-08
GUIDELINES FOR PRISONER HOLDING PENS		
DATE EFFECTIVE: 12/19/22	LAST REVISION: I.O. 123	PAGE: 1 of 3

PURPOSE To ensure the integrity, control, and humane treatment of prisoners lodged in command/detective squad holding pens.

PROCEDURE Upon lodging a prisoner temporarily in a command/detective squad holding pen:

DESK OFFICER/ DETECTIVE SQUAD SUPERVISOR

1. Utilize Department form **PRISONER HOLDING PEN ROSTER (PD244-1410)** to maintain a record of prisoners lodged in holding pens (cages).
   a. Maintain a copy of the **PRISONER HOLDING PEN ROSTER** at the desk and detective squad office, as appropriate.
   b. File completed forms at the end of every twenty-four hour period at the desk and detective squad office, as appropriate.
2. Designate a member of the service to specifically inspect and check condition of prisoners every thirty minutes.
   a. Do not leave prisoners unattended.
3. Have assigned member enter results of inspection and action taken under the appropriate captions on **PRISONER HOLDING PEN ROSTER**.
4. Assign supervisor to personally and periodically inspect prisoners lodged in holding pens and have supervisor enter the following under appropriate captions on **PRISONER HOLDING PEN ROSTER**:
   a. Results of inspection,
   b. Condition of prisoner (e.g., sleeping, alert, etc.), and
   c. Position of prisoner (e.g., sitting, laying down, etc.).
5. Make certain the following additional guidelines are complied with:
   a. Maximum period of detention for prisoners being held in holding pens will usually be three hours. If circumstances dictate a person be held for a longer period, such period must be approved by the desk officer for command holding pens or detective squad supervisor for detective squad holding pens. If a detective squad supervisor is not available, the extension period must be approved by the command desk officer. The reason for any time extension must be documented in the Command Log.
   b. Prisoners who appear to be ill, intoxicated, or emotionally disturbed shall not be detained in holding pens. If appropriate, *P.G. 210-04 "Prisoners Requiring Medical/Psychiatric Treatment*" will be complied with.
   c. At no time should more prisoners than can be reasonably accommodated be put in a holding pen. The amount of time a prisoner will be detained in the holding pen must be taken into consideration when determining what is a reasonable accommodation.
   d. Before being placed in a holding pen, the clothing and person of each prisoner must be thoroughly searched. Generally, a female prisoner will only be searched by a female police attendant or female uniformed member of the service (see *P.G. 208-05, "Arrests – General Search Guidelines"*).

DESK OFFICER/ DETECTIVE SQUAD SUPERVISOR (continued)

e. Comply with *P.G. 208-83, "Arrests – Religious Head Covering Guidelines*," as necessary, if prisoner is wearing a religious head covering.

f. Belts, neckties, shoelaces, drawstrings, jackets, overcoats, or other similar outer garments that could be used to attempt/commit suicide or assault another shall be removed and stored temporarily where they will not be accessible to the prisoner.

g. At no time detain male and female prisoners in the same holding pen. Refer to *P.G. 210-17, "Arrest Processing of Pre-Arraignment Prisoners Designated as 'Special Category' "* and/or *A.G. 304-06, "Prohibited Conduct,"* regarding gender, if necessary.

h. At no time detain adult and juvenile prisoners in the same holding pen. Juveniles must be held in the command's designated juvenile area.

NOTE *In the event that there is a need to separate juvenile prisoners, the desk officer will coordinate with a neighboring command to ensure that all juvenile prisoners are lodged in a location specifically designated as suitable for the interrogation of juveniles, unless they are 18 years of age or older at the time of arrest.*

i. If a prisoner is placed in a cell alone because he/she threatens or fights with another prisoner(s), is causing disruption, or for any other reason, ensure that a member of the service will continue to monitor that prisoner closely.

j. Ensure prisoners are issued menstrual hygiene products upon request.
   (1) Assign female uniformed member of the service to escort prisoner requesting hygiene product to restroom.
   (2) Direct member issuing hygiene product to make note on **PRISONER HOLDING PEN ROSTER** in "Remarks" section.
   (3) Make note in Command Log margin next to arrest entry.

ADDITIONAL DATA

PRISONER CONFLICTS

Whenever an arresting officer/investigator becomes aware that there is the need to separate two or more defendants from one another due to threats made by one defendant to another, or due to the potential for one defendant to assault another, a notation will be made at the bottom of each defendant's Prisoner Movement Slip in the "Detention Alert" section under the caption "Other (Explain)." The notation must contain the name and arrest number of the other defendant involved, as well as an indication as to why separation is deemed necessary (e.g., prisoner had a fight with the other prisoner; prisoner was threatened by other prisoner, etc.). If separation is required for confidential or sensitive reasons, such as one prisoner testified against another, enter the name and telephone number of the arresting officer/assigned investigator so that further information can be obtained if necessary, rather than entering the actual reason for the separation. (If detention personnel are unable to contact the arresting officer/assigned investigator for further information, they will continue to keep the affected prisoners separated from one another).

ADDITIONAL DATA (continued)

In the event that an arrest processing officer or escorting officer becomes aware that a conflict exists between prisoners requiring their separation, the officer must:

a. Inform the arresting officer/assigned investigator of the circumstances in order that the latter may make entries on the Prisoner Movement Slips, OR

b. Personally make entries on the Prisoner Movement Slips, which must then be brought to the attention of the Court Section personnel for entry on the courthouse generated movement slips.

The information entered on the Prisoner Movement Slip prepared at the command must also be entered on the computerized movement slip generated at the courthouse when the prisoner is photographed. In addition to the notation on the movement slip, the arresting officer/assigned investigator/escorting officer will notify the concerned borough court section supervisor.

Members of the service assigned to prisoner detention functions at the command and at the courthouse must examine and be guided by the information contained in the "Detention Alert" caption on each Prisoner Movement Slip in regard to separating prisoners. etc.

DISCARDING OF MENSTRUAL HYGIENE PRODUCTS

Members of the service will instruct prisoner(s) to discard menstrual hygiene products into separate waste containers, as appropriate. Members are reminded to utilize personal protective equipment (PPE) if disposing of hygiene products, and are to adhere to A.G. 330-09 "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials," if exposure occurs."

RELATED PROCEDURES

Prisoners General Procedure (P.G. 210-01)
Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Prisoners - Unusual Occurrence (P.G. 210-07)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

FORMS AND REPORTS

PRISONER HOLDING PEN ROSTER (PD244-1410)

NYPD

PURPOSE To release a person taken into custody when further investigation reveals that the person arrested did not commit the offense or any related offense or it is determined that no offense has been committed or when directed by an Assistant District Attorney that the arrest is to be voided.

DEFINITIONS VOIDED ARREST – When an arrest is made by a uniformed member of the service or a civilian, and there is reasonable cause to believe the prisoner did not commit the offense, or any related offense, or it is determined that no offense has been committed, the member of the service concerned must immediately release the prisoner and comply with this procedure.

DECLINE PROSECUTION – The District Attorney has prosecutorial discretion and may decline to prosecute a case for a variety of reasons even though probable cause for the arrest exists. Some examples are: cases where the evidence is legally sufficient to prosecute, but must be corroborated; or cases where prosecution is declined in the interest of justice; etc. In these instances, the Assistant District Attorney is required to issue a Decline Prosecution Letter. In such circumstances, members of the service should be guided by *Patrol Guide 216-16, "Release of Prisoners at the Complaint Room at Direction of the Assistant District Attorney."*

Additionally, there may be circumstances wherein an Assistant District Attorney directs that an arrest be voided and refuses to issue a Decline Prosecution Letter despite the arresting officer's good faith belief that probable cause existed for the arrest. In those instances, members of the service should be guided by this procedure.

PROCEDURE When an arrest is made by a uniformed member of the service or a civilian, and there is reasonable cause to believe that the prisoner did not commit the offense in question or any related offense.

ARRESTING OFFICER

1. Confer with patrol supervisor and obtain consent for release of prisoner.
   a. If unavailable, confer with desk officer/borough court section supervisor.
   b. If the arresting officer, prior to removal of the prisoner to the police facility/borough court section, has reasonable cause to believe that the prisoner did not commit the offense charged and the patrol supervisor is not available for conferral, the prisoner may be released immediately and the patrol supervisor/desk officer will be notified as soon as possible.
      (1) In all "Release of Prisoner" cases, the desk officer of the command of occurrence MUST be informed of the circumstances of the release
      (2) A prisoner may be released by the Department at any time from the initial custody until the arraignment in the courtroom.
   c. If prisoner has been removed from police facility/borough court section facility, confer with supervisor assigned to court.

PATROL SUPV./ DESK OFFICER /BOROUGH COURT SECTION SUPERVISOR

2. Authorize release of prisoner if in agreement with arresting officer.
3. Verify that all property removed from the person is returned.

ARRESTING OFFICER

4. Make digital **Activity Log** entry regarding the release of prisoner.

SUPERVISOR AUTHORIZING /NOTIFIED OF RELEASE

5. Examine and sign arresting officer's digital **Activity Log** entry.

ARRESTING OFFICER

6. Prepare **OLBS ARREST WORKSHEET (PD244-159)**, immediately, for released prisoner.
   a. Indicate under the "Narrative" section the reason the prisoner was released and arrest voided and include:
      (1) Statement indicating property was returned, if applicable
      (2) Names of witnesses, if any
      (3) Supervisor who authorized or was notified of release of prisoner
      (4) Time of release.
7. Void the arrest using the "Omniform System" under "Arrest Processing Type" and select the "Voided Arrest" option, which will still generate an arrest number.

DESK OFFICER /SUPERVISOR CONCERNED

8. Review circumstances of arrest.
   a. If arrest voided by arresting/assigned officer in "Omniform System":
      (1) Review **OLBS ARREST WORKSHEET/OMNIFORM – ARREST REPORT** and ensure that the "Narrative" section include reason(s) for arrest being "voided" (see step "7")
      (2) Enter "VOIDED ARREST" across the top of the **OLBS ARREST WORKSHEET/OMNIFORM – ARREST REPORT**.
   b. If prisoner was already processed and an arrest number generated for booking purposes (not voided by arresting officer):
      (1) Log into "Omniform System" and select the "Void an Arrest" option under caption "Supervisor Functions" and enter applicable information necessary to void the arrest.
      (2) Assign uniformed member of the service to prepare, fax and forward **ARREST REPORT SUPPLEMENT (PD244-157)** to borough court section concerned without delay.

DESK OFFICER /SUPERVISOR CONCERNED (continued)

a. Ensure the arresting/assigned officer indicates under "Details" section of the **ARREST REPORT SUPPLEMENT** the reason the arrest was voided (see step "7").

(3) Enter "**VOIDED ARREST**" across top of the **ARREST REPORT SUPPLEMENT** and **OLBS ARREST WORKSHEET/OMNIFORM ARREST REPORT**.

9. Distribute **OLBS ARREST WORKSHEET/OMNIFORM ARREST REPORT** and **ARREST REPORT SUPPLEMENT**, as applicable, in normal manner.

10. Ensure copies of all reports are forwarded to the following:
    a. Patrol borough commander concerned
    b. Commanding Officer, Identification Unit
    c. Borough court section concerned
    d. Commanding officer of arresting officer, if different from precinct of occurrence.

11. Notify borough court section of the voided arrest information

12. Make Command Log entry.

13. Notify precinct commanding officer.

PATROL BOROUGH COMMANDER

14. Review report(s) and if satisfied that the release of prisoner was proper, signify by endorsement and return to originating commanding officer.

<u>REQUEST BY ASSISTANT DISTRICT ATTORNEY TO "VOID" AN ARREST:</u>

ARRESTING OFFICER

15. Inform desk officer/borough court section supervisor that Assistant District Attorney is requesting arrest be "voided" and not "Decline Prosecution."

DESK OFFICER /BOROUGH COURT SECTION SUPERVISOR

16. Confer with Legal Bureau regarding request by Assistant District Attorney.

LEGAL BUREAU ATTORNEY

17. Confer with Assistant District Attorney concerned and attempt to resolve the issue.

18. Request Assistant District Attorney to treat case as a "Decline Prosecution."
    a. Confer with supervisory Assistant District Attorney if the Assistant District Attorney will not draw up complaint.
    b. If all attempts to resolve the issue do not result in the complaint being drawn and the Assistant District Attorney will not treat the case as a "Decline Prosecution" case, then the arrest shall be deemed voided as per the Assistant District Attorney.

19. Notify the desk officer, precinct of arrest and the borough court section supervisor to release the prisoner in accordance with this procedure.

DESK OFFICER

20. Make Command Log entry and include the following information:
    a. Arrest "voided" due to Assistant District Attorney refusal to consider charges
    b. Name of the Legal Bureau attorney consulted
    c. Name of the Assistant District Attorney
    d. Name of the District Attorney's Office supervisor
    e. Borough court section supervisor concerned.
21. Ensure all information in step "20" is included in the "Narrative" section of the **OLBS ARREST WORKSHEET/OMNIFORM ARREST REPORT** or the "Details" section of **ARREST REPORT SUPPLEMENT**, as applicable.
22. Notify borough court section supervisor (via Telephone Message) of final status of prisoner.

ADDITIONAL DATA

DEPARTMENT POLICY

If the precinct or patrol borough commander is not satisfied that the release was proper, the circumstances of the release will be reported to the First Deputy Commissioner and the Chief of Department.

The authority to release a prisoner by means of this procedure rests solely with the Police Department.

*When an arrest is voided for any reason and the person being released has been fingerprinted via Live Scan, one copy of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET/OMNIFORM ARREST REPORT** or the **ARREST REPORT SUPPLEMENT**, as appropriate, is to be delivered to the borough court section intake supervisor, borough of arrest. The desk officer will ensure that this is done in a timely manner.*

The borough court section intake supervisor, borough of arrest, will prepare a communication detailing the circumstances of the voided arrest. This communication will be FAXED to the Division of Criminal Justice Services with the request to seal the defendant's record.

All borough court section intake facilities will now maintain a bound log with the following information regarding voided arrests:

- *The date that the **ARREST REPORT SUPPLEMENT** was received*
- ***OLBS WORKSHEET** arrest number*
- *Precinct and location of arrest*
- *Name, shield, and command of arresting officer*
- *Date and time the Division of Criminal Justice Services was notified*
- *Name of the representative from the Division of Criminal Justice Services who acknowledges receipt of the communication from the NYPD along with the date and time of its receipt.*

The Legal Bureau is responsible for logging and tracking inquiries made in accordance with the voiding of any arrest at the request of the Assistant District Attorney. The Legal Bureau may be contacted Monday through Friday, 0700 to 2300 hours. At other times, and on the weekends, the Legal Bureau duty attorney may be reached through the Operations Division.

RELATED PROCEDURES	*Release of Prisoners Arrested by Other Police Agencies (P.G. 210-15)* *Release of Prisoners at the Complaint Room at Direction of the Assistant District Attorney (P.G. 210-16)*
FORMS AND REPORTS	***ARREST REPORT SUPPLEMENT (PD244-157)*** ***OLBS ARREST WORKSHEET (PD244-159)***

NYPD

Section: Prisoners		Procedure No: 210-15
RELEASE OF PRISONERS ARRESTED BY OTHER POLICE AGENCIES		
DATE EFFECTIVE: 01/23/23	LAST REVISION: R.O. 3	PAGE: 1 of 1

PURPOSE To record the release of prisoners by other police agencies.

PROCEDURE When a police officer of another agency delivers an arrested person to the stationhouse or borough court section and investigation reveals that that person did not commit the offense alleged or any related offense:

DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR

1. Decide whether the prisoner will be released:
   a. If conflict exists between the desk officer/borough court section supervisor and the arresting officer, the precinct commander/duty captain will make decision.
2. Follow *P.G. 210-13, "Release of Prisoners."*
3. Make entry in Telephone Record when notified by another police agency that they have released a prisoner from other than a stationhouse.
4. Notify precinct commander.

PRECINCT COMMANDING OFFICER

5. Compare written notification from other police agency with Telephone Record entry.
6. Endorse written notification.
7. Forward endorsed notification through channels to:
   a. Criminal Justice Bureau
   b. Identification Unit.

RELATED PROCEDURE *Release of Prisoners (P.G. 210-13)*

NYPD

Section: Prisoners		Procedure No: 210-16	
RELEASE OF PRISONER AT THE COMPLAINT ROOM BY DIRECTION OF THE ASSISTANT DISTRICT ATTORNEY			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To release a prisoner when the Assistant District Attorney elects not to prosecute a defendant and designates the arrest case as "Decline Prosecution."

PROCEDURE Upon being informed by the Assistant District Attorney that the prisoner is to be released and the arrest case has been designated as "Decline Prosecution."

ARRESTING OFFICER

1. Obtain copy of the District Attorney's Office Decline Prosecution Letter. (Either via FAX when processing at command or, in person, when processing at the complaint room.)

NOTE *When an Assistant District Attorney elects not to prosecute an arrest case which was processed either via the Expedited Affidavit Program or Supporting Deposition Program, borough court section personnel will obtain a copy of the District Attorney's Office Decline Prosecution Letter and follow the borough court section's release of prisoner procedures.*

2. Make complete digital **Activity Log** entry.
3. Notify desk officer.

<u>WHEN ARRESTING OFFICER IS PRESENT AT PRECINCT OF ARREST AND INFORMED BY AN ASSISTANT DISTRICT ATTORNEY THAT THE ARREST CASE HAS BEEN DESIGNATED AS "DECLINE PROSECUTION"</u>

DESK OFFICER

4. Direct arresting officer to determine if prisoner has an active warrant.

ARRESTING OFFICER

5. Conduct a warrant check as per *P.G. 208-22, "Performing Local, State and Federal Warrant Checks."*
6. Ascertain from the borough court section if the Criminal History printout ("Rapsheet") has been received.

DESK OFFICER

7. Direct prisoner be immediately released, if prisoner is present at command or a hospital facility, after it has been established there is no active warrant through warrant check and "Rapsheet."

NOTE *The release of a prisoner will not be delayed solely because the "Rapsheet" has not yet been received.*

8. Direct the arresting officer to process the arrest solely on the authority of the active warrant, if the prisoner has active warrant.

NOTE *In a designated "Decline Prosecution" case, the arresting officer will continue to process the arrest case only when it has been determined that the prisoner has an active warrant. The arresting officer will not process the prisoner on any of the original arrest charges that were designated by the Assistant District Attorney as "Decline Prosecution."*

DESK OFFICER (continued)

9. Notify borough court section supervisor of either prisoner's release, or that prisoner is being processed solely on the authority of active warrant. (This will enable the borough court section to make the appropriate On Line Prisoner Arraignment (OLPA) system entries.)
10. Notify the borough court section supervisor that an Assistant District Attorney has designated the arrest case as "Decline Prosecution", if the prisoner is en route to, or present at the borough court section.
11. Direct arresting officer to FAX the District Attorney's Office Decline Prosecution Letter to the borough court section supervisor.
    a. Borough court section's release of prisoner procedures will then be followed.
12. Make appropriate log entries and ensure that the District Attorney's Office form letter is filed.

<u>IF ARRESTING OFFICER IS PRESENT AT THE COMPLAINT ROOM AND INFORMED BY AN ASSISTANT DISTRICT ATTORNEY THAT THE ARREST CASE HAS BEEN DESIGNATED AS "DECLINE PROSECUTION"</u>

ARRESTING OFFICER

13. Notify, and provide a copy of the District Attorney's Office Decline Prosecution Letter to the borough court section supervisor.

NOTE

In a case where a prisoner is hospitalized, the arresting officer must also notify and FAX a copy of the District Attorney's Office Decline Prosecution Letter to the command's desk officer who will direct the release of the prisoner after establishing that there is no active warrant. If the prisoner has an active warrant, the desk officer will assign a uniformed member of the service to process the prisoner solely on the authority of the active warrant.

14. File the District Attorney's Office Decline Prosecution Letter in arrest folder, upon return to command.

BOROUGH COURT SECTION SUPERVISOR

15. Have the appropriate OLPA system entries made when notified by the desk officer that the prisoner has been released, or that the prisoner will be processed solely on the authority of an active warrant.
16. Direct, when notified by a desk officer or by an arresting officer in person, that an arrest case of a prisoner who is en route to, or present at, the borough court section has been designated as "Decline Prosecution," and is in receipt of a District Attorney's Office Decline Prosecution Letter:
    a. The immediate release of the prisoner after the borough court section has determined that there is no active warrant. The release of a prisoner will not be delayed solely because the "rapsheet" has not been received. (This procedure will be adhered to regardless of prisoner's lodging location [e.g. borough court section or lodged over night at the precinct stationhouse.]) <u>OR</u>

BOROUGH COURT SECTION SUPERVISOR (continued)

b. Direct either the arresting officer, if present, or have borough court section personnel process the prisoner solely on the authority of the active warrant, if the prisoner has an active warrant. (In this case, the arresting officer will only be utilized to process the prisoner when the prisoner is lodged at the borough court section and the arresting officer is present at the courthouse.)

NOTE *When a prisoner who is to be released is lodged over night at a precinct stationhouse, the borough court section supervisor must notify and FAX a copy of the District Attorney's Office form letter to the desk officer concerned. Upon receipt of a District Attorney's Office form letter, the desk officer of the precinct concerned will release prisoner and make appropriate log entries.*

RELATED PROCEDURES *Performing Local, State and Federal Warrant Checks (P.G. 208-22)*

NYPD

PURPOSE To ensure that all pre-arraignment prisoners in custody at precinct, transit district, police service area, and borough court section holding pens are medically screened by Emergency Medical Service (EMS) personnel located at the borough court sections.

SCOPE Presently, EMS personnel are assigned to all patrol borough court sections with the exception of the Staten Island Court Section. On Staten Island it is the supervisor at the court section and not EMS personnel that screens prisoners. This supervisor makes the determination as to whether or not a prisoner will be designated as special category. For the purposes of this procedure this practice will remain in effect only in the Staten Island Court Section.

DEFINITION SPECIAL CATEGORY PRISONER - A "Special Category Prisoner" is a prisoner who should be removed from the general population for any of the following reasons:

a. because of a medical condition or physical disability
b. for any reason that would lead one to believe that placing that prisoner in a general population of prisoners may pose a safety risk to that prisoner or other prisoners
c. for any reason that would lead one to believe that placing that prisoner in a general population of prisoners may pose a health risk to that prisoner or other prisoners.

The following will not be designated as "Special Category" prisoners:

a. Hospitalized prisoners (Refer to *P.G. 210-02, "Hospitalized Prisoners"*)
b. Prisoners who will be issued Desk Appearance Tickets or summonses and released directly from the precinct, transit district, or police service area.

PROCEDURE Upon transporting a pre-arraignment prisoner to the appropriate borough court section:

UNIFORMED MEMBER OF THE SERVICE CONCERNED

1. Ensure that prisoner is medically screened by EMS personnel as soon as possible.

BOROUGH COURT SECTION SUPERVISOR

2. Determine, in conjunction with EMS personnel, whether prisoner should be designated a "Special Category Prisoner."

GUIDELINES FOR HANDLING "SPECIAL CATEGORY PRISONERS":

BOROUGH COURT SECTION

3. Ensure that notation is made in the "Detention Alert" caption of Prisoner Movement Slip along with the reason for the designation, e.g. medical, safety risk, disability, etc.

SUPERVISOR BOROUGH COURT SECTION SUPERVISOR (continued)

4. Direct that a "Special Category Prisoner" be lodged in a separate cell from the general pre-arraignment population.
5. Ascertain, in consultation with EMS personnel, whether or not it is advisable to house more than one "Special Category Prisoner" in a cell.
6. Have **MEDICAL TREATMENT OF PRISONER (PD244-150)** form prepared for each "Special Category Prisoner."
7. Ensure that "Yes" box in caption "Recommend Prisoner Be Separated From General Population" on **MEDICAL TREATMENT OF PRISONER** form is checked.
8. Ensure that all "Special Category Prisoners," originally screened by EMS personnel at the borough court section, are subsequently screened upon returning from any hospital, as applicable.
9. Oversee and expedite the processing of all "Special Category Prisoners" and their co-defendants, if any.
10. Ensure that prisoners lodged in separate cells at precinct, district, or police service area commands are transported to the appropriate arraignment part at court, when necessary.

ADDITIONAL DATA

LODGING "SPECIAL CATEGORY" PRISONERS

The decision of whether or not to house more than one such prisoner in a cell will be based on whether, given the particular reasons for designating them as "Special Category," the prisoners pose a safety or health risk to one another.

It is preferable to lodge "Special Category Prisoners" in separate cells at the borough court section. However, if this is not possible, the borough court section supervisor will direct that the prisoner be temporarily lodged in a separate cell in a precinct, district, or police service area command.

Supervisors will make every reasonable effort to provide separate and physically adequate accommodations for special category prisoners that are being processed or lodged in their facilities. Reasonable efforts will be made to avoid handcuffing prisoners to chairs, railings, etc. for extended periods of time.

OPERATIONAL CONSIDERATIONS

A prisoner may be designated "Special Category" at a subsequent screening by EMS personnel, as appropriate.

"Special Category Prisoners" will be given priority status at every stage of the pre-arraignment process including placing their names on the "Medical Expedite" list maintained at the borough court sections.

All prisoners who are identified as being infected with, or suspected of carrying an actively contagious disease, such as tuberculosis, will be sent to the hospital immediately.

ADDITIONAL DATA (continued)

PRISONERS CONFINED TO WHEELCHAIRS OR OTHERWISE MOBILITY IMPAIRED

If a prisoner is confined to a wheelchair or is otherwise mobility impaired, the desk officer, command of arrest, will confer with the borough court section supervisor prior to transporting to a court section facility and be guided by their direction regarding lodging and further processing.

Members of the service are reminded to comply with P.G. 210-19, 'Department Transportation Services for Arrestees Who Have a Mobility Disability,' when necessary.

NYPD

PURPOSE To provide a central repository of criminal intelligence received from prisoners and improve communications and sharing of information among Department units.

SCOPE All prisoners in custody of this Department and all new arrestees must be debriefed by a member of the service. For the purposes of this procedure, the debriefing member of the service may be an investigator from the Detective Bureau, Intelligence Division, a Field Intelligence Officer (FIO), Anti-Crime/Street Narcotics Enforcement Unit (SNEU) supervisor, desk officer, etc. Police officers will not normally conduct debriefings.

Detective Bureau investigators will conduct all debriefings for "firearms arrests," regardless of arresting officer's command. This debriefing will be documented in the Enterprise Case Management System (ECMS) on a "Positive Debriefing" entry.

All prisoner debriefings, and especially all firearm related debriefings, should be documented in ECMS.

The desk officer, precinct of arrest, should ensure that the debriefing is conducted by a member of the Detective Bureau or Intelligence Division, as appropriate.

DEFINITIONS POSITIVE DEBRIEFINGS – Specific information received from a prisoner during the course of an interview regarding crime, criminal activity, or evidence related to a crime that is not related to the current arrest charges against the prisoner. For the purpose of this definition, a prisoner is to include new arrestees, and parolees, probationers, and inmates in custody.

CONFESSION/ADMISSION – Statement (oral or written) made by a prisoner during the course of an interview which acknowledges guilt or involvement. A confession/admission on a new arrest is NOT considered a positive debriefing.

ENHANCEMENT – Augmentations of certain designated arrests conducted by an appropriate investigative unit for the purpose of enhancing the prosecutability of that arrest. A confession/admission is a goal of the enhancement. Case enhancement is NOT considered a positive debriefing.

PROCEDURE Upon debriefing a prisoner in the custody of this Department:

FOR ALL POSITIVE DEBRIEFINGS WHICH YIELD INTELLIGENCE NOT RELATED TO AN ACTIVE CRIMINAL INVESTIGATION:

DEBRIEFING MEMBER OF THE SERVICE

1. Document information as follows:
   a. If assigned to the Detective Bureau or as an Intelligence Division field intelligence officer (FIO), prepare a "Positive Debriefing" entry in ECMS
      (1) Ensure information from the positive debriefing is electronically forwarded to all required members, by email, through ECMS
2. Notify, by telephone, any other units or commands that may be concerned, and record the name of the receiving member of the service in ECMS.
   a. An immediate response, if appropriate, will be made by the concerned unit/command for the purposes of personally debriefing the subject.
3. Upon completion of the debriefing:
   a. If not assigned to the Detective Bureau or Intelligence Divisions, telephone the Intelligence Division, Operations Desk to relay the basic information necessary for the preparation of a "Positive Debriefing" entry in ECMS by an Intelligence Division member.

NOTE

If more than one uniformed member of the service or if an outside law enforcement member (e.g., Joint Federal Task Force, etc.) debriefs prisoner, a telephone notification to the Criminal Intelligence Section must be made to include information such as date, time, name of person debriefed, member of service debriefing, brief description of information obtained, command concerned, etc.

4. Forward copies of debriefing documents to the investigative unit(s) concerned, as necessary.
   a. The FIO concerned will be responsible for reviewing Intelligence Data System (IDS) entries for positive debriefings in their respective commands.

FOR ALL POSITIVE DEBRIEFINGS WHICH YIELD INTELLIGENCE ON AN ACTIVE CRIMINAL INVESTIGATION:

DEBRIEFING MEMBER OF THE SERVICE

5. Telephone the investigator/supervisor responsible for the active investigation and relay the information obtained through the debriefing.

NOTE

The investigator/supervisor responsible for the active investigation will respond and personally debrief the prisoner if appropriate and fully investigate the veracity of the information provided.

The active case investigator/supervisor will be responsible for documenting any information pertinent to the active case in ECMS.

DEBRIEFING MEMBER OF THE SERVICE (continued)

6. Upon completion of the debriefing:
   a. Telephone the Intelligence Division, Operations Desk to relay the information necessary for the preparation of a "Positive Debriefing" entry in ECMS by an Intelligence Division member.

NOTE

In situations where information obtained relates to an active criminal investigation, the appropriate Precinct/Borough Transit/Patrol Borough Housing FIO will conduct a follow up conferral within seventy two hours with the investigator assigned to ensure ECMS entries have been prepared in conjunction with the original IDS entries.

CRIMINAL INTELLIGENCE SECTION

7. Track and review all ECMS "Positive Debriefing" entries related to active criminal investigations.
8. Notify the appropriate FIO concerned immediately and after seventy two hours to ensure proper follow up.

PRECINCT/ BOROUGH TRANSIT/ PATROL BOROUGH HOUSING FIELD INTELLIGENCE OFFICER

9. Track and review all ECMS "Positive Debriefing" entries related to active criminal investigations.
10. Notify the appropriate FIO concerned immediately and after seventy two hours to ensure proper follow up.
11. Ensure copies of "Positive Debriefing" entries in ECMS have been electronically forwarded to the appropriate investigative unit after review.

FOR ALL OTHER DEBRIEFINGS:

DEBRIEFING MEMBER OF THE SERVICE

12. Document in ECMS, as appropriate.

ADDITIONAL DATA

Should an allegation of corruption or serious misconduct arise out of a prisoner debriefing, the member of the service obtaining the information shall follow established Department guidelines regarding the reporting of such matters.

Criminal Procedure Law 240.45(1)(a), also referred to as the "Rosario rule," requires the prosecutor to make available to the defendant any written or recorded statements made by a person whom the prosecutor intends to call as a witness at trial and which relates to the subject matter of witness' testimony. Failure to preserve and provide such statements to the defense can have an impact on the outcome of a criminal trial and in some cases, provide a basis to overturn a conviction.

Information obtained through debriefing of prisoners and which is included in an Intelligence Report can sometimes be covered by this rule. Similarly, if an FIO includes in the IDS system information about an active investigation obtained from the case investigator, that information also may constitute "Rosario" material if the investigator testifies at trial. Therefore, case investigators should include in their case folders printouts from the IDS system of information transmitted by the FIO or case investigator. In addition, if a debriefing results in the opening of a new investigation, a copy of the IDS printout detailing the information provided by the debriefed prisoner should be included in the new investigation folder.

PURPOSE To provide a safe method of transportation for arrestees with mobility disabilities.

SCOPE The following commands have been designated as the centralized locations to which arrestees with mobility disabilities will be transported to for arrest processing:

PBBN: 83rd Precinct,
PBBS: 67th Precinct,
PBMN: 28th Precinct,
PBMS: 9th Precinct,
PBSI: 121st Precinct,
PBQN: Precinct of arrest,
PBQS: Precinct of arrest, and
PBBX: Precinct of arrest

PROCEDURE When a uniformed member of the service requires assistance in transporting arrestees with mobility disabilities:

PATROL BOROUGH COMMANDER

1. Ensure training is provided through the Training Bureau to an appropriate amount of uniformed members of the service in order to provide twenty-four hour coverage.
   a. Ensure a list is maintained of qualified uniformed members of the service who are van-qualified and also trained in the use of a wheelchair lift.
2. Ensure a Department Americans with Disabilities Act (ADA) compliant van equipped with a wheelchair lift is readily available for use.

ARRESTING OFFICER/ ESCORTING OFFICER

3. Interview arrestee and determine the need for accessible transportation based on their mobility impairment.
4. Notify desk officer that a Department ADA compliant van is needed at the scene to transport arrestee.

DESK OFFICER

5. Notify Patrol Borough to dispatch a qualified van operator with Department ADA compliant van to scene of arrest.
   a. Record notification in Command Log.

PATROL BOROUGH CONCERNED/ PATROL SUPERVISOR

6. Dispatch a qualified van operator with Department ADA compliant van to scene of arrest to transport arrestee to ADA accessible location for arrest processing.
   a. Record dispatch in Command Log and/or **Digital Activity Log**.

ARRESTING OFFICER/ ESCORTING OFFICER

7. Comply with *P.G. 208-05, "Arrests – General Search Guidelines"* prior to transporting arrestee in Department ADA compliant van.
   a. Perform field search and utilize hand-held metal detector, or similar device, as necessary, to detect any weapons on the person.

NOTE *If an arrestee claims to have a medical condition that would limit the scope of a field search prior to transportation, or a medical condition that would prevent them from being safely transported in the Department ADA compliant van, the uniformed member of the service will request the response of an ambulance, remove the arrestee to a hospital and comply with P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment."*

PATROL SUPERVISOR

8. Ensure arresting officer/escorting officer accompanies arrestee during transportation to appropriate command.

QUALIFIED ADA VAN OPERATOR

9. Safely transfer arrestee onto Department ADA compliant van utilizing wheelchair lift.
   a. Request assistance of other uniformed members of the service, if needed.
10. Properly secure arrestee using belts provided in Department ADA compliant van.

ARRESTING OFFICER/ ESCORTING OFFICER

11. Take position in van to ensure arrestee is observed at all times during transport.
12. Upon arrival at command, assist van operator in removing arrestee, if requested.

NOTE *Upon completion of transport, the van will be returned to command concerned.*

DESK OFFICER

13. Comply with *P.G. 208-03, "Arrests – General Processing,"* and confer with borough Court Section supervisor and be guided by their direction regarding lodging and further processing of arrestee.
14. Notify appropriate command and request a Department ADA compliant van to respond, and transport arrestee to borough Court Section.
15. Assign an escorting officer to bring arrestee to borough Court Section.

QUALIFIED ADA VAN OPERATOR

16. Safely transfer arrestee onto Department ADA compliant van utilizing wheelchair lift.
    a. Request assistance of other uniformed members of the service, if needed.
17. Properly secure arrestee using belts provided in Department ADA compliant van.

ESCORTING OFFICER

18. Take position in van to ensure arrestee is observed at all times during transport.
19. Upon arrival at borough Court Section, assist van operator in removing arrestee, if requested.

BOROUGH COURT SECTION PERSONNEL

20. Comply with *P.G. 210-17, "Arrest Processing of Pre-arraignment Prisoners Designated as 'Special Category,"* upon arrestee's arrival at borough Court Section.

NYPD

PURPOSE To provide uniform standards for a uniformed member of the service appearing in court.

PROCEDURE When a uniformed member of the service is required to appear in court, before a Grand Jury or other government agency:

UNIFORMED MEMBER OF THE SERVICE

1. Appear in uniform, if assigned to duty in uniform.
   a. Duty trouser, black shoes, long sleeve shirt, and tie must be worn, and
   b. 8 point cap must be worn outside court building and carried when inside court building or building under court jurisdiction..
2. Appear in business attire if:
   a. Off duty
   b. On sick report or restricted duty
   c. Required to arraign deferred or holdover prisoner
   d. Authorized by commanding officer.
3. Wear shield on outermost garment at all times while in court building or portion of building under court jurisdiction.
4. Report to Appearance Control Unit (ACU) and submit **IDENTIFICATION CARD (PD416-091)** to supervising member/designee.
5. Inform supervising member/designee if scheduled to appear in more than one part of court, before another government agency, or if on a court alert.
   a. Notify supervising member/designee if appearing on off duty time.

APPEARANCE CONTROL UNIT (ACU) SUPERVISOR/ DESIGNEE

6. Sign uniformed member of the service in by using the Centralized Personnel Resource (CPR) System.
7. Notify other court part or government agency that member is present in another court part.

UNIFORMED MEMBER OF THE SERVICE

8. Take meal period when court recesses for lunch and enter location of meal in digital **Activity Log**.
9. Report to ACU if required to leave court building for reason other than meal (prior to leaving and upon return).
10. Refrain from discussing case with defendant, defendant's attorney or any other unauthorized person except with the consent, and in the presence of the District Attorney.
11. State full name, rank, shield number and command when sworn as a witness.
12. Have digital **Activity Log** and evidence available at each appearance.
13. Give testimony as follows:
    a. Understand question before answering; request clarification if necessary.
    b. Remain calm, impartial and speak distinctly.
    c. Answer truthfully and completely.

UNIFORMED MEMBER OF THE SERVICE (continued)

14. Request adjournment to day when performing duty with the 2nd Platoon or if a detective, when performing day duty.
15. Inform judge when adjourned date is on scheduled day off.
16. Ascertain the status of other scheduled appearance prior to signing out of court.
17. Return evidence, if any, to Property Clerk.
18. Notify desk officer if detained in court past end of tour.
19. Sign out at ACU at conclusion of court appearance.
    a. Inform supervisor/personnel of ACU of final disposition (i.e., testified, not needed, etc.) to be entered in to the CPR System.
    b. Request a copy of the **Court Appearance Information Report** from the CPR System, if necessary.
20. Notify desk officer/counterpart immediately upon dismissal from ACU and comply with instructions received.

ACU SUPERVISOR/ DESIGNEE

21. Enter the necessary court information into CPR System, when member reports to the ACU at the conclusion of the member's court appearance.
    a. Provide member of the service with copy of **Court Appearance Information Report**, if requested.

DESK OFFICER

22. Make notation of uniformed member's dismissal and instructions given on appropriate Department records.
23. Make a Command Log entry indicating the time of return and new assignment.
24. Make entry on digital Roll Call indicating new assignment of uniformed member of the service.
25. Check **Court Appearance Information Report** in CPR System for sign in and out times.

INTEGRITY CONTROL OFFICER

26. Examine Roll Calls for the preceding week to identify uniformed members of the service who made appearances in court, Grand Jury, etc., and compare the **Court Appearance Information Report** in the CPR System with **OVERTIME REPORTS (PD138-064)**.
27. Ascertain if entries in Command Log reflect time of return for the uniformed members who were not dismissed directly from court.

ADDITIONAL DATA

Uniformed members of the service will follow guidelines of this procedure when appearing at Department of Consumer and Worker Protection (DCWP). However, uniformed members of the service will sign in the police log at DCWP, and notify the Manhattan Court Section's ACU to verify their presence. A follow-up notification will be made upon dismissal from DCWP. The ACU supervisor or designee will record these notifications in the CPR System.

The desk officer or designee will be responsible for notifying the DCWP promptly by telephone during business hours, or during non-business hours (answering machine) whenever a member of the service will be unable to appear for a pending hearing, due to sick leave, death in the family, new arrest, etc. An entry will be made in the Telephone Record, detailing the date/time of notification and the name of the person contacted (when available) at DCWP.

ADDITIONAL DATA (continued)

If appearance at an agency or court that does not have an ACU room, the uniformed member of the service will notify the borough of location ACU, at arrival and dismissal, and follow instructions given.

COURT SECTION APPEARANCE CONTROL UNIT LOCATIONS

MANHATTAN
80 Centre Street, report to room 235

BROOKLYN
350 Jay Street, report to 18th floor, room 1848

BRONX
215 East 161 Street, report to room M-40 on main floor

QUEENS
125-01 Queens Blvd., report to basement

STATEN ISLAND
130 Stuyvesant Pl., report to 7th floor room 711

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ADDITIONAL DATA (continued)

QUEENS
125-01 Queens Blvd., report to basement

STATEN ISLAND
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NYPD

PURPOSE To effectively monitor and control appearances by members of the service (uniformed and civilian) at various courts, Civilian Complaint Review Board (CCRB), other governmental agencies, and District Attorney's assignments via the Centralized Personnel Resource (CPR) System.

DEFINITION SHORT DATE NOTIFICATION – A notification for a member of the service to appear the next day, or a notification delivered on a Friday for a member to appear on the following Monday. These notifications are time sensitive, and may be received at an hour when the roll call office is closed. Therefore, the CPR System will send an email notification to the member of the service concerned, roll call personnel, operations coordinator and assistant, and integrity control officer and assistant.

PROCEDURE When a notification is received at the requested member's command from the Appearance Control Unit, or the CPR System, or by subpoena, or as the result of a verbal instruction given by a Judge, assistant district attorney, or Corporation Counsel member to appear at a Grand Jury, Court (Supreme, Civil, Criminal, or Family), for trial preparation, a government agency, or for a District Attorney's assignment:

APPEARANCE CONTROL UNIT

1. Notify member's command of scheduled appearance.
   a. Enter all appearances in CPR System
      (1) Include administrative appearances and appearances at smaller courts (i.e., Office of Administrative Trials and Hearings [OATH], State Liquor Authority [SLA], etc.).

ROLL CALL CLERK/ DESIGNEE

2. Access the CPR System to acknowledge all outstanding notifications directed to their command, as follows:
   a. At the beginning of each business day,
   b. At the midpoint of the roll call office's hours of operation for that day,
   c. One half hour prior to close of roll call office.
3. Immediately notify the requesting agency and the Appearance Control Unit, if a member is unable to appear for a scheduled appearance.
   a. Cancellation will be accepted only if member is:
      (1) Sick, after conferral with district surgeon reveals member is incapable to appear
      (2) On annual vacation selection
      (3) On military leave
      (4) On bereavement leave
      (5) On terminal leave and/or other paid leave contiguous with terminal leave (e.g., vacation, lost time, chart day). Appearance Control Unit authorized appearances for uniformed members while on terminal leave will be compensated as per the appropriate overtime rate.

ROLL CALL CLERK/ DESIGNEE (continued)

4. Enter updates into the CPR System, on a daily basis, or as necessary, to indicate when:
   a. Attempts to notify an off duty member of the service about a court appearance have been unsuccessful
   b. A member of the service cannot appear in court due to sickness, bereavement leave, authorized annual vacation selection, etc.
5. Make entry in Command Diary if the appearance notification or notification of cancelation is received in another way than the CPR System.
   a. Inform party making notification via telephone to notify Appearance Control Unit in order to properly notify the member of the service.
   b. Inform party that if the cancelation is not made through the CPR System the member of the service will be charged with a failure to appear in court.
6. Promptly notify the roll call clerk/designated member in member of the service's new command when receiving a notification for a member of the service that has been transferred.
7. Comply with *P.G. 211-18, "Processing Request for Police Department Documents Received from Assistant District Attorneys and Assistant Corporation Counsels"* if the notification is a request for Department documents.
8. Bring the notification to the attention of the operations coordinator or counterpart if the requested member is scheduled to appear on a regular day off (RDO), other than a short date notification.

OPERATIONS COORDINATOR/ COUNTERPART

9. Contact the District Attorney's office concerned when informed by roll call that member is scheduled to appear in court on an RDO, other than a short date.
   a. Ascertain the necessity for the RDO court appearance.
   b. When possible have court appearance rescheduled for a date other than the member's RDO.
10. Ensure all members of the service are notified of their court and/or other governmental agency appearances.
11. Ensure that roll call clerk/designated member promptly:
   a. Notifies Appearance Control Unit regarding notifications(s) that require cancellation
   b. Notifies Appearance Control Unit regarding notifications(s) that are not received through the CPR System.
12. Ensure that all members of the service acknowledge receipt of a CPR System notification.

MEMBER OF THE SERVICE

13. Acknowledge email notification upon receipt, using the CPR System.
14. Notify roll call clerk/designated member if unable to attend (i.e., sick, new arrest, change of tour, bereavement leave, military leave, etc.)

APPEARANCE CONTROL UNIT

15. Enter into the CPR System any notifications received from governmental agencies which are not enabled with the system.
16. Telephone commands immediately, if unable to notify member of the service via CPR System.
17. Resolve any conflicts that may occur, (e.g., member of the service unable to appear, sick, conflicting court appearance, etc.).
18. Monitor the attendance of all members of the service at court.

CONFLICTING COURT APPEARANCES AND NOTIFICATIONS FROM AUTHORITIES OTHER THAN THE APPEARANCE CONTROL UNIT OR CPR

MEMBER OF THE SERVICE

19. Notify desk officer/designated supervisor/roll call clerk/designated member if instructed to appear at court, District Attorney's office or other government agency and:
    a. In receipt of a subpoena or
    b. Verbal instructions for appearance have been received from a Judge, Assistant District Attorney, or Corporation Counsel member or
    c. There are conflicting appearances for the same day.

DESK OFFICER/ DESIGNATED SUPERVISOR/ ROLL CALL CLERK/ DESIGNATED MEMBER

20. Immediately notify the Appearance Control Unit when informed of any of the above situations, and
    a. Direct member of the service to appear in court as per the subpoena or verbal instructions.
    b. Direct member to acknowledge receipt of notification in CPR System.

APPEARANCE CONTROL UNIT

21. Mediate all conflicting court appearances and inform command of results.

SHORT DATE NOTIFICATIONS

DESK OFFICER/ SUPERVISOR

22. Monitor the "Court Appearances" tile on the CPR System for short date notifications.
23. Inspect Telephone Record for short date notifications.
24. Immediately inform roll call personnel of notification, if office is open.
25. Attempt to notify member of the service if short date notification is received.
    a. Attempt to notify the member of the service by telephone when they are not at the command (e.g., regular day off [RDO], at training session, etc.).
        (1) Documented attempts in the Telephone Record.
    b. Acknowledge notification on behalf of member of the service in CPR System and provide remarks if member of the service is notified.

DESK OFFICER/ SUPERVISOR

c. Cancel notification in CPR System and include reason if unable to contact the member of the service.

26. Inform roll call clerk/designated member, if available, or on the next business day, of completed and/or incomplete short date notifications.

DISTRICT ATTORNEY'S FIELD ASSIGNMENT

MEMBER OF THE SERVICE

27. Obtain prior permission from commanding officer/designee if field assignment is to commence at a location other than command, District Attorney's Office or court.
28. Notify desk officer/designated supervisor when reporting for a District Attorney's field assignment.

TEMPORARY ASSIGNMENT TO DISTRICT ATTORNEY'S OFFICE

MEMBER OF THE SERVICE

29. Process request through appropriate Appearance Control Unit.
    a. Such assignments will not exceed five days
    b. Requests for temporary assignment of more than thirty days will be processed as per *A.G. 329-18, "Temporary Assignments."*
30. Forward requests for extension of such assignment and/or requests for temporary assignments of six to thirty days to commanding officer of member concerned.

COMMANDING OFFICER, MEMBER CONCERNED

31. Review request and endorse to Chief of Department (through channels) for final determination.

ADDITIONAL DATA

During court proceedings a judge or assistant district attorney may instruct a member of the service to appear in court at a later time or date. If this occurs, the member of the service must then notify their desk officer/roll call clerk/designee, who in turn will notify the Appearance Control Unit. The member of the service will make such a notification to his/her command, immediately upon dismissal from the Appearance Control Unit.

The CPR System enables a requesting agency, such as the District Attorney's Office, to tell at a glance if the proposed date selected for a court appearance is the members RDO, annual vacation, etc. This feature allows the District Attorney to avoid using that date, thereby reducing court related overtime. For this aspect of the system to be effective, commands must ensure that their members vacation schedules, chart changes, etc. are updated in CPRS System in a timely fashion.

Uniformed members of the service who are normally assigned to the Fourth Platoon (1800 X 0200 hours) that are subpoenaed, directed by Appearance Control Unit, the CPR System or notified by other competent authority, to attend any court, official agency hearing or training session the following day (Second Platoon), will be notified in advance and reassigned to perform duty with the Third Platoon (1600 X 2400 hours).

ADDITIONAL DATA (continued)

Those uniformed members of the service who are not notified in advance or who are already performing duty with the Fourth Platoon at the time they receive a notification to attend any court, official agency or training session the following day on the Second Platoon, will be excused from duty, under normal circumstances, at 2400 hours. If the member concerned effects an arrest and the related paperwork is not completed by 2400 hours or the member concerned is in the process of performing a police function beyond 2400 hours, that member is not entitled to be dismissed until all of the police related functions are complete. If the uniformed member of the service continues to work beyond 0200 hours, the member will be entitled to receive appropriate overtime compensation in the normal manner. (The excused member is not entitled to receive any overtime compensation for the time period 2400 to 0200 hours.). Desk officer will make appropriate notations in the Command Log, and on the roll call and sign out sheet for those uniformed members of the service who are dismissed at 2400 hours.

NYPD

PURPOSE To prevent unnecessary court appearances by uniformed members of the service.

DEFINITION CIVIL COURT – As used in this procedure refers to Civil Court and Supreme Court - Civil Term.

PROCEDURE When notified by borough Court Section, Appearance Control Unit or through the Centralized Personnel Resource (CPR) System, that a uniformed member of the service has been placed on telephone alert for Criminal Court, or upon receipt of a personal subpoena requiring member's appearance in Civil Court:

CRIMINAL COURT ALERT:

ROLL CALL CLERK/ DESIGNEE

1. Verify that uniformed member of the service:
   a. Is scheduled for duty on date of alert.
   b. Is not scheduled for vacation or other leave.
   c. Is not scheduled for appearance in another court or at another agency.
2. Make entry in Command Diary under date of alert.
3. Assign uniformed member of the service to patrol duty with second platoon.
4. Do not assign uniformed member a meal period prior to 1300 hours.
5. Notify Appearance Control Unit, if uniformed member of the service concerned is notified to appear and the notification is not in the CPR System.
   a. Provide the Appearance Control Unit with a copy of the notification to be entered in the CPR System.

UNIFORMED MEMBER OF THE SERVICE

6. Acknowledge notification in CPR System.

DESK OFFICER

7. Ensure uniformed member of the service acknowledges the notification within the CPR System.
8. Notify member concerned to report to court immediately.

NOTE *If uniformed member of the service is not directed to report to court by 1300 hours, a telephone alert will NOT be activated that day.*

CIVIL COURT ALERT:

DESK OFFICER

9. Enter attorney's name, address and telephone number in Command Log upon receipt at command of personal subpoena for uniformed member of the service assigned to command.
10. Notify roll call clerk/designee of appearance date.

ROLL CALL CLERK/ DESIGNEE

11. Notify appropriate borough Court Section, Appearance Control Unit, of member's scheduled Civil Court appearance.
    a. Inform Appearance Control Unit of any conflicting court appearances or other reasons member may be unavailable.

NOTE

Notification will be made to the Appearance Control Unit where the court is located although the subpoenaed member's command is located in another borough.

APPEARANCE CONTROL UNIT, BOROUGH CONCERNED

12. Make appropriate Command Log entry of scheduled appearance and include uniformed member's name, command, court case and attorney's name, address and telephone number.

COMMANDING OFFICER

13. Have uniformed member of the service scheduled to appear in Civil Court assigned to 2nd Platoon on scheduled appearance date.
14. Member will not be assigned a meal period prior to 1300 hours.

DESK OFFICER

15. Direct uniformed member concerned to report to Civil Court immediately.

ADDITIONAL DATA

The Appearance Control Unit, borough Court Section concerned, will place the member of the service on alert for the next court appearance using the CPR System without requiring a new subpoena.

The assistant district attorney concerned will attempt to contact the uniformed member of the service directly if required for court. The desk officer will be contacted by the assistant district attorney if unable to speak with the uniformed member of the service concerned.

A uniformed member of the service on telephone alert who becomes unavailable due to a conflicting court appearance, sick leave, or other condition such as new arrest, change in assignment, or duty chart, will notify roll call clerk/designee, sick desk supervisor or desk officer, as appropriate. The desk officer or roll call clerk/designee will notify the Appearance Control Unit, by telephone, of the uniformed member of the service's unavailability.

The supervisor assigned to the Appearance Control Unit will notify a commanding officer in writing, if:

a. The member fails to appear when called OR
b. The member who is on alert appears in court without being called.

PURPOSE To reduce appearances of uniformed members of the service in court on scheduled days off.

PROCEDURE When appearing in court, before a Grand Jury or another government agency and the judge sets an adjournment date in conflict with scheduled time off:

UNIFORMED MEMBER OF THE SERVICE

1. Inform the judge of this fact.
2. Request another day in accordance with work schedule.
3. Make digital **Activity Log** entry if rescheduled date still poses a conflict. Include:
   a. Name of the judge and assistant district attorney
   b. Date of appearance
   c. Adjournment date
   d. Court and part
4. Inform Appearance Control Unit supervisor of such scheduling on day off.

APPEARANCE CONTROL UNIT SUPERVISOR

5. Request new date in accordance with member's work schedule.
   a. If unable to obtain new date, sign member's digital Activity Log and enter all pertinent information into Centralized Personnel Resource (CPR) System.

ROLL CALL CLERK

6. Make entry in diary when notified that member's appearance is scheduled on a regular day off (RDO) and indicate attempt by Appearance Control Unit supervisor to change date.
7. Inform Operations Coordinator when member is scheduled to appear on RDO.

OPERATIONS COORDINATOR

8. Contact assistant district attorney concerned when member is scheduled to appear on RDO to ascertain necessity for such appearance.
   a. Reschedule appearance for a date, other than member's RDO, if possible.

INTEGRITY CONTROL OFFICER

9. Check records relating to court appearances scheduled for RDOs.

ADDITIONAL DATA

A uniformed member of the service who must appear in court on a scheduled day off will be scheduled to begin at 0900 hours or as otherwise appropriate for attendance at court. The length of the tour shall be consistent with the member's normal chart. A member returning from court may be excused upon request, if the exigencies of the service permit. If excused, member shall enter "Requested Excusal" on the ***OVERTIME REPORT (PD138-064)*** *submitted.*

A telephone message, voicemail, email, etc. attempting to cancel the appearance on a scheduled day off left for the requesting agency (i.e., assistant district attorney, assistant corporation counsel, et.al.) is not sufficient to cancel the appearance. The requesting agency must explicitly concur with the cancellation request before the appearance may be cancelled. on the authorizing person's voice mail, or a request for a return phone call

to have a follow up conversation on this matter, does not relieve the command from the responsibility of having this member report to court or other governmental agency as scheduled.

If the requesting agency (e.g., assistant district attorney, assistant corporation counsel), does not concur with the requested cancellation, the member concerned must appear as scheduled.

If the requesting agency concurs with the cancellation, the commanding officer or designee will then notify the Appearance Control Unit for all notifications received from that Unit, including subpoenas and verbal cases that were not initially received from that Unit, or request the assistant district attorney or their supervisor to enter this cancellation data into the CPR System. In addition, in all agreed upon cancellation cases, the member of the service who conferred with the requesting agency will have a telephone message entry made, indicating the details of the canceled notifications.

NYPD

PURPOSE To notify the Police Commissioner when a member of the service (uniformed or civilian) intends to give testimony or make an official oral or written statement before a governmental or private organization about matters relating to the operations or policies of the Department; and to provide guidance to members of the service who intend to make an unofficial statement before a governmental or private organization about matters relating to the operations or policies of the Department.

SCOPE This procedure applies to testimony or statements before governmental agencies or private organizations by members of the service acting in an official capacity, who volunteer, are invited, or are subpoenaed to testify or make a statement regarding Department policy or positions on public matters at any public hearing or before a governmental agency, court, investigating body, legislative committee, administrative agency, private organization, etc. AND testimony or statements before any court or governmental agencies by members of the service providing character, opinion or expert testimony, who volunteer, are invited, or are subpoenaed to testify or make a statement.

NOTE *This procedure does not apply to members appearing in the normal course of their duties before criminal or civil courts, the Grand Jury, Corporation Counsel, Department Trial Room, New York State Department of Corrections and Community Supervision (DOCCS) revocation hearings, Traffic Violations Bureau, Parking Violations Bureau, Office of Administrative Trials and Hearings (OATH), etc. Further, this procedure does not apply to testimony or statements given before governmental agencies or private organizations by members of the service acting in a non-official capacity when the speech is not of a confidential nature, who volunteer or are invited or subpoenaed to testify or make a statement regarding Department policy or positions on public matters at any public hearing or meeting before a governmental agency, court, investigating body, legislative committee, administrative agency, private organization, etc. Members are reminded to avoid conflict with Department policy when lecturing, giving speeches or submitting articles for publication. Questions concerning fees received will be resolved by the Chief of Personnel.*

Members of the service who are questioned about incidents being investigated by the New York State Attorney General's Law Enforcement Misconduct Investigative Office shall fully cooperate in the investigation. When interviewed by a Law Enforcement Misconduct Investigative Office investigator, or when appearing at the Law Enforcement Misconduct Investigative Office as the subject of a complaint or as a witness to an incident in connection with an official investigation, all pertinent information, facts and observations shall be reported. All questions posed by the Law Enforcement Misconduct Investigative Office investigator or in accordance with the rules and regulations for the conduct of such interviews shall be answered fully and truthfully. All requests for official Department documents/evidence (e.g., digital ***Activity Log*** *entries, Body-Worn camera footage, Department forms, reports etc.) should be honored. Failure to do so shall be grounds for disciplinary action. Members of the service are reminded that statements made pursuant to a Law Enforcement Misconduct Investigative Office investigation are subject to the provisions of A.G. 304-10, "False or Misleading Statements."*

PROCEDURE When a member of the service intends to testify or make a statement before a governmental or private agency in an official capacity or provide character, opinion or expert testimony:

MEMBER OF THE SERVICE

1. Prepare a written request/notification, on **Typed Letterhead**, in triplicate addressed to the Police Commissioner and include a synopsis of the subject matter to be addressed, as well as the following:
   a. Rank
   b. Name
   c. Tax Registry Number
   d. Command
   e. Name and address of agency/organization
   f. Date and location of testimony/statement
   g. Type of proceeding
   h. Date of receipt of subpoena/invitation
   i. Name, rank, tax registry number (if known), command of member of the service or name, address, etc., or for other than a member of the service, and any other relevant or necessary identifying information for person concerned, if character testimony is to be given.
2. Forward request/notification no later than five business days before the date of testimony/statement as follows:
   a. ORIGINAL, to Police Commissioner, DIRECT
   b. COPY, to Police Commissioner, THROUGH CHANNELS
   c. COPY, to Deputy Commissioner, Public Information, DIRECT.

NOTE *For voluntary appearances, (not appearances requested by the Department or required by subpoena or court order) prior written approval from the Police Commissioner is mandatory. While members of the service directed to appear by personal subpoena are required to appear by law, written notification to the Police Commissioner is required. Any questions regarding compliance with a subpoena should be directed to the Legal Bureau.*

OFFICE OF THE POLICE COMMISSIONER

3. Notify the member concerned, as necessary, whether the appearance has been approved/disapproved.

NOTE *If a member of the service is unable to comply with the five business days notice requirement due to the appearance date mandated by the subpoena, or other reason, the member of the service must immediately notify the Office of the Police Commissioner or the Legal Bureau, by telephone.*

ADDITIONAL DATA *When members of the service intend to speak in a non-official capacity before community meetings or before gatherings convened by elected officials or candidates for elective office or their staffs, such members are encouraged to confer with the Legal Bureau, Legislative Affairs Unit to request background information or assistance, however, such conferral is not mandatory. Members of the service speaking in an official capacity are to be guided by P.G. 212-76, "Information Concerning Official Business of Department." Conferral with the Legal Bureau, Legislative Affairs Unit, is*

ADDITIONAL DATA (continued)

not to be considered compliance with the required notifications/approvals for official statements pursuant to this section.

Members of the service are reminded that when providing testimony/statements in a non-official capacity, on a matter relating to the operations or policies of the Department, they must clearly state to the audience they address that they are speaking on their own behalf and not on behalf of the Department. Additionally, all members of the service are reminded that matters concerning the official business of the Department must be kept strictly confidential.

Members of the service who testify or make a statement before governmental agencies or private organizations in a non-official capacity AND members of the service who provide character, opinion or expert testimony in their private capacity must do so during off duty time.

NYPD

PURPOSE To effectively monitor and control appearances by uniformed members of the service requested to appear at the Traffic Violations Bureau (TVB) for hearings.

SCOPE The New York State Department of Motor Vehicles transmits an electronic copy of its "**TVB Appearance Report**" to the Department each business day. This appearance schedule designates when and where the officer of record will appear for a summons hearing. It also provides other pertinent information such as summons number, date and type of violation, defendant's name, etc.

PROCEDURE To ensure members of the service are notified to appear at hearings conducted by the Traffic Violations Bureau:

ROLL CALL PERSONNEL

1. Access the Omniform system each business day, and print a copy of the daily **TVB Appearance Report**.
2. Review **TVB Appearance Report** and enter member's scheduled appearance in the command's court diary.
3. Make immediate notification to the TVB office concerned if a member is unable to appear due to:
   a. Sickness
   b. Military leave
   c. Death in the family
   d. Conflicting court appearances
   e. Department related emergency (i.e., mobilization, disorder, etc.)
   f. Vacation selection (immediately upon receipt of **TVB Appearance Report**, roll call personnel must check the command's Annual Vacation Selection to identify members scheduled for vacation)
   g. Arrest by member (desk officer or counterpart must notify TVB with arrest number)
   h. Separation from the Department (i.e., resignation, retirement, etc.).
4. Ensure that requests for rescheduling are made at least ten calendar days before originally scheduled hearing date.
5. Prepare **NOTIFICATION (PD406-122)** and print officer's TVB notification page from Omniform system. Attach **NOTIFICATION** and TVB notification printout to officer's next scheduled roll call.
   a. If requested uniformed member has been transferred, immediately notify that member's new command via telephone, and make an appropriate entry in the Telephone Record.
   b. If requested uniformed member of the service is retired or no longer employed by this Department, notify integrity control officer for preparation of **AFFIDAVIT OF NO RECOLLECTION/SEPARATION FROM SERVICE (PD360-121)**.

NOTE *An **AFFIDAVIT OF NO RECOLLECTION/SEPARATION FROM SERVICE** must be prepared each time a retired/no longer employed member of the service appears on a **TVB Appearance Report.***

ROLL CALL PERSONNEL (continued)

6. Ensure all TVB hearing cases are included in daily roll calls as appropriate.
7. Post a copy of the **TVB Appearance Report** in the muster room of the command.
8. Ensure that member is NOT scheduled to report to a TVB hearing on his/her regular day off (RDO).

DESK OFFICER/ SUPERVISOR

9. Ensure that member concerned receives **NOTIFICATION** and officer's TVB notification printout.
10. Ensure that the issuing officer conducts a warrant check.

UNIFORMED MEMBER OF THE SERVICE CONCERNED

11. Review copy of **NOTIFICATION** and immediately notify roll call personnel of any conflicts with the scheduled date/time of hearing.
    a. Notify integrity control officer if the notification received involves a summons issued ten years or more prior to the scheduled hearing date and there is no independent recollection of the case.
        (1) Request **AFFIDAVIT OF NO RECOLLECTION/ SEPARATION FROM SERVICE** be prepared.
12. Sign **NOTIFICATION** and return receipt copy to desk officer/supervisor.

NOTE *Members of the service scheduled to testify at TVB **MUST** bring and have available for inspection the "Officer's" copy of the summons and corresponding **ACTIVITY LOG (PD112-145)** entry/digital **Activity Log** printout, for each summons being adjudicated.*

INTEGRITY CONTROL OFFICER

13. Ensure roll call personnel print and post the **TVB Appearance Report**, daily.
14. Conduct an investigation to ensure that an officer who claims no recollection on a case that is ten or more years old has no independent recollection of the events in question (i.e., request to see officer's digital **Activity Log** entries, etc.).
15. Prepare **AFFIDAVIT OF NO RECOLLECTION/SEPARATION FROM SERVICE** and submit to roll call personnel for forwarding if investigation reveals no independent recollection of the events in question can be established for summons issued ten years or more prior to the scheduled hearing date, or if a member of the service notified to appear is no longer employed by this Department.

DESK OFFICER/ SUPERVISOR

16. Obtain signed receipt copy of **NOTIFICATION** from member concerned and forward to roll call personnel.

ROLL CALL PERSONNEL

17. Check notification receipts daily to ensure notifications have been received and acknowledged by members concerned.
    a. Confirm notification in Omniform system.
    b. Forward approved **AFFIDAVIT OF NO RECOLLECTION/ SEPARATION FROM SERVICE** at least ten calendar days prior to the originally scheduled hearing date to the Department of Motor Vehicles central Albany office via fax at (518) 473-6535.

TVB POLICE ROOM PERSONNEL

18. Make entry in Omniform system in all cases where a summons is dismissed and the member of the service was unprepared to testify (e.g., no **ACTIVITY LOG**/digital **Activity Log** entry, and/or "Officer's" copy of summons, or when member of the service fails to appear at a TVB hearing.

INTEGRITY CONTROL OFFICER

19. Monitor the Omniform system for new TVB unprepared and non-appearance notifications.
20. Investigate circumstances of unprepared or non-appearance at TVB hearing.

NOTE *In the absence of an integrity control officer, the command's executive officer or commanding officer must monitor the Omniform system and conduct required investigations.*

21. Notify Internal Affairs Bureau Command Center and obtain log number when:
    a. Investigation of unprepared violation reveals member of the service has one or more substantiated unprepared violations at TVB in the preceding twelve month period; or
    b. Investigation of non-appearance notification reveals that:
        (1) TVB was <u>not</u> notified that the member of the service concerned was unable to appear prior to appearance date, and
        (2) Reason for non-appearance is <u>not</u> listed in step "3" above (e.g., emergency day, failed to report to TVB as notified, etc.), and
        (3) The member of the service has one or more previous unauthorized non-appearances at TVB in the preceding twelve month period; or
    c. Any other circumstance where corruption or misconduct is suspected.
22. Take disciplinary action, if appropriate, in instances where an IAB notification is <u>not</u> required.
23. Document findings and action(s) taken by entering investigative results in the Omniform system within fourteen days.

COMMANDING OFFICER

24. Monitor unprepared non-appearance investigations being conducted by the command's integrity control officer.
    a. Ascertain reasons for non-appearance and take appropriate action(s) as necessary.

IAB BOROUGH INVESTIGATIONS UNIT

25. Ensure integrity control officers investigate unprepared and non-appearance notifications received from TVB and report findings through the Omniform system.
26. Forward a copy of the closing report to the IAB Records Unit if court monitoring investigation is assigned as an Outside Guidelines (OG) case.

IAB COURT MONITORING COORDINATOR

27. Monitor the Omniform system.
    a. Ensure commands report results of non-appearance investigations, via the Omniform system, within fourteen days.
    b. Return deficient investigations for necessary corrective action or further investigation as necessary.
        (1) Ensure returned investigations are corrected and re-submitted via the Omniform system.

ADDITIONAL DATA

Whenever it has been determined that a warrant is to be executed at a Traffic Violations Bureau appearance and the issuing member is excused from duty, a replacement member will be sent by the command concerned.

TVB appearances are considered court appearances. Conflicting appearances with the Civilian Complaint Review Board, investigations units, union meetings, training sessions, Medical Division appointments, etc., are not authorized excusals.

EXTENDED TOURS FOR MEMBERS ASSIGNED TO THE 1ST & 3RD PLATOONS

Uniformed members assigned to the 1st platoon will report to TVB at 0800 hours. Uniformed members assigned to the 3rd platoon will report direct to TVB at 1415 hours.

The following provisions will apply:

a. Member must attend in business attire

b. This Department reserves the right to reschedule members to the 2nd platoon in appropriate cases as determined by the Department. In this regard, members whose appearances will extend to more than three hours may be rescheduled to the 2nd platoon. These provisions apply only to TVB appearances, and not to other court appearances

c. Members are not eligible for portal to portal compensation

d. Members on the 1st platoon must notify their commands upon completion of the appearance. Members on the 3rd platoon must return directly to their commands upon completion of the appearance.

Members will comply with P.G. 211-01, "Duties and Conduct in Court," and P.G. 211-11, "Traffic Violations Bureau Appearances/Computerized Time Slips," when reporting for a hearing.

WHEN OFFICER CLAIMS NO RECOLLECTION ON A CASE THAT IS TEN OR MORE YEARS OLD

In order to establish a charge at the Traffic Violations Bureau (TVB), uniformed members of the service must present clear and convincing evidence. Proof could rest on the recollection of the uniformed member of the service refreshed by contemporaneously made memoranda. Thus, while an individual uniformed member of the service may have

ADDITIONAL DATA (continued)

*no recollection of the facts concerning the summons issuance independent of his or her own digital **Activity Log** entries, if after having read those digital **Activity Log** entries, the uniformed member of the service can speak to the facts from his or her own recollection sufficient to establish the charge by clear and convincing evidence, then the uniformed member of the service should appear and testify at the hearing as scheduled. If even after reading the digital **Activity Log** entries, the uniformed member of the service is still unable to testify from recollection, the digital **Activity Log** entries, if otherwise sufficiently detailed to establish the charge by clear and convincing evidence, may be read into the record at the hearing, if the uniformed member of the service is able to testify that (1) he or she once had knowledge of the entries, (2) the entries were prepared by the uniformed member of the service, (3) the entries were prepared when the knowledge of the contents were fresh in the mind of the uniformed member of the service, and (4) the uniformed member of the service intended when the entries were made, that they be accurate. The role of the integrity control officer is critical in determining whether a member of the service should appear at a Traffic Violations Bureau hearing. Integrity control officers should ensure that effective testimony cannot be offered by the uniformed member of the service prior to preparation and forwarding of the **AFFIDAVIT OF NO RECOLLECTION/SEPARATION FROM SERVICE**. In instances where the digital **Activity Log** entries of the officer cannot be located and/or are lacking sufficient information, the integrity control officer should take appropriate disciplinary action.*

PURPOSE To record and monitor appearances of uniformed members of the service required at Department of Motor Vehicles Traffic Violations Bureau hearings.

PROCEDURE When a uniformed member of the service is notified and reports to a Traffic Violations Bureau office for a hearing:

UNIFORMED MEMBER OF THE SERVICE

1. Bring the "Officer's Notes" copy of the summons and corresponding **ACTIVITY LOG (PD112-145)** entry/digital **Activity Log** printout for each summons being adjudicated at Traffic Violations Bureau hearing.
2. Immediately report to Police Sign-In Room supervisor.

UNIFORMED SUPERVISOR ASSIGNED TO T.V.B.

3. Have uniformed member reporting for hearing logged in computer system immediately.

NOTE *If the uniformed member's presence is not entered in the computer system, judges adjudicating hearings may dismiss cases for non-appearance of police personnel.*

UNIFORMED MEMBER OF THE SERVICE

4. Return immediately to Police Sign-In Room upon conclusion of hearing appearance to obtain computerized "Officer Time Slip."

NOTE *Department form **COURT ATTENDANCE RECORD (PD468-141)** will not be used for Traffic Violations Bureau appearances.*

UNIFORMED SUPERVISOR ASSIGNED TO T.V.B.

5. Have one copy of "Officer Time Slip" delivered to uniformed member and file duplicate copy.

UNIFORMED MEMBER OF THE SERVICE

6. Notify command desk officer/counterpart via telephone immediately upon dismissal from Police Sign-In Room and comply with instructions received.

DESK OFFICER

7. Make notation of uniformed member's dismissal and instruction given on appropriate Department record.

UNIFORMED MEMBER OF THE SERVICE

8. Deliver "Officer Time Slip" to desk officer/counterpart when instructed to return to command, or if otherwise instructed, at earliest possible convenience.

DESK OFFICER 9. Review "Officer Time Slips" for accuracy and note time officer returns to command on time slip.

CLERICAL MEMBER 10. File "Officer Time Slips" at command in chronological order in separate folder.

INTEGRITY CONTROL OFFICER 11. Review "Officer Time Slips" frequently for integrity purposes.

TRAINING SERGEANT 12. Review "Officer Time Slip" Disposition and Code columns frequently for indications of negative patterns and poor performance skills and take appropriate corrective action.

NOTE *The training sergeant will track the number of times a uniformed member has a case dismissed for failure to establish a prima facie case that a violation has been committed and/or cases where the defendant is found "Not Guilty" because the evidence presented is not clear and convincing. Each month the training sergeant will select the ten uniformed members of the service with the highest percentage of dismissals due to the aforementioned reasons. These members will be retrained and/or subject to any other corrective action(s) as deemed necessary by the commanding officer.*

ADDITIONAL DATA *The following are dispositions and codes used by Department of Motor Vehicles Administrative Law Judges when adjudicating moving violations. These items will appear on computerized "Officer Time Slip" issued to police officers at the conclusion of Traffic Violations Bureau appearances:*

DISPOSITIONS	*CODES*
N = Not Guilty	*1. Evidence not clear and convincing.* *2. Justification.*
G = Guilty Disposition Plea at Trial (Contested cases only.)	*NONE*
W = Guilty with Appearance Disposition (Used for Appearance Room only.)	*NONE*

NOTE *Although the "W" disposition appears on time slips, the police officer concerned had no effect on this disposition. The motorist plead guilty.*

DISPOSITIONS (continued)	*CODES (continued)*
D = Dismissing Case	*1. Uninsured, is in fact Insured.* *2. Unlicensed, is in fact Licensed.* *3. Unregistered, is in fact Registered.* *4. Equipment Documents - The motorist presented proper documentation to the judge. Dismissing the case by statute.* *5. Officer No-Show.* *6. No Prima Facie case.* *7. Police cannot identify motorist.* *8. No recollection.* *9. Non-Owner/No Knowledge (uninsured vehicle cases) - When motorist summoned claims he had no knowledge that vehicle he/she was operating was uninsured.*
P = Paid Online	*NONE*

NYPD

PURPOSE To provide a member of the service with legal representative when notified to appear at a Department of Motor Vehicle hearing in connection with a motor vehicle collision while performing police duty.

PROCEDURE When notified to appear at a hearing in connection with a collision which occurred when operating a Department vehicle while performing police duty:

UNIFORMED MEMBER OF THE SERVICE

1. Notify commanding officer.

COMMANDING OFFICER

2. Prepare five copies of report on **Typed Letterhead** containing all facts:
   a. Include in report transcript of Command Log entry concerning original incident.
3. Endorse report with following facts, if appropriate:
   a. Member of the service was properly performing police duty
   b. Guilty of no misconduct
   c. Charges have not been or likely to be prepared
   d. Request Corporation Counsel be assigned to defend member.
4. Forward original and copy to Deputy Commissioner-Legal Matters.
5. Forward copy to Deputy Commissioner-Management and Budget.
6. Forward copy to Commanding Officer, Fleet Services Section.
7. File fifth copy.

PURPOSE To facilitate investigations conducted by the Civilian Complaint Review Board; to protect the rights of members of the service who are the subject of Civilian Complaint Review Board investigations and witnesses to incidents under investigation by the Civilian Complaint Review Board; and to process Department records requested by the Civilian Complaint Review Board.

PROCEDURE Whenever a member of the service (uniformed or civilian) has been directed to appear before the Civilian Complaint Review Board and/or respond to a Civilian Complaint Review Board request for Department records.

APPEARANCE CONTROL UNIT

1. Notify member of the service to appear at the Civilian Complaint Review Board.

MEMBER OF THE SERVICE

2. Appear at Civilian Complaint Review Board, as directed.
   a. Bring **ACTIVITY LOG (PD112-145)**/digital **Activity Log** printout that corresponds to the date of incident.

NOTE *Members of the service who are questioned about incidents being investigated by the Civilian Complaint Review Board shall fully cooperate in the investigation. When interviewed by a Civilian Complaint Review Board investigator, or when appearing at the Civilian Complaint Review Board as the subject of a complaint or as a witness to an incident in connection with an official Civilian Complaint Review Board investigation, all pertinent information, facts and observations shall be reported. All questions posed by the Civilian Complaint Review Board investigator, Board panel, or Board member in accordance with Civilian Complaint Review Board rules and regulations for the conduct of interviews shall be answered fully and truthfully. Failure to do so shall be grounds for disciplinary action. Members of the service are reminded that statements made pursuant to a Civilian Complaint Review Board investigation are subject to the provisions of A.G. 304-10, "False or Misleading Statements."*

<u>UPON NOTIFICATION THAT A MEMBER OF THE SERVICE HAS REFUSED TO ANSWER QUESTIONS DURING A CIVILIAN COMPLAINT REVIEW BOARD INTERVIEW OR PROCEEDING</u>:

SUPERVISORY/ RANKING OFFICER CONCERNED

3. Determine if Civilian Complaint Review Board is requesting that member of the service be directed by the supervisory/ranking officer to answer questions.
4. Ascertain if member of the service has been notified by the Civilian Complaint Review Board that answers given in an interview or proceeding may not be used against the member in a later criminal action.
5. Advise member of the service that refusal to cooperate with the Civilian Complaint Review Board will result in immediate suspension and preparation of disciplinary charges.
6. Direct member of the service to answer questions posed by the Civilian Complaint Review Board.
7. Suspend member if member of the service refuses to answer questions.

DEPARTMENT RECORDS REQUEST:

I.A.B. ADMINISTRATION, CCRB LIASON

8. Forward request for records and/or information to commands concerned.

COMMANDING OFFICER

9. Designate a member of the service to photocopy all pertinent documents.

NOTE

Under no circumstances will a command reproduce documents from a request received directly from the Civilian Complaint Review Board. All such requests, whether verbal or written, will be referred to the Internal Affairs Bureau Administration, Civilian Complaint Review Board Liaison. In addition, under no circumstances will original Department records be removed from a Department facility to comply with documentation requests from the Civilian Complaint Review Board. Only photocopies will be made and forwarded in this regard.

MEMBER OF THE SERVICE

10. Forward completed request and documents, electronically, within 10 days of receipt to:
    a. [redacted]

NOTE

Upon receipt, the Civilian Complaint Review Board Liaison will review all documents submitted by commands concerned to ensure that the request has been satisfied. Thereafter, the Internal Affairs Bureau will forward all pertinent documents to the requesting Civilian Complaint Review Board investigator.

ADDITIONAL DATA

The following Department records may not be released to the Civilian Complaint Review Board:

a. Records concerning a case that has been sealed pursuant to Criminal Procedure Law 160.50.
b. Records of sex crimes per Civil Rights Law 50-b.
c. Psychiatric records (without patient consent).
d. Alcohol counseling records (without patient consent).
e. Medical records (without patient consent).
f. A.G. 318-11, "Interrogation of Members of the Service" interviews (without permission of Deputy Commissioner - Legal Matters).
g. Personnel records of police officers as per Civil Rights Law 50-a.
h. Juvenile records as per Family Court Act 381.3.

The Civilian Complaint Review Board Liaison will confer with the Subpoena Litigation Unit, Legal Bureau, whenever questions arise pertaining to Civilian Complaint Review Board access to sensitive or confidential records. Exceptions to the general rule of non-disclosure may be made with the necessary approval of the Legal Bureau.

Subpoenas for records received directly from the Civilian Complaint Review Board will be accepted and a telephone notification will be made to the Civilian Complaint Review Board Liaison, [redacted] *or* [redacted] *If there is no response, the Internal Affairs Bureau Command Center will be notified, at* [redacted] *The subpoena will then be hand delivered to the Civilian Complaint Review Board Liaison in a sealed envelope without delay.*

ADDITIONAL DATA (continued)

When records being requested are not available at the command, the specific reason why the request cannot be satisfied must be indicated. For example, if a particular ***COMPLAINT REPORT (PD313-152)*** *is requested in connection with an incident, and a comprehensive review of command records indicates that no such report was prepared, the assigned member will indicate "Complaint Report not prepared." Similarly, if a document is lost or missing, this finding will likewise be indicated. Generic terms, such as "unable to locate" or "not available" will not be accepted. If a document has been forwarded or is located in another command, this information must be indicated. The Civilian Complaint Review Board Liaison will redirect all such requests to the appropriate command.*

NYPD

PURPOSE To ensure proper compliance by the Police Department and its members with lawful court mandates and subpoenas requiring attendance at court or production of Department records in response thereto.

SCOPE It is the official policy of this Department that the unit that is the repository of a given Department record has the responsibility to respond in a prompt fashion to a subpoena demanding the record's production. A command will not forward a subpoena to the Legal Bureau, the Central Records Division or to other units within the Department when record(s) requested is/are present in the subpoenaed command.

DEFINITIONS SUBPOENA - A generic term used in the law to refer to any legal device that compels the appearance of a person at a specific time and place, usually to give testimony in a judicial proceeding, or compels the production of certain documents or items of evidence. A subpoena that compels a person to appear and give testimony is known as a subpoena ad testificandum. A subpoena that compels the production of documents or evidence is known as a subpoena duces tecum.

COMMAND LIAISON OFFICER - Every commanding officer/counterpart within the Department is designated as the command liaison officer who is responsible for the full implementation of and compliance with this procedure. While commanding officers/counterparts may delegate the tasks associated with this procedure to subordinates, they are responsible for their command's compliance with this procedure.

SUBPOENA RECORD BOOK - A permanent bound record book maintained by each command (including commands located within a precinct stationhouse, transit district, police service area, or other Department facility) with the following captions contained therein:

a. Number (serialized, beginning with 001 each year)
b. Date and time received
c. Type of subpoena (e.g., duces tecum or ad testificandum)
d. Name of member concerned
e. Brief description of records requested
f. Return date
g. Issuing court
h. Title of case (e.g., Smith vs. Jones, People vs. Smith)
i. Party issuing subpoena (e.g., plaintiff, defendant, District Attorney or judge)
j. Fee receipt issued (indicate "No fee or receipt number)
k. Date records forwarded
l. Date court receipt received.

COMMAND SUBPOENA FILE - A file in which photocopies of subpoenas and requests for Department records by assistant district attorneys and assistant corporation counsels are filed chronologically, by year, pursuant to this procedure.

DEFINITIONS (continued)

SUBPOENA LITIGATION UNIT - A sub-unit of the Legal Bureau charged with the responsibility to ensure that all lawful requests for Department records by courts, prosecutors, government agencies, and private citizens are complied with in a timely fashion. The Subpoena Litigation Unit also processes all requests under the Freedom of Information Law that are received by the Department. The Subpoena Litigation Unit is located at One Police Plaza, Room 110-C, New York, NY 10038.

NOTE

Under no circumstances will a subpoena or subpoena duces tecum served or received at a command be forwarded to the Subpoena Litigation Unit without the express permission of the Supervisor, Subpoena Litigation Unit.

PROCEDURE

Upon receiving a subpoena that only requires personal appearance by a specific member of the service to appear in court or otherwise give testimony in a legal proceeding:

COMMAND LIAISON OFFICER

1. Record receipt of subpoena in the Subpoena Record Book, ensuring that all applicable captions are completed.
2. Issue **FEE RECEIPT (PD122-017)** in accordance with *P.G. 212-82, "Forwarding of Fees to the Audits and Accounts Unit,"* if a fee is tendered with the subpoena.
3. Photocopy subpoena and deliver ORIGINAL to member of the service concerned.
   a. Note Command Serial Number, Fee Receipt number (if applicable), date, and time of delivery to member concerned on reverse side of photocopy. Member of the service concerned will sign photocopy, indicating receipt of subpoena.
4. Direct member of the service to comply with subpoena.
5. File photocopy of subpoena in Command Subpoena File.
6. Notify roll call clerk and ensure that entry is made in Command Diary.
   a. Comply with appropriate procedures concerning notifications to Appearance Control Unit.
7. Ensure that member of the service concerned has appeared in court, or otherwise, as required by subpoena.

NOTE

If a subpoena is received for a member of the service that also requires that the member concerned produce documents or evidence, other than an ***ACTIVITY LOG (PD112-145)****/digital* ***Activity Log*** *entry, and the subpoena has not been marked as "SO ORDERED" by a judge, the member of the service concerned will comply with the subpoena only in so far as it relates to making the required appearance. Department records or evidence will not be produced. If the subpoena is "so-ordered," the named member will bring the required documents (see ADDITIONAL DATA for further explanation).*

Members receiving a subpoena ad testificandum that requires an appearance to give testimony at other than a trial proceeding are advised that they are not to answer any question without first consulting with the assistant corporation counsel or assistant district attorney assigned to the case. If there is no assistant corporation counsel/assistant district attorney assigned to the particular case, or if the member of the service is unsure regarding such assignment, the Subpoena Litigation Unit will be consulted.

UPON RECEIVING A SUBPOENA DUCES TECUM THAT REQUIRES THE PRODUCTION OF DOCUMENTS ONLY AND DOES NOT REQUIRE A SPECIFIC MEMBER OF THE SERVICE TO ATTEND AND PRODUCE SUCH DOCUMENTS:

COMMAND LIAISON OFFICER

8. Ensure that subpoena duces tecum has been endorsed by judge as "so-ordered."
   a. If subpoena duces tecum is not "so-ordered," make all required subpoena record book entries and indicate in caption marked "Date of Compliance" the fact that the subpoena was not so-ordered. File copy of subpoena in rear of Command Subpoena File.
   b. If the name and telephone number of the issuing attorney is available, contact the attorney and advise that unless the subpoena is "so-ordered," it will not be complied with. No further action is required.
9. Complete all applicable captions in Subpoena Record Book.
10. Gather photocopies of all documents requested in subpoena that are maintained at the command (including **ACTIVITY LOG**/digital **Activity Log** entries of members of the service concerned, if applicable).

NOTE

*Certain Department records that are subject to subpoena such as a Command Log or member's **ACTIVITY LOG**/digital **Activity Log** entries may also contain information that is unrelated to the facts and circumstances of the case for which the subpoena was issued. In such a case, unrelated information should be "redacted" (blocked out or deleted in any other suitable fashion that ensures that the unrelated information cannot be discerned by the party issuing the subpoena) from the copy forwarded in compliance with the subpoena. **No** redactions will be made to any material forwarded to the Legal Bureau, Corporation Counsel or District Attorney. Additionally, prior to forwarding copies of any Departmental records to anyone outside the Police Department other than an assistant district attorney, assistant corporation counsel or other law enforcement agency, the name, addresses, and telephone number, and any other data that identifies a victim or witness will be redacted.*

Immediate telephone notification to the Subpoena Litigation Unit is to be made if any command receives a subpoena ad testificandum or a subpoena duces tecum for the following Department records:

a. Confidential records, such as personnel folders, or documents relating to confidential investigations;
b. Records relating to cases that have been the subject of notoriety or publicity;
c. Records relating to sensitive or unusual cases and corruption cases.

Such telephone notification will also be made if there is any doubt as to whether subpoenaed records should be released. The telephone notification is to be recorded in the Telephone Record. Instructions received from the Subpoena Litigation Unit will be strictly complied with.

While requests for records received from an assistant corporation counsel or an assistant district attorney do not require a subpoena, if the material requested is confidential or sensitive as outlined in step a, b or c above, a telephone notification to the Subpoena Litigation Unit is required.

COMMAND LIAISON OFFICER (continued)

11. Prepare and sign "Certification" on **OFFICIAL LETTERHEAD (PD158-151)**.
    a. If photocopies contain any redactions, use sample Certification letter Number 1 (see Appendix "A").
    b. If photocopies DO NOT contain any redactions, use sample Certification letter number 2 (see Appendix "B").
    c. If, after a search for records requested by subpoena, it is discovered that the records requested DO NOT exist either at the command receiving the subpoena or at any other command/unit within the Department, use Certification letter number 3 (see Appendix "C").

NOTE *The command liaison officer may delegate the authority to prepare and sign a CERTIFICATION to properly trained members within the command.*

12. Prepare RECEIPT FOR SUBPOENAED DEPARTMENT RECORDS on **OFFICIAL LETTERHEAD (PD158-151)** (see Appendix "D").
13. Forward copies of records, copy of subpoena, certification, and receipt to appropriate clerk of court via U.S. Mail or Department mail, where appropriate.
    a. Indicate on outside of envelope that envelope contains records requested via subpoena.
    b. Include index, calendar, docket or indictment number as available.

NOTE *Under no circumstances will records be forwarded directly to an attorney (other than an assistant district attorney or assistant corporation counsel) without prior consultation with the Subpoena Litigation Unit.*

14. Upon receiving receipt acknowledging receipt of records by clerk of court:
    a. Attach receipt to copy of subpoena filed in Command Subpoena File.
    b. Make note in Subpoena Record Book under caption entitled "Date Court Receipt Received" that receipt from Clerk of Court has been received.

ADDITIONAL DATA

TYPES OF SUBPOENAS:

Any subpoena, which, by its terms, requires the production of documents or evidence, is a subpoena duces tecum. Under the relevant statutes of this state, a subpoena duces tecum directed to a subdivision of a municipal government, such as the Police Department, must be "so ordered" by a judge. "So ordered" means that the attorney who desires the documents to be produced has obtained judicial approval for the subpoena duces tecum in question. If the judge determines that the attorney has a genuine need for the requested material, the judge will indicate this fact by signing or initialing the subpoena duces tecum at a caption entitled "so-ordered".

PHOTOCOPYING RECORDS:

Under no circumstances will original Department records be removed from any Department facility without the prior approval of a Department attorney or the commanding officer. Photocopies ONLY will be forwarded. The Subpoena Litigation Unit will be notified and consulted whenever court process compels production of original copies of Department records.

ADDITIONAL DATA (continued)

DISTRICT ATTORNEY/CORPORATION COUNSEL REQUESTS:

Assistant district attorneys and assistant corporation counsels are NOT required to issue a subpoena for the production of Police Department records. Accordingly, no member of the service will require or request that a subpoena for records be served by them. Such document requests will be handled in accordance with P.G. 211-18, "Processing Requests For Police Department Documents Received From Assistant Corporation Counsels And Assistant District Attorneys."

RECORDS UNAVAILABLE AT RECEIVING COMMAND:

If a subpoena is received for records that are not available at the command receiving the subpoena, the subpoena will be forwarded to the command having custody of the record. If the subpoena calls for the production of more than one item, and the receiving command does not have custody of all items requested, the receiving command will comply with that portion of the subpoena for which the command possesses records. A photocopy of the subpoena will be forwarded to the command having custody of the other items requested with a report detailing which portions of the subpoena will be complied with by the original receiving command.

TRANSFERRED MEMBERS:

A process server who appears at a command to serve a subpoena directed to a member of the service who has been transferred from the command will be advised of the member's new command and directed to make service at the member's new command. If the member concerned has retired, the process server will be informed of this fact and service will not be accepted. If a subpoena is received by other than personal delivery, the subpoena will be forwarded to the member's current command. If a subpoena is received by other than personal delivery and the member has retired, the attorney issuing the subpoena will be contacted and informed of such fact.

SUBPOENAS THAT CONCERN PERSONAL MATTERS:

Circumstances may arise where a member of the service receives a subpoena in his/her capacity as a private individual. This situation frequently arises in the context of civil litigation where the member concerned is involved as a party or as a witness to events, which occurred while off duty. In such a circumstance, a subpoena may be served upon such a member at his/her command and service will be accepted. If service is accepted by someone other than the party named in the subpoena, such as the desk officer, the party that accepts service must ensure that the subpoena is actually received by the named party. In such a circumstance, the fee tendered (if any) will be given to the member concerned along with the subpoena. No further processing of the subpoena is required. If a member is required to attend court in response to such a subpoena arising out of his/her private affairs, such appearance will be made on the member's off-duty time. Any questions regarding the applicability of this note may be directed to the Subpoena Litigation Unit.

ADDITIONAL DATA (continued)

NOTIFICATIONS IN UNUSUAL CASES:

a. A member of the service who is to appear as a witness for a defendant in a criminal case, or for the plaintiff in a case where the City of New York is a DEFENDANT, shall notify the assistant district attorney or assistant corporation counsel of such fact prior to the start of the hearing or trial.

b. If a member of the service receives a subpoena or other type of notification to appear and testify at a parole revocation hearing, the member concerned will notify the District Attorney's Office of the appropriate county of such fact. Notification to the District Attorney concerned will be noted in the command diary under the date of the scheduled hearing.

NYPD

PURPOSE To determine whether a subpoena issued by a court located outside of New York City requires a response by the Police Department and, if a response is required, the nature and extent of such response.

SCOPE The Police Department is frequently served with subpoenas issued by courts located outside of New York City. Such subpoenas present special problems relating to the nature of response required by this Department. While subpoenas issued by courts located within New York City are valid and must be complied with in accordance with the terms of the subpoena and in the manner set forth in the applicable Department Manual procedures, subpoenas issued by courts outside of New York City require special handling and are subject to different rules regarding compliance.

PROCEDURE Upon receipt of a subpoena issued by other than a court located within New York City:

MEMBER OF THE SERVICE

1. Issue **FEE RECEIPT (PD122-017)** in accordance with *P.G. 212-79, "Subpoena Fees and Accounting Procedures."*
2. Forward subpoena to command liaison officer.

COMMAND LIAISON OFFICER

3. Complete all entries in Subpoena Record Book.
4. Determine the response required by utilizing the following guidelines:

SUBPOENA ISSUED BY A NEW YORK STATE COURT:

COMMAND LIAISON OFFICER

a. When no personal appearance is required by a member of the service:
   (1) Such a subpoena will be complied with in accordance with *P.G. 211-15, "Processing Subpoenas for Police Department Records and Testimony by Members of the Service."*

b. When a personal appearance is required by a member of the service:
   (1) The Legal Bureau - Subpoena Litigation Unit should be consulted.
      (a) Instructions received from the Subpoena Litigation Unit will be complied with.
      (b) Comply with *P.G. 212-83, "Leaving City on Police Business."*

SUBPOENA ISSUED BY FEDERAL COURTS:

COMMAND LIAISON OFFICER

a. CRIMINAL CASES - Valid from any Federal Court in the United States. Subpoena will be complied with in accordance with *P.G. 211-15, "Processing Subpoenas for Police Department Records and Testimony by Members of the Service,"* if DOCUMENTS ONLY are required. If an appearance by a member of the service is required, the Subpoena Litigation Unit will be notified and in addition to any directions received from the Subpoena Litigation Unit, the member of the service who is the subject of the subpoena will prepare a report, on **Typed Letterhead**, in duplicate, addressed to the Police Commissioner, including the following information:
   1. Name and location of court
   2. Type of proceeding
   3. Name of person concerned
   4. Date of receipt of subpoena

COMMAND LIAISON OFFICER (continued)

5. Reason Police Commissioner was not notified prior to testimony, if applicable.
6. Forward REPORT as follows:
   (a) Original to Police Commissioner, direct
   (b) Duplicate to Police Commissioner, through channels.

b. CIVIL CASES - VALID ONLY WHEN:
   1. Served within the district where the court sits, OR
   2. Served within one hundred miles of the place of hearing or trial specified in the subpoena, OR
   3. Issued by a Federal Court located within New York State and served within New York State, OR
   4. The subpoena is endorsed by the judge authorizing the extraordinary service and served in conformance with the endorsement.

SUBPOENA ISSUED BY COURTS OF OTHER STATES**:**

COMMAND LIAISON OFFICER

a. CRIMINAL OR CIVIL CASES - NOT VALID:
   1. Such subpoenas have no force and effect in the State of New York UNLESS the subpoena has been presented to a New York State judge and endorsed by the New York State judge for service in New York.

NOTE

While the Department has no legal obligation to respond to these subpoenas unless they are endorsed by a New York State judge, the Department should make every reasonable effort to assist law enforcement agencies from other jurisdictions. For example, Department personnel may provide testimony that will be helpful to a criminal prosecution outside the City of New York. Permission to appear and give such testimony must be obtained through channels, and all relevant Department procedures regarding leaving the city on official business must be complied with.

Any time a subpoena is received which requires a member of the service to appear at a hearing or other judicial proceeding outside the City of New York, the member is required to comply with P.G. 212-83, "Leaving City On Police Business." In addition, if the member is required to appear in court outside of the City, prepare and forward the REPORT to the Police Commissioner, as outlined above under "CRIMINAL CASES".

ADDITIONAL DATA

Any time a member has a question concerning the validity of a subpoena, the Legal Bureau - Subpoena Litigation Unit will be consulted.

EXPIRED

Section: Court and Agency Appearances	Procedure No: 211-17

PROCESSING LEGAL BUREAU REQUESTS FOR DEPARTMENT RECORDS INCLUDING REQUESTS UNDER THE FREEDOM OF INFORMATION LAW

DATE EFFECTIVE:	LAST REVISION:	PAGE:
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PURPOSE To ensure prompt, efficient response by the Department to lawful subpoenas and requests for Department records made by prosecutors, government agencies and private citizens, including requests made under the Freedom of Information Law (F.O.I.L.).

SCOPE The Department is required by law to comply with statutes such as F.O.I.L. and court orders, including subpoenas, which command the production of certain documents in its custody. The Legal Bureau's Subpoena Litigation Unit will assist individual commanding officers/counterparts in fulfilling their responsibility to comply with subpoenas, government requests and lawful demands made by private citizens under the Freedom of Information Law (F.O.I.L.).

DEFINITIONS FREEDOM OF INFORMATION LAW - The New York State Freedom of Information Law (F.O.I.L.) contained in Sections 84 through 89 of the Public Officers Law, provides that all records kept by a government agency are presumed to be available for public inspection and/or copying. Exemptions from this public access requirement are narrowly drawn. The burden of demonstrating the applicability of specific exemptions lies with the government agency.

SUBPOENA LITIGATION UNIT - A sub-unit of the Legal Bureau charged with the responsibility to ensure that all lawful requests for Department records by courts, prosecutors, government agencies and private citizens are complied with in a timely fashion. The Subpoena Litigation Unit also processes all requests under the Freedom of Information Law that are received by the Department. The Subpoena Litigation Unit is located at One Police Plaza, Room 110C, New York, NY 10038.

F.O.I.L. RECORDS ACCESS OFFICER - The F.O.I.L. Records Access Officer is the supervisor in charge of the F.O.I.L. Unit within the Legal Bureau's Subpoena Litigation Unit or designee. Any command receiving a F.O.I.L. request shall immediately forward the request to the Records Access Officer and notify the requesting party of this action and the location of the Records Access Officer.

F.O.I.L. APPEALS OFFICER - The F.O.I.L. Appeals Officer is the Deputy Commissioner, Legal Matters or designee.

COMMAND LIAISON OFFICER - Every commanding officer/counterpart within the Department is designated as the official Liaison Officer for the purpose of tracking and expediting requests for records by the Subpoena Litigation Unit. While commanding officers/counterparts may delegate the gathering of these records to subordinates, they will be responsible for their command's compliance with all requests from the Subpoena Litigation Unit.

NOTE *Subpoenas served directly at individual commands will not be forwarded to the Subpoena Litigation Unit without the permission of the Supervisor, Subpoena Litigation Unit. Such subpoenas are handled in accordance with P.G. 211-15, "Processing Subpoenas for Police Department Records and for Testimony by Members of the Service."*

PROCEDURE Upon receiving a subpoena, F.O.I.L. request or other demand for Department records:

SUPERVISOR, SUBPOENA LITIGATION UNIT

1. Record receipt of subpoena, F.O.I.L. request or other demand for records.
2. Examine request and determine whether it must be complied with under applicable provisions of law and/or Department policy.
3. Assign a staff member to process the request.

NOTE *The Supervisor, Subpoena Litigation Unit will make every effort to screen and/or narrow unnecessary or unduly burdensome requests for Department records.*

SUBPOENA LITIGATION UNIT STAFF MEMBER

4. Prepare and forward specific request for Department records to the liaison officer of the command concerned.
5. Set forth time limits within which the Subpoena Litigation Unit must receive a response from the command concerned.

NOTE *Certain document requests require an expeditious response, such as F.O.I.L. requests. The Public Officers Law requires that an agency, "within five business days of the receipt of a written request for a record reasonably described, shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgment of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied." Subpoenas and court orders frequently require production in court of the records concerned.*

COMMAND LIAISON OFFICER

6. Record receipt of request for Department records from the Subpoena Litigation Unit.
7. Gather and photocopy documents requested.
   a. Prepare the records for email transmission, if the records are stored electronically.

NOTE *While commanding officers/counterparts may delegate the gathering of these records to subordinates, the commanding officers/counterparts are responsible for their command's compliance with all requests from the Subpoena Litigation Unit.*

8. Forward <u>photocopies</u> in compliance with request within time limits given by Subpoena Litigation Unit.
   a. If the records are maintained electronically and the Subpoena Litigation Unit requests that the records be forwarded in electronic form, forward the records via Department email to the assigned Subpoena Litigation Unit investigator at the email address provided in the request.

COMMAND LIAISON OFFICER (continued)

(1) Attach a scanned copy of the Subpoena Litigation Unit request to the email.

(2) If a scanner is not available, include the Subpoena Litigation Unit or F.O.I.L. Unit file number in the email.

NOTE *Under no circumstances will original records be forwarded to the Subpoena Litigation Unit without the permission of the Supervisor, Subpoena Litigation Unit.*

9. If unable to comply within the time limit set by the Subpoena Litigation Unit:
   a. Make immediate telephone notification to the Subpoena Litigation Unit staff member assigned to the case
   b. Forward report on **Typed Letterhead** to Supervisor, Subpoena Litigation Unit, within stated time limit indicating:
      (1) Date records will be forwarded; and
      (2) Reason for delay.
   c. Forward records in partial compliance with request if so directed by Subpoena Litigation Unit
   d. Forward completed copies of all records requested as soon as they are available.
10. Prepare a report on **Typed Letterhead** explaining the status of the records and forward to the Supervisor, Subpoena Litigation Unit, if the records requested by the Subpoena Litigation Unit have been lost, destroyed or are otherwise unavailable.

SUPERVISOR, SUBPOENA LITIGATION UNIT

11. Review and forward documents in compliance with court order, F.O.I.L request or Department policy, as appropriate.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

*All photocopies forwarded in compliance with the above procedure must be complete, clear, legible and without alteration. Where commanding officers/counterparts have concerns about protecting the confidentiality of information contained in these documents, they must forward an accompanying report on **Typed Letterhead** to the Supervisor, Subpoena Litigation Unit, setting forth the basis for these concerns. The Supervisor, Subpoena Litigation Unit is charged with the responsibility to prevent release of confidential information contained in Department records whenever possible under law.*

FREEDOM OF INFORMATION LAW (F.O.I.L.)

Any individual denied access to a record by the Records Access Officer has the right to appeal, within thirty days, to this agency's Appeals Officer, the Deputy Commissioner, Legal Matters or designee. The Records Access Officer will provide the requesting individual with specific information needed to make such an appeal.

ADDITIONAL DATA (continued)

Members of the public should not be advised that they will obtain the records sought, since the Freedom of Information Law allows agencies to deny disclosure under certain conditions.

All inquiries regarding this law will be referred to the Records Access Officer located at 375 Pearl St., 17th Floor, New York, NY 10038. Except as otherwise provided, the Records Access Officer can charge a fee of twenty-five cents a page for photocopying.

NYPD

Section: Court and Agency Appearances	Procedure No: 211-18

PROCESSING REQUEST FOR POLICE DEPARTMENT DOCUMENTS RECEIVED FROM ASSISTANT DISTRICT ATTORNEYS AND ASSISTANT CORPORATION COUNSELS

DATE EFFECTIVE:	LAST REVISION:	PAGE:
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PURPOSE To ensure prompt and complete compliance with requests made by assistant district attorneys and assistant corporation counsels for any records or reports compiled by the Police Department concerning a case in litigation or being prepared for litigation.

SCOPE In order to effectively prepare and maintain a criminal case, the prosecutor is required by law to have access to all reports, notes, memoranda, test results, or any forms prepared by law enforcement officers in connection with the facts and circumstances that form the basis of the prosecution. Certain forms and/or reports prepared by law enforcement officers are required by the rules of Criminal Procedure and Case Law to be turned over to the defense at certain points in the course of the prosecution. The failure to turn over such reports, in a case that has proceeded to trial and resulted in a guilty verdict, will result in a reversal of the conviction. This is true even in cases where the prosecutor was not aware of the existence of the report. Courts have held that the possession of such reports by the Police Department is the equivalent of possession by the prosecutor, and therefore, that the failure to turn over the reports possessed by the Police Department must result in a reversal of any conviction obtained. Therefore, it is imperative that any member of the service who is involved in the prosecution of a criminal action inform the assistant district attorney (or the assistant corporation counsel prosecuting a juvenile in Family Court) of all reports or notes made in connection with the case no matter how insignificant the member feels the notes or memoranda might be.

NOTE *Members of the service are advised that a request for records received from an assistant district attorney or assistant corporation counsel does not require an accompanying subpoena. All such requests for records from an assistant district attorney or assistant corporation counsel shall be complied with as expeditiously as possible. Such requests should be on District Attorney's Office or Corporation Counsel letterhead (or other form supplied by District Attorney's Office or Corporation Counsel's Office) and should include the following information:*

a. Name of Case
b. Name and telephone number of requesting attorney
c. Date of arrest
d. Precinct of arrest
e. Name of arresting officer; and
f. Docket number assigned to case.

PROCEDURE Upon receiving a request by an assistant district attorney or assistant corporation counsel to provide copies of Department forms, records, reports, or memoranda:

MEMBER OF THE SERVICE RECEIVING REQUEST

1. Record receipt of request in Subpoena Record Book completing all appropriate captions therein.
   a. Under caption entitled, "TYPE OF SUBPOENA" enter "D.A. Request" or "Corporation Counsel Request", as applicable.
   b. Under caption entitled "ISSUING COURT" enter the D.A.'s Office or Corporation Counsel Unit concerned (e.g., N.Y. CO. D.A., etc.).
2. File copy of request in Command Subpoena File.

NOTE *If a member of the service receiving a request has any doubts regarding the propriety of complying with the request, the Legal Bureau - Subpoena Litigation Unit may be consulted by telephone.*

3. Forward request to appropriate unit within the Department if requested material is not available at receiving command.
   a. Attach report if partial compliance with request is made by receiving command. Indicate in report what action has been taken by receiving command and which portion of request requires action by command to which request is forwarded.
4. Obtain photocopies of all Department forms or records requested that are available at receiving command.
   a. If records requested are of a type only available to a particular member of the service, such as **ACTIVITY LOG (PD 112-145)**/digital **Activity Log** entries or scrap paper notes, the member of the service receiving request will ensure that request is forwarded to appropriate member. The member who has possession of the requested material will comply with this procedure.
5. Forward photocopies of records requested to assistant district attorney or assistant corporation counsel without delay.

NOTE *In cases where a summary arrest has been effected, the arresting/assigned officer will secure photocopies of all Department forms and reports prepared, and all personal notes or scrap-paper notes, and will make such copies available to the assistant district attorney or assistant corporation counsel concerned at the complaint room.*

DRAFT

PURPOSE To provide members of the service (uniformed and civilian) with formal legal advice in situations arising from the performance of duty.

PROCEDURE When a member of the service (uniformed or civilian), requires formal legal advice, in the performance of duty, he will:

UNIFORMED MEMBER OF THE SERVICE

1. Present facts to the supervisory officer.

SUPERVISORY MEMBER

2. Determine whether conferral with a Department attorney is necessary and advise member accordingly.
3. Direct member to contact Department attorney, when deemed necessary, between 0700 and 2300 hours, Monday through Friday, in person or by telephone.
   a. Contact commanding officer/duty captain for guidance and assistance in urgent cases during other than the above hours.

NOTE *When absolutely necessary, a captain or above may contact the Deputy Commissioner, Legal Matters or the Commanding Officer, Legal Bureau, through the Operations Unit during other than the aforementioned hours.*

UNIFORMED MEMBER OF THE SERVICE

4. Confer with Department attorney.
5. Report results of conferral with Department attorney to supervisory officer.

SUPERVISORY MEMBER

6. Have Command Log entry made to indicate conferral, including:
   a. Date and Time
   b. Name rank and command of member requesting opinion
   c. Name, rank and command of captain or above, if request made outside regularly specified hours
   d. Attorney's name and civil service title
   e. Details of legal question
   f. Details of legal opinion
   g. Actions taken as a result of conferral.

UNIFORMED MEMBER OF THE SERVICE

7. Comply with directions received from Department attorney.

ADDITIONAL DATA

After conferral with a Department attorney, if a member seeks or receives contrary advice from a supervisor or assistant district attorney, the member MUST inform the individual providing the contrary advice of such prior conferral. If a suggestion is then made to disregard or modify the advice of the Department attorney, the member or the supervisor concerned MUST notify the Department attorney of the circumstances, and MUST FOLLOW THE DEPARTMENT ATTORNEY'S ADVICE. Members of the service (uniformed and civilian) should be aware that in disregarding legal advice offered by Department attorneys, they may be subject to disciplinary action and civil liability. If a written request for legal opinions is required, prepare request on ***Typed Letterhead****, signed by the commanding officer and forward through channels to the Legal Bureau.*

NYPD

PURPOSE To ensure that legal representation is provided to a member of the service (uniformed or civilian) who is served with a summons and complaint or who otherwise becomes aware that he/she is a defendant in a civil lawsuit arising from an alleged act or omission that occurred in the performance of duty. Timeliness is essential to prepare a response. Failure to complete and forward **REQUEST FOR LEGAL ASSISTANCE (PD411-160)** in a timely manner may result in a default judgment being entered against the member named as a defendant.

PROCEDURE When a member of the service is served with a summons and complaint or otherwise becomes aware that he/she is a defendant in a civil lawsuit:

WHEN SUMMONS AND COMPLAINT IS PERSONALLY SERVED UPON A MEMBER OF THE SERVICE AT THEIR COMMAND

DESK OFFICER/ SUPERVISOR AT COMMAND

1. Accept service of summons and complaint for a member assigned to the command.

NOTE *Any summons and complaint served at a satellite location of an overhead command, will be accepted by that satellite command and processed as per this procedure. This includes, but is not limited to, a precinct detective squad, any Medical Division command, Warrant Division command or any other satellite location in which there are no police officer safety concerns. If there are any police officer safety concerns (i.e., narcotics, vice enforcement or other command with undercover officers assigned), refer the server and the summons and complaint to the overhead command.*

2. Make Command Log entry including date and time of service at command.
3. Notify member concerned immediately.
4. Deliver papers to member.
   a. Give papers to commanding officer, without delay, if member is unavailable (e.g., sick leave, vacation, etc.).

NOTE *If commanding officer is unavailable, give papers to executive officer. The executive officer will assume responsibility for completing the steps designated for the commanding officer.*

5. Make Command Log entry including date and time member actually received summons and complaint.

NOTE *A summons and complaint WILL NOT be accepted from a process server for a member who is no longer assigned to the command on the date of service. The process server will be directed to the member's new command.*

WHEN SUMMONS AND COMPLAINT IS SERVED BY MAIL UPON A MEMBER OF THE SERVICE AT THEIR COMMAND

OPERATIONS COORDINATOR

6. Attach mailing envelope to the summons and complaint.

OPERATIONS COORDINATOR (continued)

7. Make Command Log entry indicating receipt via US Mail or other carrier.
   a. Include date and time of service at command.
8. Notify member concerned immediately.
9. Deliver papers to member.
   a. Give papers to commanding officer without delay if member is unavailable (e.g., sick leave, vacation, etc.).

NOTE *If commanding officer is unavailable, give papers to executive officer. The executive officer will assume responsibility for completing the steps designated for the commanding officer.*

10. Make Command Log entry including date and time member actually received summons and complaint.
11. Mail summons and complaint back to sender if member is no longer assigned to command or has retired.
    a. Forward a letter on **OFFICIAL LETTERHEAD (PD158-151)** to sender indicating member's present command or retired status (see APPENDIX "A").

NOTE *Service may be made in certain circumstances by sending 2 copies of the summons and complaint along with an "Acknowledgement of Service" or "Waiver of Service" by mail to the member's command. The operations coordinator will ensure to attach the mailing envelope to the summons and complaint. An "Acknowledgement of Service" or a "Waiver of Service" is a request by the plaintiff to avoid the cost of personal service. If the member wishes to waive personal service by signing the "Acknowledgement of Service" or "Waiver of Service," a process server will not be sent to the member's home or command. If the member does not agree to waive personal service, certain costs (e.g., plaintiff's cost to have summons served, etc.) may be assessed against the member at a later date. If the member decides to sign the "Acknowledgement of Service" or "Waiver of Service," a copy will be sent to the Legal Bureau with the envelope, summons and complaint, and* ***REQUEST FOR LEGAL ASSISTANCE (PD411-160)****. Should the member of the service need further guidance, the Legal Bureau, Civil Section should be contacted.*

MEMBER CONCERNED

12. Prepare "Part A" of **REQUEST FOR LEGAL ASSISTANCE (PD411-160)**.
13. Retain "PINK" copy and a copy of the summons and complaint for personal records.
14. Deliver "BLUE" and "WHITE" copies of **REQUEST FOR LEGAL ASSISTANCE** with original summons and complaint (if served), and envelope (if served by mail), to current commanding officer immediately.

MEMBER'S CURRENT COMMANDING OFFICER

15. Prepare "Part B" of **REQUEST FOR LEGAL ASSISTANCE**.
    a. Contact Internal Affairs Bureau's Records Unit to determine if an investigation was conducted regarding the incident and provide name and tax registry number of the individual contacted
    b. Contact Department Advocate's Office to determine if there are charges and specifications regarding the incident and provide name and tax registry number of the individual contacted
    c. Determine whether recommendation should be made to have Corporation Counsel represent the member based on information available.

MEMBER'S CURRENT COMMANDING OFFICER (continued)

16. Distribute as follows:
    a. "WHITE" copy of **REQUEST FOR LEGAL ASSISTANCE** form, with original summons and complaint (if served) and envelope (if served by mail), immediately and without delay, DIRECT to: Legal Bureau, Room 1406, One Police Plaza, Monday through Friday, 0900 to 1700 hours
    b. "BLUE" copy of **REQUEST FOR LEGAL ASSISTANCE** form, with duplicated copies of summons and complaint (if served) will be FILED at the command
    c. Copy of the fully executed **REQUEST FOR LEGAL ASSISTANCE** to the member concerned.

COMMANDING OFFICER, LEGAL BUREAU

17. Review all documents received in connection with request for legal assistance and forward completed **REQUEST FOR LEGAL ASSISTANCE** to Corporation Counsel.
18. Contact the Corporation Counsel on a quarterly basis to determine the names of all members of the service and the names of any cases for which **REQUESTS FOR LEGAL ASSISTANCE** have been declined by the Corporation Counsel during the preceding ninety day period.

MEMBER CONCERNED

19. Contact the Legal Bureau ten business days after commanding officer has forwarded **REQUEST FOR LEGAL ASSISTANCE** to ensure it has been received.
    a. Notify commanding officer if **REQUEST FOR LEGAL ASSISTANCE** has not been received by the Legal bureau.
20. Contact private counsel and/or union to obtain legal representation, when Corporation Counsel has declined representation in the legal case.

NOTE

*All sections of the **REQUEST FOR LEGAL ASSISTANCE** must be completed in full. Failure to complete the form will result in it being returned to the command and will delay a representation determination by the Corporation Counsel. Members of the service may contact the Legal Bureau, Civil Section with any questions.*

ADDITIONAL DATA

The Legal Bureau will attempt to identify individual members of the service named as defendants in "pro se" complaints received by the Department. In these instances, the complaint will be forwarded to the concerned member of the service, who will be informed of their right to waive service. The Legal Bureau will file, within 90 calendar days, either a "Waiver of Service Executed," if service is waived or a "Waiver of Service Unexecuted," if service is declined, or a member of the service cannot be identified.

When serving process upon active members of the service, a process server will respond to the command where the individual is assigned or to the parent command if the command where the individual is assigned is confidential. Service at the command need not be made directly on the member named as a defendant.

ADDITIONAL DATA (continued)

A member of the service who is served with a summons and complaint or who otherwise becomes aware that he/she is a defendant in a civil lawsuit arising from an alleged act or omission that occurred in the performance of duty will be defended by the Corporation Counsel and the City will pay any resulting judgment, if it is determined in accordance with the General Municipal Law (Section 50-k) that at the time of occurrence, the member of the service was acting in the proper discharge of duty. Notice of representation by the Corporation Counsel will be forwarded to the member concerned by the Corporation Counsel. The member concerned must cooperate and assist the Corporation Counsel in defending the action. Failure to cooperate with the Corporation Counsel may result in withdrawal of representation.

A "Notice of Claim" is required before commencement of a tort action against the City of New York. However, service of a "Notice of Claim" on the Police Department is considered IMPROPER service and may provide the basis for dismissal of a complaint. A "Notice of Claim" should NOT be accepted by any member of the Department and the process server should instead be directed to the Office of the Comptroller. Any "Notice of Claim" mailed to the Department should be returned to sender.

A ***REQUEST FOR LEGAL ASSISTANCE*** *should NOT be prepared for a subpoena. If a subpoena is received, members of the service will comply with P.G. 211-15, "Processing Subpoenas for Police Department Records and for Testimony by Members of the Service" or P.G. 211-16, "Subpoenas Issued by Courts Outside New York City."*

PURPOSE To maintain records of attendance of uniformed members of the service and take action for non-appearance.

PROCEDURE Whenever a uniformed member of the service is scheduled to appear at a scheduled court, Grand Jury or the District Attorney's Office, on or off duty:

COURT APPEARANCE UNIT SUPERVISOR/ DESIGNEE

1. Record attendance of uniformed members of the service in the Centralized Personnel Resource (CPR) System.
2. Have clerical personnel make pertinent entries in logs.
3. Enter pertinent information in the applicable sections of the **Court Appearance Information Report** of the CPR System.
4. Enter pertinent information in CPR System when uniformed member scheduled to attend is unable to appear.
5. Notify assistant district attorney or court clerk if uniformed members are unable to attend, record name of person and time notified in log.
6. Supervise conduct of uniformed members in court building.
7. Instruct uniformed members to return promptly to Appearance Control Unit upon completion of case.
8. Record completion of uniformed member's court appearance upon dismissal, in the CPR System.
9. Obtain names of uniformed members who do not appear in court as scheduled.

NOTE *The CPR System will generate an email notification to the integrity control officer, operations coordinator and assistants with names of members of the service who failed to appear in court. The supervisor on duty who receives this report must make every effort to ensure that those members who are listed as "no shows" actually appear in court as required.*

COMMANDING OFFICER OF UNIFORMED MEMBER CONCERNED/ DESIGNEE

10. Notify Internal Affairs Bureau (IAB) Command Center and obtain log number when:
    a. One or more cases were dismissed due to uniformed member's non-appearance, AND
    b. Uniformed member was properly notified of the scheduled appearance, AND
    c. Non-appearance was <u>not</u> an authorized cancellation, as follows:
        (1) Sick, after conferral with district surgeon reveals member is incapable to appear
        (2) On annual vacation selection
        (3) On military leave
        (4) On bereavement leave
        (5) On terminal leave and/or other paid leave contiguous with terminal leave (e.g., vacation, lost time, chart day, etc.), OR
    d. Any other circumstance where corruption or misconduct is suspected.

COMMANDING OFFICER OF UNIFORMED MEMBER CONCERNED/ DESIGNEE (continued)

11. Take appropriate action if negligence or misconduct is revealed or if court case was dismissed due to a member's absence, in instances where an IAB notification is not necessary.
12. Prepare a report on **Typed Letterhead** when a uniformed member fails to appear in court (three copies prepared in all instances).
    a. Include the uniformed member's rank, name and reason for the non-appearance.
    b. Indicate whether disciplinary action was taken or is contemplated.
13. Process report on **Typed Letterhead**, as follows:
    a. Forward copy to next higher command
    b. Fax copy to IAB Borough Investigations Unit
    c. File remaining copy.

NYPD

PURPOSE To inspect, instruct and conduct roll call of uniformed members of the service.

PROCEDURE Five minutes after the start of tour of duty:

PATROL SUPERVISOR

1. Assemble platoon in ranks in the sitting or muster room.
2. Make assignments.
3. Inspect the platoon.
   a. Allow uniformed members concerned to reasonably demonstrate that a protective vest is being worn.
   b. List members deficient in uniform, equipment or personal appearance.
      (1) Pay special attention to conformance with seasonal/optional uniform items as described in Administrative Guide 305-03, "Uniforms" and Administrative Guide 305-04, "Optional Uniform Items."
   c. Reprimand and instruct deficient members privately.
   d. Follow up to determine if corrections have been made; take disciplinary action if necessary.

NOTE *Upon notification that a protective vest inspection will be conducted by the patrol supervisor, it is incumbent on the uniformed member concerned to take appropriate actions to demonstrate that a protective vest is being worn. Such actions may include, but are not limited to:*

a. Raising, removing, unbuttoning top garment so as to expose the protective vest, to visual inspection, OR
b. Patting on the front and rear of the protective vest so as to produce a sound, OR
c. Any other manner which will indicate to the patrol supervisor that the protective vest is being worn.

Uniformed members of the service are reminded that only authorized/approved protective vests will be worn.

4. Ensure quality of life officers and administrative quality of life officers are not utilized as backfill for other precinct assignments (i.e., shooting posts, prisoner transports, hospital posts, patrol supervisor, desk officer, etc.) without authorization of the commanding officer.
5. Ensure quality of life officers, administrative quality of life officers, and quality of life sergeants are not assigned to out-of-precinct details during their regularly scheduled tours of duty without permission of the Bureau Chief concerned, the Chief of Department or the Police Commissioner.
6. Ensure members are familiar with integrity concerns.
7. Ensure members are aware of active Paid Detail locations and times of assignments at these locations within the precinct.
8. Conduct a "platoon briefing," informing uniformed members of the service of:
   a. Information compiled by training sergeant,
   b. Incident critiques,

PATROL SUPERVISOR (continued)

c. Updates regarding crime patterns, crime trends, and wanted persons, and

d. Precinct conditions and tactics for addressing the conditions, etc.

9. Report personally to ranking officer, members absent and reason, if known.

10. Instruct platoon not to congregate in groups around the stationhouse.

11. Direct members of platoon to leave stationhouse for post or assignments at selected intervals.

NOTE *Sergeants, police officers and detectives required to report in uniform to a location within the geographic boundaries of the precinct to which assigned at the beginning of their tour, shall be given sufficient travel time within the tour.*

LIEUTENANT - PLATOON COMMANDER

12. Supervise roll call.

a. Personally inspect the outgoing platoon to ensure the personal appearance of members meets Department standards.

SPECIAL OPERATIONS LIEUTENANT

13. Ensure quality of life officers and administrative quality of life officers are not utilized as backfill for other precinct assignments (i.e., shooting posts, prisoner transports, hospital posts, patrol supervisor, desk officer, etc.) without authorization of the Commanding Officer.

14. Ensure quality of life officers, administrative quality of life officers, and quality of life sergeants are not assigned to out-of-precinct details during their regularly scheduled tours of duty without permission of the Bureau Chief concerned, the Chief of Department or the Police Commissioner.

PURPOSE To provide for meal periods, obtain authorization for out of command meal, obtain approval from competent authority for meal period and report meal location to radio dispatcher.

PROCEDURE When commencing meal period:

UNIFORMED MEMBER OF THE SERVICE

1. Take meal in either a police facility, bonafide restaurant or Department vehicle.
2. Notify radio dispatcher at beginning of meal, of location where meal is to be taken.
   a. If meal is to be taken in a Department facility, notify the desk officer.

NOTE *Uniformed members of the service shall commence and end their meal period on assigned post. Travel time to and from a meal location is not authorized.*

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO FOOT/TRAIN PATROL

3. Obtain meal on assigned post, if possible, and in a place maintained for eating purposes.
4. Make digital **Activity Log** entry prior to leaving post including meal location address, and again upon returning to post.
5. Inform radio dispatcher upon return to post and make digital **Activity Log** entry.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO RMP

6. Notify radio dispatcher, by appropriate code signal, prior to commencing assigned meal period and upon return to patrol and provide:
   a. Address when meal taken in restaurant
   b. Nearest intersection when meal taken in Radio Motor Patrol (RMP)
   c. "Stationhouse" when meal taken in command facility.
7. Remain in area designated by commanding officer, if meal is taken within command facility.
   a. Be available for assignment by desk officer.
8. Acknowledge calls directed to unit and:
   a. Remain within assigned sector, when practical
   b. Do not park more than one Department vehicle in the same place at the same time
   c. Comply with any request for police service and make digital **Activity Log** entry.
9. Notify desk officer when deprived of scheduled meal due to police service.

NOTE *Uniformed members of the service assigned to the Transit Bureau or Chief of Special Operations, while assigned to duty in RMP, may take a meal period within their geographic area of assignment. Uniformed members of the service assigned to the Housing Bureau, may take a meal period in a bonafide restaurant, Department vehicle or police facility within the boundaries of the precinct in which the member is assigned to for that tour. Housing Bureau members may also take meal at a Police Service Area facility as determined by the Chief of Housing. All uniformed members of the service assigned to duty in RMP will adhere to steps 6 a through c, when requesting meal.*

DESK OFFICER

10. Take meal, when appropriate, providing another supervisor is assigned to cover desk officer responsibilities and is able to provide continuous police service within the command.
11. Make accommodations, if possible, so that members are not deprived of meal, if their originally scheduled meal is delayed due to police services rendered.
    a. Assign a police officer for relief of RMP operator or recorder, when necessary.
    b. Assign a police officer to provide meal relief for member assigned to fixed post, if available.

ASSIGNED MEAL RELIEF OFFICER

12. Remain in view on post at time of relief when assigned to relieve radio motor patrol unit for meal.
    a. Assume all duties of recorder during relief period.

RMP OPERATOR

13. Transport relieved member directly to meal location.

UNIFORMED MEMBER OF THE SERVICE ON MEAL

14. Notify desk officer if radio motor patrol fails to return within fifteen minutes after end of meal period.

PATROL SUPERVISOR

15. Notify radio dispatcher, via landline, from meal location when commencing meal period.
    a. Make digital **Activity Log** entry at beginning of meal (include address of meal location) and upon conclusion of meal period.

UNIFORMED MEMBER OF THE SERVICE PERFORMING DUTY IN CIVILIAN CLOTHES

16. Request permission from immediate supervisor prior to taking meal.
17. Notify immediate supervisor of intended meal location.
    a. If immediate supervisor is unavailable, notify bureau/borough operations desk/Field Operations Desk (FOD) of intended meal location.
18. Document name of supervisor notified and meal location in appropriate Department record (digital **Activity Log**, movement log, etc.).

ADDITIONAL DATA

Members on meal period are still on duty and therefore will remain alert and not engage in any activity ordinarily prohibited.

The commanding officer of a precinct may designate a portion of an adjoining precinct where members may obtain meals during the hours a suitable eating facility is not available within the precinct of assignment. Such designation shall be forwarded on ***Typed Letterhead*** *to the appropriate borough commander.*

Whenever any uniformed member of the service, regardless of assignment, is authorized to leave the command or assignment to obtain a meal in another precinct, such member will, in addition to other requirements:

a. Request and obtain permission from immediate supervisor to leave the command and advise that supervisor of the intended meal location

ADDITIONAL DATA (continued)

b. If such member is unable to notify their immediate supervisor, the member is then required to notify their individual bureau/borough operations desk/FOD of their meal location. This notification will also include their scheduled tour of duty and the expiration of their tour

*c. Enter in appropriate Department record (e.g., digital **Activity Log**, movement log, etc.) the name of the supervisor notified and the location where the meal was taken.*

All on-duty members of the service, whether in uniform or civilian clothes, are strictly prohibited from consuming intoxicants in any amount. This includes members during their meal period. However, members assigned to duty in civilian clothes may be granted permission by the bureau chief/counterpart concerned based upon the nature of the member's assignment.

Police officers that are normally scheduled to work an eight or nine hour tour of duty may be scheduled for a one hour meal period. Police officers normally assigned to work a twelve hour tour of duty will be scheduled two, non-consecutive, forty-five minute meal periods.

Members are not to be assigned meal periods during the first or last hour and one-half of their tour, except in emergency situations.

A member must be scheduled for eight consecutive hours of duty to be eligible for a meal period. If a police officer is scheduled for a full tour of duty and requests an excusal from duty of three hours or less, that police officer will be eligible for a meal period provided that the police officer requests that partial excusal prior to the start of the scheduled tour of duty.

While on extended tour overtime for an arrest or other police necessity, a meal period may be granted by a supervisor to a uniformed member of the service only if their assigned meal period was denied during their regularly scheduled tour. However, such meal period may not be granted if the meal period interferes with arrest processing or the needs of the service. Under no circumstances will a rescheduled meal period on extended tour overtime be assigned during the last hour of overtime. Once the event that necessitated the extended tour overtime ends, a member who has not yet taken a meal period is precluded from taking any meal thereafter. Absent exigent circumstances during extended tour overtime, uniformed members of the service who had taken their assigned meal period during their regularly scheduled tour may be granted a break or break periods commensurate with the expected duration of overtime.

Uniformed members of the service in the rank of police officer, assigned to outside details (e.g., parades, events, etc.), should be granted a one hour meal period absent exigent circumstances. Police officers assigned to outside details who are denied a one hour meal period are entitled to a credit of one hour compensatory time at straight time. However, this credit is not available to police officers whose meal was denied due to exigent circumstances. Commanding officers of outside details are responsible to ensure that police officers are assigned and granted one hour meal periods absent exigent circumstances. Detail supervisors shall assign meal periods prior to posting the detail. If exigent circumstances prevent the granting of meal periods, commanding officers of outside details are responsible to submit a written communication to the Deputy Commissioner, Labor Relations detailing the actual exigent circumstances. The Police Commissioner will then make a final determination if exigent circumstances did exist.

FORMS AND REPORTS

Typed Letterhead

PURPOSE To account for members at the completion of their tour of duty.

PROCEDURE Upon completing a tour of duty:

UNIFORMED MEMBER OF THE SERVICE ON FOOT PATROL

1. Leave post and proceed directly to stationhouse.
2. Contact the desk officer one hour prior to the end of tour when on assignment requiring relief, and request instructions.
3. Comply with instructions of commanding officer when assigned to a special post.
4. Complete, sign, and submit reports as required.
5. Return portable radio and sign checkout record as specified by commanding officer.

RMP CREW

6. Complete current assignment if any.
   a. Comply with desk officer's instructions if assignment can be transferred to another unit.
7. Proceed to stationhouse and park in RMP relief area as designated by commanding officer.
8. Remain with RMP until relieved.

RMP OPERATOR

9. Inform relieving operator of any incomplete assignment or any defect or condition relating to the auto.
10. Secure auto and deliver keys to desk officer if RMP car is not being used on the next tour.

UNIFORMED MEMBER OF THE SERVICE

11. Comply with *A.G. 322-20, "Attendance Application Guidelines,"* as appropriate.
12. Notify desk officer if unable to report to the stationhouse at the end of the tour.

DESK OFFICER

13. Check Centralized Personnel Resource (CPR) System Roll Call to account for all members from previous tour.
14. Conduct immediate investigation if member failed to scan out using CPR System.

ADDITIONAL DATA *Uniformed members of the service who are normally assigned to the Fourth Platoon (1800 X 0200 hours) that are subpoenaed, directed by the Appearance Control Unit or notified by other competent authority, to attend any court, official agency hearing or training session the following day (Second Platoon), will be notified in advance and reassigned to perform duty with the Third Platoon (1600 X 2400 hours).*

Those uniformed members of the service who are not notified in advance or who are already performing duty with the Fourth Platoon at the time they receive a notification to attend any court, official agency or training session the following day on the Second

ADDITIONAL DATA (continued)

platoon, will be excused from duty, under normal circumstances, at 2400 hours.
If the member concerned effects an arrest and the related paperwork is not completed by 2400 hours or the member concerned is in the process of performing a police function beyond 2400 hours, that member is not entitled to be dismissed until all of the police related functions are complete.

If the uniformed member of the service continues to work beyond 0200 hours, the officer will be entitled to receive appropriate overtime compensation in the normal manner. (The officer is not entitled to receive any overtime compensation for the time period 2400 to 0200 hours.)

Desk officer/counterpart will make appropriate notations of those uniformed members of the service who are dismissed at 2400 hours in the Command Log, roll call or sign out sheet.

NYPD

Section: Command Operations		Procedure No: 212-06	
RADIO MOTOR PATROL TRANSPORT RESERVE SURGEON			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide transportation for the reserve surgeon when his/her services are required within the city.

PROCEDURE When a reserve surgeon requires transportation to render services within the city:

SICK DESK SUPERVISOR

1. Request that Communications Section dispatch a radio motor patrol car to transport the surgeon.

COMMUNICATIONS SECTION

2. Contact Highway District.
3. Make arrangements for a radio motor patrol car to meet surgeon.
4. Notify desk officer of the RMP's command of the assignment.

DESK OFFICER

5. Reassign recorder.

R.M.P. OPERATOR

6. Transport surgeon to location and back to home, office, or precinct stationhouse/police service area/transit district, as directed.
7. Notify Communications Section dispatcher and desk officer upon completion of assignment.

DESK OFFICER

8. Reassign recorder to RMP.

NOTE *When the Reserve Surgeon is located outside the city, he/she will proceed to the 50th or 105th Precinct stationhouse, as appropriate, where a RMP will meet him/her.*

PURPOSE To accurately record activities of uniformed members of the service and aid in the evaluation of such members.

SCOPE All uniformed members of the service below the rank of captain, except members performing permanent administrative or clerical duties, will record their daily activities in the digital **Activity Log** application on the Department smartphone. However, when a uniformed member of the service below the rank of captain who is assigned to a permanent administrative or clerical position (e.g., crime analysis officer, etc.) performs duties outside of a Department facility (e.g., detail, patrol coverage, supervisor's operator, etc.) the uniformed member will record their daily activities in the digital **Activity Log**. In addition, bureau heads may make requests to the Police Commissioner, through channels, for approval to exempt certain personnel from maintaining digital **Activity Logs** based upon the nature of the member's assignment. Furthermore, uniformed members of the service assigned as undercovers will record their daily activities in the **ACTIVITY LOG (PD112-145)** and not the digital **Activity Log**.

PROCEDURE Upon reporting for a tour of duty:

UNIFORMED MEMBER OF THE SERVICE

1. Use the digital **Activity Log**, accessible via the home screen on Department issued smartphone, and record the following:
   a. Required information from roll call, including:
      (1) Day, date and tour,
      (2) Assignment (post, sector, RMP number, etc.),
      (3) Meal time,
      (4) Name of operator/recorder/partner, when applicable, and
      (5) School crossing or church crossing, if applicable.
   b. Result of vehicle inspection when assigned as RMP operator, including:
      (1) Condition of vehicle,
      (2) Odometer reading, and
      (3) Amount of gas in vehicle.
   c. Daily activities, chronologically, including:
      (1) Assignments received - Indicate time received, type of assignment, location, origin, code signal, disposition and time completed and/or given to radio dispatcher,
      (2) Information pertinent to an assignment (e.g., action taken, narrative disposition, forms prepared with identifying serial numbers, photos, notes, diagrams, sketches, signatures, identifying information of off-duty uniformed members of the service involved in any off-duty incident, etc.),

NOTE *The digital **Activity Log** application has the capability to capture the signature of a non-member of the service (e.g., physician, District Attorney, etc.), when necessary.*

UNIFORMED MEMBER OF THE SERVICE (continued)

(3) Tasks performed,
(4) Absences from post/sector or place of assignment,
(5) Rank and surname of supervisors responding to assignment,
(6) Completion of tour, odometer reading, signature and shield number if any, and
(7) Other entries required by Department directives.

NOTE *Abbreviations may be used when recording any information or activity.*

When uniformed members of the service are assigned to a vehicle, only the RMP recorder is required to make the above chronological entries specified in subdivision "c," substeps "(1)" through "(7)." In lieu of these entries, the RMP operator may note "See Recorder's Activity Log." However, both the RMP operator and recorder must make entries recording enforcement actions taken to assist in recollection of the event at a later time.

2. Provide smartphone to supervising officer for inspection and review upon request.
3. Direct attention of supervisor to entry that may be a matter of concern (e.g., unusual occurrence, absence from post, etc.).
4. Retrieve digital **Activity Log** printout, as appropriate.

SUPERVISORY MEMBER

5. Review and verify digital **Activity Log** entries of uniformed member of the service, as appropriate.
   a. Sign the screen of the inspected uniformed member of the service's smartphone to verify and complete inspection when prompted.
   b. Inform uniformed member of the service's immediate supervisor of any comments relating to a particular member's activity.

UNIFORMED MEMBER OF THE SERVICE

6. Store active and completed **ACTIVITY LOGS** in locker, available for inspection at all times.

ADDITIONAL DATA *Anything recorded (including handwritten notes) has the potential to be Rosario material, and may be reviewed by the Department, outside agencies, District Attorneys and criminal defense attorneys. Digital **Activity Log** entries may be transmitted to the District Attorney, the Law Department or other agencies via email with a PDF attachment or as a hard copy printout.*

*Official Department photos taken during arrest processing may be sealed upon termination of a criminal action or proceeding against a person. Therefore, uniformed members of the service will not upload an official Department photo of the arrestee to the digital **Activity Log**.*

ADDITIONAL DATA (continued)

*If the digital **Activity Log** fails to operate due to technical difficulties, uniformed members of the service will use the paper **ACTIVITY LOG** as necessary.*

*Members of the service are reminded that **ACTIVITY LOGS** are official accounts of police activities and are frequently needed for the purposes of criminal prosecution and civil litigation. Therefore, active uniformed members of the service will preserve completed paper **ACTIVITY LOGS** and produce them as required by competent authority. Retired uniformed members of the service, or other members that have separated from the Department, should preserve completed **ACTIVITY LOGS** and provide them to the Department upon request.*

*Active and former uniformed members of the service are not permitted to disclose, donate or sell, for personal financial gain or otherwise, any **ACTIVITY LOG** and are prohibited from disclosing such confidential information by statute, including, but not limited to, New York City Charter Sections 2604(b)(4) and 2604(d)(5), respectively. A violation may be punishable by financial penalties and may be considered a misdemeanor offense.*

RELATED PROCEDURES

Activity Log Distribution Record (A.G. 322-31)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

NYPD

PURPOSE To promptly notify the Chief of Patrol of an unusual occurrence.

DEFINITION UNUSUAL OCCURRENCE - substantially more than an ordinary occurrence because of its seriousness, peculiarities, sensationalism, vastness, differences, newsworthiness, or potential to affect police-community relations involving interracial/ethnic conflict or community unrest.

PROCEDURE Whenever an unusual incident occurs, take immediate emergency action and:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer immediately.
2. Request patrol supervisor to respond.

DESK OFFICER

3. Notify Operations Unit patrol borough representative without waiting for complete details.
4. Notify commanding officer/duty captain to respond.

COMMANDING OFFICER/ DUTY CAPTAIN

5. Conduct immediate investigation of occurrence.
6. Inform Operations Unit and desk officer of details of investigation.

NOTE *If occurrence is a bias motivated incident, comply with P.G. 207-10, "Bias Motivated Incidents."*

DESK OFFICER

7. Prepare preliminary report on **Typed Letterhead** or **UNUSUAL OCCURRENCE REPORT (PD370-152)** addressed to the Chief of Patrol, and forward as indicated in step "9" below even if investigation is incomplete.
   a. Attach copy of ICAD Event Information, if documented, to the **UNUSUAL OCCURRENCE REPORT** prior to forwarding.

COMMANDING OFFICER/ DUTY CAPTAIN

8. Report results of investigation on **Typed Letterhead** addressed to the Chief of Patrol.
   a. If preliminary report has been forwarded, prepare supplementary report indicating results of investigation and attach a copy of the ICAD Event Information, if documented, to supplementary report.
9. Forward reports via next department mail as follows:
   a. Chief of Patrol, DIRECT (forward in **UNUSUAL OCCURRENCE REPORT [ENVELOPE] PD370-150**)
   b. Copy for each intermediate command
   c. Copy for commanding officer of uniformed member of service concerned, if member not assigned to reporting command
   d. Copy to Chief of Housing Bureau or Transit Bureau if incident occurred in Housing Authority development or in subway system
   e. Copy to Police Pension Fund if occurrence involves line of duty death or serious injury and likely to die
   f. Copy to Chief, Community Affairs, if occurrence affects police-community relations.

ADDITIONAL DATA

Whenever doubt exists concerning whether an incident is unusual, make required notifications and prepare reports.

The main criterion in determining the preparation and forwarding of the report is the Chief of Patrol's need to know.

When an unusual occurrence involves a prisoner, comply with "Prisoner - Unusual Occurrences" procedure to satisfy reporting requirements.

The identity of sex crime victims will not be included in ***UNUSUAL OCCURRENCE REPORTS*** *but will be indicated by use of the term "person(s) known to this Department." In addition, ICAD Event Information printouts containing the identity of sex crime victims will not be attached to* ***UNUSUAL OCCURRENCE REPORTS*** *and ranking officers preparing the report will include a statement that the printout is not attached because it contains identifying data.*

The Force Investigation Division supervisor investigating an incident involving a uniformed member of the service discharging a firearm which results in death or injury or member is involved in any other conduct which results in the death of another shall temporarily assign such uniformed member of the service to the patrol borough office of assignment or counterpart, for a minimum of three consecutive scheduled tours (exclusive of sick time or regular days off). The Commanding Officer, Force Investigation Division will review the assignment and forward a report to the First Deputy Commissioner, through channels, recommending continuance or discontinuance. Uniformed members of the service involved in such incidents will not be returned to their permanent commands without the prior approval of the Chief of Department. Uniformed members of the service placed on temporary assignment as outlined above, continue to be subject to suspension or modified assignment, if circumstances warrant.

The ***UNUSUAL OCCURRENCE REPORT*** *form will NOT be used to report firearms discharges by members of the service, labor coalition incidents, "Prisoners Unusual Occurrence" (P.G. 210-07, Prisoners - Unusual Occurrence"), or any other unusual incident determined not appropriate by the investigating precinct commander/duty captain.*

Section: Command Operations		Procedure No: 212-10	
INTERRUPTED PATROL LOG			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To control the amount of time spent in a stationhouse, police service area or transit district command by uniformed members of the service who are performing duty with the platoon.

PROCEDURE When a uniformed member of the service, performing duty with the platoon, enters the stationhouse, police service area or transit district command for any reason during the tour:

UNIFORMED MEMBER OF THE SERVICE

1. Report to desk officer and inform him/her of reason for presence in command.

DESK OFFICER

2. Make entries in Interrupted Patrol Log, in own handwriting, under following captions:

TIME IN	RANK	NAME	ASSIGN-MENT	REASON	TIME OUT	TOTAL TIME	DESK OFFICER

3. Maintain Log under direct control at all times.
4. Review Interrupted Patrol Log frequently during tour to determine if presence in command is being expedited.

ADDITIONAL DATA

An Interrupted Patrol Log will be maintained by all commands/units whose members perform patrol duties under the jurisdiction of the Patrol Services, Housing and Transit Bureaus.

Commanding officers will frequently review the Interrupted Patrol Log to determine if stops in the command are necessary and if they are being expedited.

PURPOSE To describe the types of encounters a uniformed member of the service may initiate with a member of the public during the course of his or her official duties, the level of knowledge required for each type of encounter, the scope of a police officer's authority for each type of encounter, the measures that are permissible to protect uniformed members of the service from injury while engaged in such encounters, and the procedures to be followed by a member of the service during these encounters.

SCOPE In accordance with their oath to uphold the law, uniformed members of the service must conduct investigative encounters in a lawful and respectful manner; however, nothing in this section is intended to deter an officer from initiating appropriate inquiries and investigative encounters, including stops, or using any lawful and appropriate tactics to ensure the officer's safety during such investigative encounters. Moreover, this procedure should not be interpreted to discourage an officer from engaging in voluntary consensual conversations with members of the public. Members of the service are encouraged to develop positive relationships in the communities they serve. Such positive interactions with the community foster trust and understanding that will in turn enhance public safety and officer safety.

DEFINITIONS INVESTIGATIVE ENCOUNTERS - In the context of this procedure, an investigative encounter is a police interaction with a member of the public/civilian for a law enforcement or investigative purpose. The U.S. Supreme Court in the case of *Terry v. Ohio*, established the authority of the police to stop and possibly frisk a person, under certain circumstances, based upon reasonable suspicion. The New York State Court of Appeals in the case of *People v. DeBour* established the types or levels of investigative encounters and the authority of the police at each level, consistent with federal constitutional standards. These encounter levels and the authority of the police at each level are outlined in the definitions that follow.

REQUEST FOR INFORMATION (LEVEL 1 ENCOUNTER) - A request for information is an encounter between a civilian and a uniformed member of the service conducted for the purpose of requesting information from the civilian. The uniformed member of the service must have an objective credible reason to approach the civilian. This type of encounter does not require any suspicion of criminal activity. The objective is to gather information and not to focus on the person as a potential suspect. A police officer may seek information related to the reason(s) the person was approached, such as the person's name, address and destination, if those questions are related to the objective credible reason for the approach. The officer may not ask accusatory questions. The person may refuse to answer questions and/or walk or even run away. Refusal to answer questions and/or walking or running away does not escalate the encounter. However, providing false or inconsistent information at any level may escalate the encounter. At this level, the officer may not seek consent to search, may not use force, and may not create a

DEFINITIONS (continued)

situation (either by words or actions) where a reasonable person would not feel free to leave. The officer may engage protective measures in the rare Level 1 encounter when he or she has a reasonable concern for his or her safety, either because of the nature of the approach or the individual's behavior.

OBJECTIVE CREDIBLE REASON - A reason is objectively credible if it is based on more than a hunch or a whim. The reason to gather more information may relate to a public safety/service function or a law enforcement function, but need not be based on any indication of criminality.

PROTECTIVE MEASURES - Even if an officer does not have reasonable suspicion that a person is armed and dangerous, there are tactics for officer safety that an officer may use short of a frisk when the officer reasonably perceives her/his safety is at risk. These include ordering the individual to take her/his hands out of her/his pockets, put down or step away from an otherwise lawful object that could be used as a weapon, grabbing the person's hands, if the circumstances suggest the person may be grabbing a weapon, or forcibly removing the person's hands from her/his pockets, if the individual refuses to remove them from her/his pockets. Any lawfully possessed article that is removed/safeguarded by a member of the service during an investigative encounter should be returned to the individual at the conclusion of the encounter (unless probable cause is developed and the individual is arrested). The officer can engage protective measures at Level 2 and Level 3. In rare occasions, the officer can engage protective measures at Level 1.

COMMON LAW RIGHT OF INQUIRY (LEVEL 2 ENCOUNTER) - A common law right of inquiry is an encounter between a civilian and a uniformed member of the service conducted for the purpose of asking the civilian pointed or accusatory questions because the police officer has a "founded suspicion" that criminal activity is afoot. "Founded suspicion" is a lower level of suspicion than the "reasonable suspicion" required to conduct a "stop" or Level 3 encounter. Upon a founded suspicion of criminality, the officer may approach a person to ask accusatory questions and may seek consent to search; however, consent must be voluntarily given. During an encounter, providing innocuous answers does not escalate the encounter. However, providing false or inconsistent information at any level may escalate the encounter. During a Level 2 encounter, force may not be used, the person is free to refuse to answer questions, and is free to leave. Refusal to answer questions or walking away does not raise the level of suspicion. However, flight (running away) during a Level 2 encounter does escalate the encounter to Level 3 and the officer is permitted to pursue the person. The officer may not create a situation (either by words or actions) where a reasonable person would not feel free to walk away. The officer may engage protective measures, when he or she has a reasonable concern for his or her safety.

FOUNDED SUSPICION - Founded suspicion of criminal activity arises when there is some present indication of criminality based on observable conduct or reliable hearsay information. In other words, the officer has sufficient information to begin to suspect the person of criminal conduct.

DEFINITIONS (continued)

TERRY STOP (LEVEL 3 ENCOUNTER) - A Terry Stop/Level 3 encounter is any encounter between a civilian and a uniformed member of the service in which a reasonable person would not feel free to disregard the officer and walk away. A Level 3 encounter may take place even without the threat or use of physical force by the officer. Encounters involving nothing more than commands or accusatory questions can rise to the level of a stop, provided that the commands and questions would lead a reasonable person to conclude that she/he was not free to terminate the encounter. Whether an encounter amounts to a stop will be judged by the facts and circumstances of the encounter. A stop may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a felony or Penal Law misdemeanor. The police officer may ask accusatory or pointed questions and detain the person while an expeditious investigation is conducted to determine if there is probable cause to arrest the person. During an encounter, providing innocuous answers or refusal to answer questions does not escalate the encounter. However, providing false or inconsistent information at any level may escalate the encounter. The police officer may seek consent to search. The consent must be voluntarily given. Reasonable force may be used to stop a person. The type and amount of force used must be objectively reasonable under the circumstances. The officer may engage protective measures, when he or she has a reasonable concern for his or her safety. The officer may frisk the person, if the officer has reasonable suspicion that the person is armed and dangerous.

REASONABLE SUSPICION - Reasonable suspicion exists when the information known to the member of the service would make an ordinarily prudent and cautious police officer under the circumstances believe that a felony or Penal Law misdemeanor has been, is being or is about to be committed. The officer must have a particularized and objective basis for suspecting the person stopped of the criminal conduct. The officer must be able to articulate specific facts establishing justification for the stop; hunches or gut feelings are not sufficient.

FRISK - A carefully limited running of the hands over the outside of a person's clothing feeling for a deadly weapon or any instrument, article or substance readily capable of causing serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons. A frisk is authorized when the member of the service reasonably suspects the person is armed and dangerous. This includes situations in which the officer reasonably suspects that the person has committed, is committing, or is about to commit a violent crime or when the officer observes something on the person that she/he reasonably suspects is a weapon. A frisk may not be conducted to discover evidence or the proceeds or instrumentalities of a crime. A police officer cannot "frisk" a bag or item of personal property unless the officer has a reasonable suspicion that the person is armed and dangerous and the bag or item could contain a weapon and is within the person's reach.

DEFINITIONS (continued)

SEARCH AFTER FRISK - In the context of the investigative encounters described in this section, a search occurs when the officer places her/his hands inside a pocket or other interior portions of a person's clothing or personal property to remove an object that the member felt during a frisk and reasonably suspects is a weapon or dangerous instrument.

PROCEDURE

When a uniformed member of the service engages in an investigative encounter with a civilian:

CONDUCTING A LEVEL 1 ENCOUNTER - A REQUEST FOR INFORMATION:

UNIFORMED MEMBER OF THE SERVICE

1. Activate Body-Worn Camera (BWC), if assigned, for encounters where activation is required, in accordance with *P.G. 212-123, "Use of Body-Worn Cameras."*
2. Approach the person if there is an objective credible reason to do so.
3. Identify yourself as a police officer verbally and by displaying your shield in a conspicuous manner, if practicable.
4. DO NOT detain the person, use or threaten the use of force, or request consent to search.
5. You may seek information and ask general, non-threatening questions related to the reason for the approach. However, pointed and accusatory questions are not permitted.
6. The person may refuse to answer questions and is free to leave. However, providing false or inconsistent information at any level may escalate the encounter.
7. You may inform the person that she/he is free to leave, but you are not required to do so unless she/he specifically asks.
8. You should provide the individual with an explanation for the encounter, unless providing such information would impair a criminal investigation.
9. You may engage protective measures in the rare Level 1 encounter when you have a reasonable concern for your safety, either because of the nature of the approach or the individual's behavior.

CONDUCTING A LEVEL 2 ENCOUNTER - THE COMMON LAW RIGHT OF INQUIRY:

UNIFORMED MEMBER OF THE SERVICE

10. Activate BWC, if assigned, in accordance with *P.G. 212-123, "Use of Body-Worn Cameras."*
11. Approach the person if you have a founded suspicion of criminality.
12. Identify yourself as a police officer by providing your rank, name, shield, and command, and display your shield in a conspicuous manner, absent exigent circumstances.
13. DO NOT detain the person or use or threaten the use of force.
14. You may seek information and ask questions, including pointed and accusatory questions.

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Offer **RIGHT TO KNOW BUSINESS CARD (PD142-012)** or **RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)**, as appropriate, in accordance with *A.G. 304-11, "Compliance with NYC Right to Know Act."*

15. The person may refuse to answer questions and is free to walk away. If the person runs away, you may pursue.
16. You may request consent to search; the consent must be voluntarily given.
    a. Ask for consent to search in a manner that elicits a clear 'yes' or 'no' response. When seeking consent, make clear that the search will not occur if the person does not consent. For example, in a non-threatening manner and without making promises, you may ask the following: "*I can only search you, if you consent. Do you understand? May I search you?*"
    b. If a person does not consent to a search, you cannot conduct a search.
    c. If you are seeking consent to search, you must video record the request and the person's response, if you have a Body - Worn Camera.
    d. Document the time, location, and date of such request, consent, refusal, and search (if performed), and the apparent race, ethnicity, gender, and age of the person who was the subject of such request and search, and your name, precinct, tax number and/or shield number on the **COMMON LAW RIGHT OF INQUIRY – CONSENT SEARCH REPORT (PD541-161)**.
    e. Offer the person who is the subject of the request a **RIGHT TO KNOW BUSINESS CARD**, as appropriate, in all cases, and, if applicable, provide information on how to obtain a copy of the video record of the request and search (if performed).
    f. This section does not apply in the following situations:
        (1) You are conducting a security search of a person entering a public building or facility, location, event, or gathering, including random security checks in MTA facilities
        (2) Exigent circumstances require your immediate action
        (3) You reasonably expect that you or someone else is in danger of physical injury, there is an imminent risk of property damage, to forestall the imminent escape of a suspect, or the imminent potential destruction of evidence.
17. You may inform the person that she/he is free to leave, but you are not required to do so unless she/he specifically asks.
18. You may engage protective measures, when you have a reasonable concern for your safety.
19. Provide the individual with an explanation for the encounter, unless providing such information would impair a criminal investigation.
20. Do not offer the person a **RIGHT TO KNOW BUSINESS CARD** or **RIGHT TO KNOW BUSINESS CARD – GENERAL**, if the encounter ends in an arrest or a summons, unless requested.

UNIFORMED MEMBER OF THE SERVICE (continued)

21. You are not required to proactively identify yourself, explain the reason for the encounter, or offer a **RIGHT TO KNOW BUSINESS CARD**, or **RIGHT TO KNOW BUSINESS CARD – GENERAL**, in the following situations:
    a. If engaged in undercover activity or operations
    b. Exigent circumstances require your immediate action
    c. You reasonably expect that you or someone else is in danger of physical injury, there is an imminent risk of property damage, to forestall the imminent escape of a suspect, or the imminent potential destruction of evidence
    d. You are conducting a security search of a person entering a public building or facility, location, event, or gathering, including random security checks in MTA facilities, unless requested by the subject of the search
    e. You are verifying the identity of a person seeking entrance to an area that is restricted due to a public health, public safety, or security concern, such as a terrorist attack or a natural disaster.

NOTE

During a Level 1 or Level 2 encounter, an officer may not create a situation (either by words or actions) where a reasonable person would not feel free to walk away. A person may be detained only if a properly conducted Level 1 or Level 2 encounter yields information to support a reasonable suspicion that the person committed, was committing, or was about to commit a felony or Penal Law misdemeanor.

CONDUCTING A LEVEL 3 ENCOUNTER - A TERRY STOP:

UNIFORMED MEMBER OF THE SERVICE

22. Activate BWC, if assigned, in accordance with *P.G. 212-123, "Use of Body-Worn Cameras."*
23. Upon reasonable suspicion that the person has committed, is committing, or is about to commit a felony or Penal Law misdemeanor, stop and detain the person for the purpose of conducting a criminal investigation.
24. Notify the radio dispatcher and include the location, number of persons being stopped and whether additional units are needed.
25. Identify yourself as a police officer by providing your rank, name, shield, and command, and display your shield in a conspicuous manner, absent exigent circumstances.
26. Question the suspect to the extent necessary to determine whether there is probable cause to make an arrest.
27. You may ask pointed and accusatory questions related to the reason for the stop. Refusal to answer questions or produce identification does not establish probable cause.
    a. Offer **RIGHT TO KNOW BUSINESS CARD** or **RIGHT TO KNOW BUSINESS CARD – GENERAL**, as appropriate, in accordance with *A.G. 304-11, "Compliance with NYC Right to Know Act."*
28. You may request consent to search; the consent must be voluntarily given.

UNIFORMED MEMBER OF THE SERVICE *(*continued*)*

a. Ask for consent to search in a manner that elicits a clear 'yes' or 'no' response. When seeking consent, make clear that the search will not occur if the person does not consent. For example, in a non-threatening manner and without making promises, you may ask the following: "*I can only search you, if you consent. Do you understand? May I search you?*"

b. If a person does not consent to a search, you cannot conduct a search.

c. If you are seeking consent to search, you must video record the request and the person's response, if you have a Body - Worn Camera.

d. Document request, as appropriate, on **STOP REPORT (PD383-151)**.

e. Offer the person who is the subject of the request a **RIGHT TO KNOW BUSINESS CARD** or **RIGHT TO KNOW BUSINESS CARD – GENERAL**, as appropriate, in all cases, and, if applicable, provide information on how to obtain a copy of the video record of the request and search (if performed).

f. This section does not apply in the following situations:

(1) You are conducting a security search of a person entering a public building or facility, location, event, or gathering, including random security checks in MTA facilities

(2) Exigent circumstances require your immediate action

(3) You reasonably expect that you or someone else is in danger of physical injury, there is an imminent risk of property damage, to forestall the imminent escape of a suspect, or the imminent potential destruction of evidence.

29. Reasonable force may be used to stop a person.

30. You may engage protective measures, when you have a reasonable concern for your safety.

31. You may frisk the person if at any point during the encounter, you have reasonable suspicion that the person is armed and dangerous (see "Conducting a Frisk, and When Appropriate, a Search:" below).

32. The suspect may be detained only as long as necessary to confirm or dispel your suspicion that she/he was committing, committed, or was about to commit a felony or Penal Law misdemeanor. Authority to detain the suspect ends when the tasks tied to the reason for the stop are completed or reasonably should have been completed.

33. Provide the individual with an explanation for the encounter, unless providing such information would impair a criminal investigation.

34. Obtain the suspect's name, address, and any additional information that will be required to complete your digital **Activity Log** entry regarding the stop.

35. Do not transport or otherwise move the suspect from the location where she/he is stopped unless she/he voluntarily consents or there is an exigency necessitating relocation (e.g., hostile crowd, threat to safety, hospital show-up, etc.).

36. Release the person immediately after completing the investigation if probable cause to arrest does not exist.

UNIFORMED MEMBER OF THE SERVICE *(continued)*

37. Do not offer the person stopped a **RIGHT TO KNOW BUSINESS CARD** or **RIGHT TO KNOW BUSINESS CARD – GENERAL**, if the encounter ends in an arrest or a summons, unless requested.
38. You are not required to proactively identify yourself, explain the reason for the encounter, or offer a **RIGHT TO KNOW BUSINESS CARD**, or **RIGHT TO KNOW BUSINESS CARD – GENERAL**, in the following situations:
    a. If engaged in undercover activity or operations
    b. Exigent circumstances require your immediate action
    c. You reasonably expect that you or someone else is in danger of physical injury, there is an imminent risk of property damage, to forestall the imminent escape of a suspect, or the imminent potential destruction of evidence
    d. You are conducting a security search of a person entering a public building or facility, location, event, or gathering, including random security checks in MTA facilities, unless requested by the subject of the search
    e. You are verifying the identity of a person seeking entrance to an area that is restricted due to a public health, public safety, or security concern, such as a terrorist attack or a natural disaster.

CONDUCTING A FRISK, AND WHEN APPROPRIATE, A SEARCH:

UNIFORMED MEMBER OF THE SERVICE

39. If a police officer develops a reasonable suspicion that a person is armed and dangerous, the officer may frisk the person for a deadly weapon or any instrument, article or substance readily capable of causing serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons. Reasonable suspicion that a person is armed and dangerous may arise from the officer's observations or the facts and circumstances of the encounter including:
    a. Reasonable suspicion that the suspect has committed, is committing, or is about to commit a violent crime (e.g., assault with a deadly weapon, burglary, rape, robbery, etc.)
    b. Observation of something on the person that the officer reasonably suspects is a weapon
    c. A statement by the suspect stopped that she/he is armed
    d. Information known by the officer that the suspect may be carrying a weapon, such as statements from a victim or witness.
40. The purpose of the frisk is to ensure the safety of the officer and not to locate evidence of a crime, such as drugs.
41. There is no requirement to question a suspect prior to conducting a lawful frisk.
42. Conduct the frisk by carefully running your hands down the outside of the person's clothing.
43. Where the frisk reveals an object that the member of the service reasonably suspects may be a weapon, the member of the service may search only those interior portions of the stopped person's clothing to remove the weapon.

UNIFORMED MEMBER OF THE SERVICE (continued)

44. An officer may not frisk a person's bag or other item of personal property unless the officer has reasonable suspicion to believe that the person is armed and dangerous and that the bag or item of personal property could contain a weapon and is within the person's reach. If the bag/item is soft, the officer should run her/his hands down the outside of the bag/item and open it only if she/he feels the contours of what she/he believes is a weapon. If the bag/item is rigid and unlocked, the officer may open it to ensure it does not contain a weapon. If the bag/item is locked, the officer must obtain a search warrant or get consent to search from the person in order to search the bag/item.

NOTE

The guidelines in step "44" do not apply to mass transit system checkpoint type inspections of backpacks, containers and other carry-on items that are capable of containing explosive devices.

Requesting identification documents: At any level, an officer may ask an individual to verbally identify herself/himself or present an identification document to verify that person's identity and/or address. During Level 1 or 2 encounters, when performing this task, the officer must not create a situation where the person does not feel free to leave. Other than the operator of a motor vehicle/motorcycle, members of the public are not required to possess identification documents or present identification documents to police officers when requested. Refusal or inability to produce identification alone will not elevate the level of the encounter. Absent probable cause that the person committed an offense, she/he may not be arrested or removed to a Department facility for further investigation merely because she/he refused to produce identification.

REQUIRED DOCUMENTATION:

UNIFORMED MEMBER OF THE SERVICE

45. Access video management system on Department intranet or Department smartphone to classify videos based upon nature of the event.
    a. For all investigative encounters that are captured on BWC that do not end in an arrest or summons:
        (1) Select "Investigative Encounters" as the category for BWC video retention
        (2) Select applicable final level of encounter (e.g., Level 1 encounter escalates to a Level 2 encounter, select "Level 2 Encounter.").
    b. For all Level 2 encounters that are captured on BWC, but do not escalate beyond Level 2:
        (1) Select race and gender of primary person encountered
        (2) Select whether or not encounter was with more than one individual.
46. For all consent searches requested during a Level 2 encounter, prepare a **COMMON LAW RIGHT OF INQUIRY – CONSENT SEARCH REPORT**, utilizing the Finest Online Records Management System (FORMS), for EACH person from whom you request consent to search. The **COMMON LAW RIGHT OF INQUIRY – CONSENT SEARCH REPORT** in FORMS is available through Department mobile devices (cellular telephones and tablets).

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Prior to the end of tour, complete all applicable captions and follow the directions for each section of the **COMMON LAW RIGHT OF INQUIRY – CONSENT SEARCH REPORT** in FORMS and select the "Check" icon to submit the **COMMON LAW RIGHT OF INQUIRY – CONSENT SEARCH REPORT**.

b. The **COMMON LAW RIGHT OF INQUIRY – CONSENT SEARCH REPORT** is only prepared for Level 2 requests to search. If you seek consent to search during a Level 3 Terry Stop, document that request on your **STOP REPORT** in the appropriate places.

c. The **COMMON LAW RIGHT OF INQUIRY – CONSENT SEARCH REPORT** is not prepared in the following situations:

(1) You are conducting a security search of a person entering a public building or facility, location, event, or gathering, including random security checks in MTA facilities

(2) Exigent circumstances require your immediate action

(3) You reasonably expect that you or someone else is in danger of physical injury, there is an imminent risk of property damage, to forestall the imminent escape of a suspect, or the imminent potential destruction of evidence.

47. For all Terry Stops/Level 3 encounters, prepare a **STOP REPORT**, utilizing FORMS, for EACH person stopped. The **STOP REPORT** in FORMS is available through Department mobile devices (cell phones and tablets).

a. Prior to the end of tour, complete all applicable captions and follow the directions for each section of the **STOP REPORT** in FORMS and select the "Check" icon to submit the **STOP REPORT** to the patrol/unit supervisor.

b. Check "REFUSED" in the appropriate space, if the person stopped refused to identify herself/himself.

(1) Request the patrol supervisor to respond to verify refusal.

(2) Do not detain the person, however, if the investigation is complete and there is no probable cause to make an arrest.

c. Select all relevant factors that led to the stop if more than one descriptive term applies.

d. Describe in plain language (rather than numeric Penal Law section) the specific felony or Penal Law misdemeanor you suspected the person had committed, was committing, or was about to commit.

e. Describe in your own words, under the "Narrative (Describe the Circumstances That Led to the Stop)" caption, all of the facts and information relied upon to conclude that there was reasonable suspicion that the person stopped had committed, was committing, or was about to commit a felony or Penal Law misdemeanor.

UNIFORMED MEMBER OF THE SERVICE (continued)

f. Describe in your own words, under the "Narrative (Describe the Circumstances That Led to the Frisk and/or Search, if Conducted. Include Area Searched)" caption, all of the facts and information relied upon to conclude that there was reasonable suspicion that the person stopped was armed and dangerous. In addition, if a search was conducted, describe the basis for the search, the specific area searched, and whether a weapon or other contraband was recovered.

48. Complete **VEHICLE REPORT** in FORMS for every vehicle, bicycle, motorized scooter, e-scooter, or e-bike stop, regardless of whether enforcement action is taken or not.

49. When prompted to identify the "Reviewing Supervisor" in FORMS, enter the name or tax identification number of a supervisor currently performing duty with the platoon/unit and select that supervisor from the dropdown menu that appears.
    a. Select immediate squad/unit supervisor, if he/she is assigned to perform duty with the squad/unit and is available to review the **STOP REPORT**.
    b. If not assigned to an immediate squad/unit supervisor or he/she is not available, enter the name or tax identification number of another supervisor performing duty with the squad/unit (e.g, patrol supervisor, detail supervisor, etc.).

50. Notify the reviewing supervisor that the **STOP REPORT** was prepared and submitted to the supervisor's electronic "INBOX" folder in FORMS for review.

NOTE

*The **STOP REPORT** is not prepared for Level 1 and Level 2 encounters, unless the encounter escalates to a Level 3 Terry Stop. Similarly, the **STOP REPORT** is not prepared when an officer makes a summary arrest for an offense/crime or issues a Criminal Court summons or a civil summons returnable to the Office of Administrative Trials and Hearings for an observed violation, unless the suspect was initially detained for investigation in a Level 3 Terry Stop. The **STOP REPORT** is not prepared for traffic stops based on violations of the Vehicle and Traffic Law, unless the suspect is frisked.*

Uniformed members of the service (UMOS) should be mindful that users of FORMS will be timed out after 55 minutes, therefore UMOS should periodically click on the "Save" icon to ensure that entered data is not lost.

51. Record details in digital **Activity Log** and include the following information in the entry:
    a. Date, time and location of stop
    b. Pedigree information (name, date of birth, address, telephone number), unless refused, and detailed description of the person stopped
    c. Document refusal to provide pedigree information, if applicable
    d. ICAD number, if applicable.

52. Prior to the end of your tour, submit the **STOP REPORT** and digital **Activity Log** printout to the patrol supervisor/unit supervisor for review.

UNIFORMED MEMBER OF THE SERVICE (continued)

a. The reviewing supervisor must be at least one rank higher than the member submitting the **STOP REPORT**.

53. Inform the patrol supervisor/unit supervisor of facts of the stop and, if conducted, frisk, and/or search.

NOTE

*The pedigree information of an individual who is stopped is not captured electronically and will only be recorded in the member's digital **Activity Log**. Accurately recording pedigree information in the digital **Activity Log** will enable members to later identify persons stopped and may aid investigators during the course of a criminal investigation. Do not put pedigree information into the **STOP REPORT** narratives.*

SUPERVISORY AND ADMINISTRATIVE FUNCTIONS:

PATROL SUPERVISOR/ UNIT SUPERVISOR

54. Respond to the scene of stops when feasible.

55. Discuss the circumstances of the stop with the member of the service and review the **STOP REPORT** in FORMS using a Department mobile device (e.g., cellphone, tablet, etc.), or desktop, if available, by selecting "Signoff."

a. Determine whether all captions are completed and all relevant check boxes are checked.

b. Confirm that the **STOP REPORT** states in plain language a specific suspected felony or Penal Law misdemeanor.

c. Determine whether the officer's description in the "Narrative (Describe the Circumstances That Led to the Stop)" caption includes the facts and circumstances relied upon by the officer to conclude that there was reasonable suspicion that the person stopped had committed, was committing, or was about to commit a felony or Penal Law misdemeanor.

d. If the person was frisked, determine whether the officer's description in the "Narrative (Describe the Circumstances That Led to the Frisk and/or Search, if Conducted. Include Area Searched)" caption includes the facts and circumstances relied upon by the officer to conclude that there was reasonable suspicion that the person was armed and dangerous and, if a search was conducted, the facts and circumstances that provided the basis for the search, the area searched and whether a weapon or other contraband was recovered.

e. Complete the "Supervisory Action (Must Complete)" caption. Consider the facts and information as conveyed by the member and recorded on the **STOP REPORT** and determine whether:

(1) The stop was based upon reasonable suspicion of a felony or Penal Law misdemeanor

(2) If the person was frisked, whether the frisk was supported by a reasonable suspicion that the person was armed and dangerous; and

(3) If the person was searched, whether there was a sufficient basis for the search.

PATROL SUPERVISOR/ UNIT SUPERVISOR (continued)

f. If appropriate, instruct member of the service and/or refer for additional training and/or other remedial action, including, disciplinary action and indicate such in the "Follow-Up Action (If appropriate)" caption.

56. Complete all captions in the "Reviewing Supervisor" section.

57. If, based upon review of the **STOP REPORT**, digital **Activity Log** entry and discussion with the uniformed member of the service, the **STOP REPORT** requires additional information:
    a. Check "No" following question "Report Accurate and Complete?"
    b. Enter instruction to the reporting member of the service in the "Note" section in FORMS
    c. Select the "Check" icon to return the **STOP REPORT** to the reporting member of the service for correction.

58. If the report is "Accurate and Complete" (i.e., all captions filled out and narrative contains adequate details) but after review it is determined there was not a sufficient basis for the stop and/or frisk and/or search, indicate such by checking the appropriate field(s) on the electronic form.
    a. Select the action taken from the "Follow-Up Action (If appropriate)" section, and
    b. Approve the **STOP REPORT**.

59. "Approve" and "Finalize" the **STOP REPORT** following the prompts in FORMS.

60. Review the member's digital **Activity Log** entry and ensure that the detailed description and the pedigree information of the person stopped is included, unless the person stopped refused to provide the information.

61. If force was used, determine whether the use of force was reasonable under the circumstances of the encounter.

62. Prior to the end of tour, electronically "sign-off" on **STOP REPORT** and return digital **Activity Log** back to member upon completion of the review.

NOTE *If the **STOP REPORT** was submitted for an investigative encounter that did not rise to a Terry Stop, (e.g., Level 1/Request for Information or Level 2/Common Law Right of Inquiry) or for an arrest or summons that was not the result of a Terry Stop, then select the appropriate fields on the **STOP REPORT** and approve the **STOP REPORT**, but note in the comments section that the **STOP REPORT** was prepared in error and the reason a report should not have been prepared.*

UNIFORMED MEMBER OF THE SERVICE

63. Upon rejection of **STOP REPORT** from the reviewing supervisor, access the report from the FORMS "Inbox," go to the "Actions" tab, select "Edit" and make the directed corrections.
    a. Select the "Check" icon to resubmit to supervisor for review and approval.

64. Prior to the end of tour, print the digital **Activity Log** entry detailing the Terry Stop and submit to the desk officer/designee.

DESK OFFICER/ DESIGNEE

65. Log into FORMS and select "SEARCH." A search must be conducted of all **STOP REPORTS** prepared during tour.
66. If a **STOP REPORT** was prepared, print out the "approved" **STOP REPORT** from the queue and attach it to the printed digital **Activity Log** entry submitted by the uniformed member of the service.
    a. Place **STOP REPORT** and photocopy of printed digital **Activity Log** entry into the command's **STOP REPORT** binder maintained at the desk in sequential order.

INTEGRITY CONTROL OFFICER

67. Personally conduct, in conformance with the Quality Assurance Division's self-inspection program, the command self-inspection of **STOP REPORTS**.
68. Ensure that the patrol supervisor/unit supervisor reviews the **STOP REPORTS** and digital **Activity Log** and that appropriate actions are taken where necessary.
    a. In assessing the patrol/unit supervisor's review of officers' Level 3 encounters, determine whether the supervisor appropriately reviewed the stop and, if conducted, the frisk and search, and any force used. In making these determinations, consider whether the supervisor examined the information recorded on the **STOP REPORT** and appropriately evaluated whether the information reasonably supports the conclusion that the member's actions were based upon reasonable suspicion.
    b. Take appropriate remedial action if warranted, including discipline, if appropriate.
    c. Inform commanding officer and training sergeant of any matters of importance, including deficiencies or patterns of deficiencies in regard to the bases of stops and/or frisks conducted, or in the preparation of **STOP REPORTS** and digital **Activity Log**.

EXECUTIVE OFFICER

69. Personally conduct, in conformance with the Quality Assurance Division's self-inspection program, the command self-inspection of "POLICE INITIATED ENFORCEMENT."

COMMANDING OFFICER

70. Assume responsibility for the integrity of the administration of this procedure.
71. Consult with the executive officer, integrity control officer, platoon commanders, special operations lieutenant, training sergeant, patrol supervisors/unit supervisors to ensure the constitutionality and effectiveness of stops.
    a. Identify training needs and necessary remedial or disciplinary actions required.
    b. Prepare a report on **Typed Letterhead** addressed to the Commanding Officer, Legal Bureau requesting remedial training for any members of the service identified as having a deficient understanding of the law pertaining to street encounters.

NOTE *Minor or inadvertent mistakes in documentation or isolated cases of erroneous but good-faith stops or frisks by members of the service should ordinarily be addressed through instruction and training. In most instances, instruction and training should be accomplished at the command level. The application of the law in this area can be complicated, and investigative encounters are fluid situations in which one event or observation can alter the level of suspicion or danger. A single erroneous judgment will not generally warrant referral to the Legal Bureau for retraining. However, members of the service who evince a lack of comprehension of the core concepts of the law governing this procedure should be referred to the Legal Bureau.*

TRAINING SERGEANT

72. Conduct command level training to help ensure compliance with the Department's policy regarding investigative encounters.
    a. Periodically review and identify command-wide and individual training needs and necessary remedial actions.
    b. Record training sessions in the Training Attendance Certification Transcript Integrated Collection System (TACTICS) to assist with future review and analysis of command's compliance and training in investigative encounters.
    c. Identify members who have been referred for training in **STOP REPORTS** and ensure that the training is conducted.
        (1) Track, record and report such training to the commanding officer on a quarterly basis.

ADDITIONAL DATA

There are many facts and circumstances that may lead a police officer to conclude that there is reasonable suspicion that a person has committed, is committing or is about to commit a felony or Penal Law misdemeanor. Such factors may include information received from third parties as well as the actions of the suspect, the suspect's physical and temporal proximity to the scene of a crime, the suspect's resemblance to the specific description of a perpetrator of a crime (based on more than just race, age and gender) and information known to the officer about the suspect or particular location, among other factors. Each situation is unique and the information available to members of the service will vary.

"Furtive movements" or mere presence in a "high crime area," standing alone, are insufficient bases for a stop or frisk. Moreover, even when used in combination with other stop factors, the stopping officer must be able to specifically describe the suspicious nature of the "furtive movements" which she/he observed, and she/he must not define the "high crime area" too broadly, such as encompassing an entire precinct or borough. In addition, a person may not be stopped merely because he or she matches a generalized description of a crime suspect, such as an 18-25 year old male of a particular race. If a physical description is the only factor relied on by the stopping officer, it must be more specific to form the basis for a stop. Individuals may not be targeted for stops and frisks because they are members of a racial or ethnic group that appears more frequently in local crime suspect data. Race may only be considered where the stop is based upon a specific and reliable suspect description that includes not just race, age and gender, but other identifying characteristics and information. When a police officer carries out a stop based on reasonable suspicion that a person fits such a description, the officer may consider the race of the suspect, just as the officer may consider the suspect's height or hair color.

ADDITIONAL DATA (continued)

Commanding officers of commands other than patrol precincts, PSAs and transit districts (e.g., Detective Bureau, Strategic Response Group, etc.) will designate a supervisor to perform the desk officer duties listed above. Photocopies of the ***STOP REPORTS*** *will be sent via Department mail to the precinct of occurrence daily. The precinct of occurrence will then place the photocopies in sequential order in their* ***STOP REPORT*** *command binder.*

Desk officers/designees in commands other than patrol precincts, PSAs or transit districts will maintain a standardized ***STOP REPORT*** *command binder with photocopies of* ***STOP REPORTS*** *prepared by their respective command. Additionally, a corresponding* ***Stop Report Index*** *for the command will be printed out daily and will likewise be maintained in the command binder. Commanding officers will ensure that photocopied* ***STOP REPORTS*** *maintained in the command binder are removed and filed in the command by year of occurrence every January 1st and quarterly thereafter (April 1st, July 1st and October 1st).*

Activity Log *inserts including,* ***INVESTIGATIVE ENCOUNTERS (PD383-090)*** *and* ***SUPPLEMENTAL INSTRUCTIONS FOR PREPARATION OF STOP REPORT (PD383-151A)*** *are accessible via the Department smartphone.*

RELATED PROCEDURES

Activity Logs (P.G. 212-08)
Interior Patrol of Housing Authority Buildings (P.G. 212-60)

FORMS AND REPORTS

RIGHT TO KNOW BUSINESS CARD (PD142-012)
RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)
COMMON LAW RIGHT OF INQUIRY – CONSENT SEARCH REPORT (PD541-161)
STOP REPORT (PD383-151)
INVESTIGATIVE ENCOUNTERS (PD383-090)
SUPPLEMENTAL INSTRUCTIONS FOR PREPARATION OF STOP REPORT (PD383-151A)
Stop Report Index

PURPOSE To record and refer for investigation suspected law violations or persons or activities connected with major crime or terrorist activity.

SCOPE Some of the most powerful tools for the detection of criminal activity are the observations of uniformed and civilian members of the service. Whether on or off duty, performing patrol or administrative duties, members of the service can perform an invaluable service by following the contents of this procedure. Each piece of information provided by a member of the service when analyzed and reviewed within the context of other information received, can effectively help our Department's effort to detect and deter criminal activity.

PROCEDURE Upon suspecting or observing information about the involvement of a person or any other entity (e.g., business, vehicle, association of criminals) in ongoing criminal activity or suspected terrorist activity, and when unable to effect a summary arrest:

UNIFORMED MEMBER OF THE SERVICE

1. Obtain as much information as possible, including names, vehicle descriptions, times of the day, description of persons, etc.
2. Comply with *P.G. 212-13 "Reporting Gang Related Criminal Activity*," if information concerns criminal gangs, gang related/motivated incidents, etc.
3. Notify the Intelligence Division.
   a. Suspected terrorist activity can also be reported to the Intelligence Division, by members of the service and the public, through the Counter Terrorism hotline.
   b. Report all pertinent information.
4. Record Intelligence Division Log number and Intelligence Division member notified in digital **Activity Log**.

NOTE *Any member of the service (uniformed or civilian) with information concerning suspected terrorist activity will notify the desk officer of the command of occurrence and the Intelligence Division direct or the Counter Terrorism hotline. The desk officer of the command of occurrence will ensure that the contents of this procedure are adhered to when the reporting member of service is a civilian, and will enter the Intelligence Division Log number and Intelligence Division member notified in the Command Log.*

*All members of the service (uniformed and civilian) should become familiar with the contents of Activity Log insert, "**POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD378-111)**."*

CRIMINAL INTELLIGENCE SECTION

5. Enter all available information into intelligence database system and issue Intelligence Division Log number to member who reported the information.
   a. Information related to suspected terrorist activity will be entered into the database as a terrorism lead and handled accordingly.

CRIMINAL INTELLIGENCE SECTION (continued)

b. Information related to traditional criminal activity will be entered as an intelligence report. Intelligence reports are available to Field Intelligence Officers, Precinct Commanders, and Borough Commanders, through the Department's intranet.

6. Generate a printout of each intelligence report pertaining to traditional criminal activity.

7. Transmit completed intelligence report received to Field Intelligence Officer of command that reported the information.
   a. Confirm receipt by telephone and enter name of member confirming receipt on the bottom of the printout.

8. Forward any intelligence as follows:
   a. Relating to suspected terrorist activity – Joint Terrorist Task Force (JTTF). (The JTTF will review each terrorism lead and either accept the case or refer it back to the Intelligence Division. All leads referred to the Intelligence Division will be immediately assigned to the Intelligence Division, Criminal Intelligence Section for appropriate investigation.)
   b. Relating to vice, narcotics or organized auto theft – Vice Enforcement Coordinator or Auto Crime Unit, as appropriate. Additionally, a telephone notification will be made to the Detective Bureau Wheel twenty-four hours a day, seven days a week when immediate follow up investigation is necessary
   c. Organized crime as it relates to the private carting industry, City owned wholesale markets, and boats involved in offshore shipboard gambling emanating from New York City locations - Business Integrity Commission, via the Detective Bureau Wheel.
   d. Sexual exploitation of children information - Major Case Team, Vice Enforcement Coordinator. Additionally, a telephone notification will be made to the Detective Bureau Wheel twenty-four hours a day, seven days a week when immediate follow up investigation is necessary.
   e. Any information relative to the traditional organized crime families or Asian or Russian organized crime should be forwarded to the Organized Crime Investigation Division, Intelligence and Analysis Section, Monday through Friday between 0700 and 2200 hours
   f. Information concerning criminal gangs, gang related/motivated incidents, etc., comply with *P.G. 212-13, "Reporting Gang Related Criminal Activity"*
   g. Relating to suspected organized identity theft or organized theft rings operating within New York City – Financial Crimes Task Force
   h. Relating to suspected organized hate groups operating within New York City - Hate Crime Unit
   i. Relating to suspected bank robbery activities occurring within New York City - Joint Violent Crimes Task Force.

DESK OFFICER

9. Confirm receipt of faxed printout.
10. Forward printout to field intelligence officer.

FIELD INTELLIGENCE OFFICER

11. Review printout for accuracy and completeness.
    a. Interview reporting officer to ascertain additional, relevant information or to clarify or explain, as necessary
    b. Notify the Intelligence Division of any additional information.
12. Confer with commanding officer on a regular basis regarding information obtained and reported.
13. Meet and confer with the Commanding Officer, Criminal Intelligence Section on a regular basis.

COMMANDING OFFICER, CRIMINAL INTELLIGENCE SECTION

14. Conduct necessary review and follow up on reported information.
15. Confer with field intelligence officers frequently regarding on-going investigations, crime trends or patterns, significant crimes, etc.
    a. Notify field intelligence officers concerned when useful information is obtained regarding an ongoing investigation or crime pattern, etc., from a different NYPD command, another law-enforcement or confidential source, or as a result of analysis performed by the Intelligence Division.

NOTE *The Commanding Officer, Criminal Intelligence Section will meet on a regular basis with all field intelligence officers. In addition, the Commanding Officer, Criminal Intelligence Section will meet on a regular basis with other members of the Intelligence Division and query other sources within the NYPD and other agencies to identify trends, patterns or information relevant to ongoing investigations across the City and affecting other law-enforcement agencies and jurisdictions.*

16. Confer frequently with Commanding Officer, Intelligence Operations and Analysis Section regarding intelligence information relevant to area of assignment. Request detailed intelligence analysis as needed to support investigations conducted by operational units or to support enforcement strategies.
    a. Convey results of such analysis promptly to the appropriate operational command.

COMMANDING OFFICER, INTELLIGENCE OPERATIONS AND ANALYSIS SECTION

17. Ensure that all intelligence reports generated by this process are forwarded to field intelligence officers and the Commanding Officer, Criminal Intelligence Section concerned without delay.
18. Meet at regular intervals with field intelligence officers concerned to provide intelligence overview briefings and to review intelligence needs of operational field commands.

NOTE *The Commanding Officer, Intelligence Operations and Analysis Section will forward monthly reports to all commands concerned regarding the number of reports and type of intelligence received by the Intelligence Division pursuant to this procedure.*

COMMANDING OFFICER, INTELLIGENCE OPERATIONS AND ANALYSIS SECTION (continued)

19. Ensure timely reporting of useful intelligence to operational field commands under this procedure.
20. Ensure that all intelligence is filed chronologically within command and produced when necessary to aid an investigation or as otherwise required by law.

COMMANDING OFFICER, INTELLIGENCE DIVISION

21. Provide quarterly reports to the Chief of Department on the results of this procedure.

ADDITIONAL DATA

Members of the service who become aware of hidden compartments (traps) in specific vehicles, regardless of whether an arrest is effected, will comply with this procedure and report this information as criminal intelligence. In addition to any other information, the following data will be obtained and reported for entry into the Intelligence Database (I-Base):

a. Year, make and model of vehicle (e.g., 1998 Nissan Maxima)
b. Registration plate number
c. VIN number
d. Location of trap (e.g., passenger side airbag compartment, floorboard, etc.)
e. Property in trap (e.g., guns, drugs, empty, etc.)
f. How trap is activated, if known (e.g., defroster 'on', emergency brake 'on', cigarette lighter 'pushed in', cruise control 'on', driver's seatbelt in 'locked position')
g. Name/location of trap installer, if known (e.g., 'JJ's Car Audio Systems, 1313 Tremont Avenue, Bronx, N.Y.').

Nothing in this procedure alters the obligation of members of the service to report complaints of public morals, narcotics and organized crime related offenses to the Investigative Support Section, Real Time Crime Center (pursuant to P.G. 207-08, "Preliminary Investigation of Vice, Narcotics or Organized Crime Related Complaints").

Detectives assigned to the Intelligence Division are available twenty-four hours a day to assist investigators and arresting officers in debriefing prisoners with regard to developing intelligence information.

The Intelligence Division may be contacted twenty-four hours a day. The Intelligence Division's, Criminal Intelligence Section may also be contacted 24 hours a day for investigative case support by means of performing queries in various city, state, federal and commercial computer databases.

RELATED PROCEDURES

Preliminary Investigation of Vice, Narcotics or Organized Crime Related Complaints (P.G. 207-08)
Reporting Gang Related Criminal Activity (P.G. 212-13)

FORMS AND REPORTS

POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD378-111)

PURPOSE To establish and define the procedures required of uniformed members of the service for reporting gang-related/motivated criminal activity of suspected gangs or gang members.

DEFINITIONS For the purpose of this procedure, the term "gang" and "crew" are interchangeable and the same protocol will be followed for gang and/or crew members using the following definitions:

GANG - Any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more criminal acts (including drug dealing), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

GANG-MOTIVATED INCIDENT - Any gang-related incident that is done primarily:

a. To benefit or further the interests of the gang, or
b. As part of an initiation, membership rite, or act of allegiance to or support for a gang, or
c. As a result of a conflict or fight between gang members of the same or different gangs.

GANG-RELATED INCIDENT - Any incident of unlawful conduct by a gang member or suspected gang member. All gang-motivated incidents are, by definition, also gang-related incidents.

GANG-RELATED INTELLIGENCE - Information about a gang, suspected gang, an individual gang, or suspected gang member. This includes information about gang meetings, recruiting attempts by gangs, plans by persons affiliated with a gang to organize or take part in public events, "community" events (as defined by a gang), intelligence obtained from social media networks, as well as any information useful in developing profiles and intelligence about gang activities.

PROCEDURE Upon becoming aware of gang-related intelligence, learning of a possible gang-related or gang-motivated incident, or upon making an arrest of a suspected or identified gang member for any offense:

UNIFORMED MEMBER OF THE SERVICE

1. Take immediate action as necessary.
2. Notify the patrol supervisor.
3. Enter information in digital **Activity Log**, if appropriate.
4. Contact the Detective Borough Wheel concerned immediately, 24 hours/7 days a week.

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Provide all pertinent information to Detective Borough Wheel member accepting the report.

5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and/or **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, as necessary.

6. Enter the following information in digital **Activity Log** and/or **COMPLAINT REPORT WORKSHEET** and/or **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**, as necessary:
   a. Rank, name and tax number of Detective Borough Wheel member taking notification
   b. Detective Borough Wheel log number
   c. Indication if incident was possibly gang-related
      (1) Complete "Possibly Gang Related" caption on **COMPLAINT REPORT WORKSHEET**.

7. Be guided by direction given by Detective Borough Wheel member.
   a. If requested, and when feasible, remain at command until Borough Gang Squad investigators arrive.

DETECTIVE BOROUGH WHEEL MEMBER

8. Obtain as much information as possible from member of the service making notification, including detailed contact information for the member of service.

9. Notify supervisor in Borough Gang Squad concerned immediately.

BOROUGH GANG SQUAD SUPERVISOR

10. Review information received to determine whether immediate response to command of occurrence is necessary.

11. Contact member that made notification to Detective Borough Wheel.
   a. Determine if response of Borough Gang Squad personnel is appropriate.
   b. Advise member making notification to remain available, when feasible, if it appears additional information will be needed or if Borough Gang Squad personnel are responding to member's location.

BOROUGH GANG SQUAD MEMBER

12. Review information received and respond to command of occurrence, if directed by Borough Gang Squad supervisor.

13. Obtain, prior to responding:
   a. Any and all information on gang incidents or activity which may have previously occurred within subject area of command in question
   b. Results of name checks on gang members involved in subject incident
   c. Results of all queries in pertinent Gang databases
   d. Photographs of gang members involved.

14. Assist and provide all pertinent intelligence to arresting officer and detective assigned.

BOROUGH GANG SQUAD MEMBER (continued)

15. Prepare entry in the Enterprise Case Management System (ECMS) describing any intelligence gathered from the incident and attach photos of the subjects involved.
16. Notify Transit Bureau Wheel of all pertinent information, if appropriate.

BOROUGH GANG SQUAD SUPERVISOR/ MEMBER

17. Enter information in Borough Gang Squad database (ECMS).
18. Issue a Borough Gang Squad number if investigation reveals incident is gang-related or gang-motivated.
19. Enter all information obtained during debriefing, etc., into pertinent Borough Gang Squad databases (ECMS).

DESK OFFICER

20. Review and sign **COMPLAINT REPORT WORKSHEET** and **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**, as appropriate, ensuring notification to Detective Borough Wheel was made and log number was documented.

PRECINCT/ BUREAU DETECTIVE SQUAD MEMBER ASSIGNED

21. Keep the Borough Gang Squad informed of developments in the investigation, particularly those that may either support or disprove that the incident was gang/crew-related or gang/crew-motivated.
    a. Document all conferrals with Borough Gang Squad personnel in ECMS.
    b. Notify Borough Gang Squad when during the course of an investigation, an offense is determined to be gang-motivated or gang-related.

FIELD INTELLIGENCE OFFICER

22. Coordinate intelligence, identify gangs and maintain gang file, including the names of known members, locations, colors, rivals, etc.

COMMANDING OFFICER, BOROUGH GANG SQUAD

23. Determine if an incident is gang-related or gang-motivated within five days from date of occurrence, if possible.
24. Prepare and forward to Chief of Department each month the following:
    a. A statistical report summarizing all gang-related and gang-motivated incidents
    b. An analysis summarizing activity and trends concerning gangs.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*Uniformed members of the service should record all pertinent information regarding vehicles (i.e., plate, state, make, model, etc.) in the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**.*

All Detective Borough Wheels have a 24 hours, 7 days a week intake capability and may dispatch detectives to debrief gang members, victims and witnesses of gang-related or gang-motivated incidents.

ADDITIONAL DATA (continued)

The Borough Gang Squad will ensure that intelligence obtained regarding suspected gangs/crews or gang members is shared with Department units to further their investigations and reduce crime.

Intelligence information that is not gang-related/motivated must be reported to the Intelligence Division as described in P.G. 212-12, "Citywide Intelligence Reporting System."

DEPARTMENT POLICY

The Borough Gang Squads serve as the Department's central repository of intelligence on gangs.

Clerical members assigned to precincts, transit districts, police service areas, detective squads, etc., will immediately notify the desk officer when a walk-in complaint is received concerning a possible gang-related or gang-motivated incident and be guided by the supervisor's instructions including, but not limited to, ensuring that a detective interview is conducted regarding criminal activity and gang affiliation.

RELATED PROCEDURES

Citywide Intelligence Reporting System (P.G. 212-12)
Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities (P.G. 212-72)
On-Line Juvenile Report System (P.G. 215-08)

PURPOSE To report traffic conditions that need to be addressed by the New York City Police Department or other outside agencies (i.e., collision-prone locations, chronic traffic congestion-prone locations, double parking, requests for signs or signal lights, pavement markings, construction projects, etc.).

PROCEDURE Whenever a uniformed member of the service observes a traffic condition that is not immediately correctable and the need for further assistance is required, OR when a collision-prone location is identified by the Traffic Accident Management System (TAMS):

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **TRAFFIC INTELLIGENCE REPORT (PD178-150)** when a traffic condition is observed and is not immediately correctable by available resources.
2. Indicate on **TRAFFIC INTELLIGENCE REPORT**:
   a. Specific type of condition(s)
   b. Times
   c. Place(s) of occurrence
   d. Any corrective measures taken or recommended.

NOTE *Print clearly and fill in all captions that pertain to the condition. Use common language to describe the condition.*

3. Utilize reverse side of **TRAFFIC INTELLIGENCE REPORT** for:
   a. Detailed description
   b. Diagram(s), if applicable
   c. Additional comments.
4. Submit completed **TRAFFIC INTELLIGENCE REPORT** to the administrative quality of life officer, command of occurrence, before end of tour.

NOTE *If the condition was observed on a limited access highway, submit the completed* ***TRAFFIC INTELLIGENCE REPORT*** *to the highway unit concerned.*

ADMINISTRATIVE QUALITY OF LIFE OFFICER

5. Review **TRAFFIC INTELLIGENCE REPORT(S)** daily and indicate in the appropriate space on the report:
   a. Any corrective action taken
   b. Recommendations
6. Maintain a Precinct/Highway Unit Traffic Intelligence Report Log to record each **TRAFFIC INTELLIGENCE REPORT** submitted, captioned as follows:

Precinct Serial #	Date of Report	Location	Condition	Corrective Action Taken	Recommendation	Date

NOTE *__TRAFFIC INTELLIGENCE REPORTS__ concerning the same condition, at the same location, during the same week (Monday through Sunday) will be grouped together and given one precinct serial number. The administrative quality of life officer will forward only one __TRAFFIC INTELLIGENCE REPORT__ to the borough traffic safety coordinator, but will indicate how many other __REPORTS__ were received to report the same condition.*

WHEN A COLLISION-PRONE LOCATION HAS BEEN IDENTIFIED BY TAMS:

ADMINISTRATIVE QUALITY OF LIFE OFFICER

7. Conduct a survey of each collision-prone location to determine what specific factors contribute to a location's high collision rate.
8. Prepare **TRAFFIC INTELLIGENCE REPORT** as specified in step 2 above for each collision-prone location.
9. Confer with executive officer regarding conditions that can be corrected at the precinct level through use of available resources.
10. Establish liaison with outside agencies (NYC Department of Transportation, Parks Department, Department of Environmental Protection, Department of Buildings, etc.) to address conditions that cannot be corrected by precinct personnel.

NOTE *If the __TRAFFIC INTELLIGENCE REPORT__ concerns an engineering recommendation, a copy of the __REPORT__ will be forwarded to the Department of Transportation borough commissioner's office. A telephone notification will also be made and indicate the date, time, and person notified at the DOT borough office on the __TRAFFIC INTELLIGENCE REPORT__. Indicate the date __REPORT__ was forwarded to DOT in the precinct Traffic Intelligence Report Log.*

11. Forward copies of **TRAFFIC INTELLIGENCE REPORTS** to the borough traffic safety coordinator WEEKLY and indicate:
    a. Corrective actions taken and/or recommendations for further measures, if necessary.
    b. File copies of the **TRAFFIC INTELLIGENCE REPORT** for precinct/highway unit records.

NOTE *Conditions requiring immediate attention such as complaints of potholes, missing traffic signs, inoperable signal lights, etc., will NOT be forwarded to the borough traffic safety coordinator. Upon making an observation of a condition requiring immediate attention, corrective action must be initiated by the member of the service at the scene of the condition including a notification to the precinct telephone switchboard operator for entry on the __HIGHWAY CONDITION RECORD (PD311-151)__.*

OPERATIONS COORDINATOR

12. Ensure each Monday the **WEEKLY STREET CONDITIONS SURVEY (PD311-150)** is reviewed and appropriate agencies/members notified.

NOTE *Preparation of a __TRAFFIC INTELLIGENCE REPORT__ does not relieve precinct personnel from taking other corrective action to expedite the flow of vehicular traffic and ensure pedestrian safety.*

BOROUGH TRAFFIC SAFETY COORDINATOR

13. Maintain a borough Traffic Intelligence Report Log utilizing the same format as specified above but with an additional column for the borough serial number.
14. Confer with borough executive officer regarding conditions that can be corrected at the borough level through the use of borough resources.
15. Forward copies of the **TRAFFIC INTELLIGENCE REPORT** to the Traffic Management Center ONLY where precinct or borough personnel cannot correct condition(s) and the condition(s) is not reportable on the **WEEKLY STREET CONDITIONS SURVEY** or **HIGHWAY CONDITION RECORD**.

TRAFFIC MANAGEMENT CENTER TRAFFIC SAFETY OFFICER

16. Review and analyze **TRAFFIC INTELLIGENCE REPORTS** and:
    a. Assist precinct or patrol borough in correcting condition(s).
    b. Confer with outside agencies, if applicable.
    c. Report findings to the commanding officer.

ADDITIONAL DATA

*A **TRAFFIC INTELLIGENCE REPORT** will be prepared for all incidents involving a construction site (refer to P.G. 214-16,"Construction Sites"). Include all permit numbers, indicate if a check of the New York City Department of Transportation's Management Oriented Street Attributes Information Control System (MOSAICS) computer was made and indicate the results, including any enforcement action taken. A computer check can be made twenty-four (24) hours a day through the Traffic Management Center by telephone.*

A liaison with city, state, and federal agencies must be established at the borough and precinct level to ensure a coordinated effort to correct conditions which are considered outside the Department's purview. The borough traffic safety coordinator will be responsible for maintaining a current list of liaisons with such outside agencies.

PATROL GUIDE

Section: Command Operations		Procedure No: 212-16	
EVACUATIONS OF NEW YORK CITY TRANSIT TRAINS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide procedures for the evacuation of trains.

DEFINITIONS REACH TRAIN - A train brought in front of or behind a stalled train, to which passengers transfer by walking through the stalled train.

RESCUE TRAIN - A train brought alongside a stalled train, to which passengers can cross by using emergency evacuation devices.

EMERGENCY EVACUATION DEVICES - located at the south end of the southbound platform near the first emergency telephone blue light for underground stations and near the twenty-four hour token booth on elevated stations. One side of the device can be used as a ramp and the other as a ladder.

PROCEDURE Upon receiving information that a train is to be evacuated or a discharge of passengers is ordered:

EMERGENCY SITUATIONS

UNIFORMED MEMBER OF THE SERVICE

1. Immediately notify the patrol supervisor/duty captain through the radio dispatcher and report who on the scene ordered the evacuation and reason.
2. Comply with instructions of duty captain regarding evacuation, including whether to evacuate passengers to a reach train, to a rescue train, or otherwise.
3. Advise passengers of the reason for the evacuation.
4. Coordinate and cooperate with New York City Transit personnel on scene.
5. Avoid unnecessary forceful confrontations with passengers.
6. Evacuate passengers as directed by patrol supervisor or duty captain.
   a. If a reach train is used, direct passengers to walk through train towards the first or last car, as appropriate.
   b. If a rescue train is used, assist passengers to cross gap between trains over emergency evacuation devices.
   c. If no reach or rescue train is used, direct passengers onto benchwall via emergency evacuation devices and lead to nearest station, or if this is not practical, to the nearest emergency exit.

NOTE *If passengers are to be evacuated to the benchwall or roadbed, ensure that power is removed prior to evacuation. Power is not removed if passengers are evacuated to a rescue train or a reach train.*

7. Evacuate passengers onto the tracks via emergency evacuation devices and lead to the nearest station or emergency exit as conditions warrant, if no other means are available.

NOTE *In the event that some passengers are non-ambulatory, emergency equipment shall be used.*

PATROL SUPERVISOR

8. Establish command post.
9. Keep radio dispatcher and duty captain informed of conditions and need for additional personnel.

DUTY CAPTAIN

10. Immediately contact the New York City Transit, Rapid Transit Operations Command Center via radio and inform them of the condition.
    a. Consult with Rapid Transit Operations Command Center to determine if either a reach train or rescue train will be used, or if passengers should be evacuated via benchwall or roadbed.
11. Maintain constant communication with Rapid Transit Operations Command Center and personnel at the scene.
12. Direct sufficient personnel and supervision to the scene and make appropriate notifications as required.

NON-EMERGENCY SITUATIONS

UNIFORMED MEMBER OF THE SERVICE

13. Coordinate activities with New York City Transit personnel on scene.
14. Use tact and courtesy and avoid unnecessary forceful confrontations with passengers remaining on the troubled train.
15. Advise passengers who are reluctant or refuse to evacuate that they will be taken to an alternate location when possible.
16. Notify the duty captain of the movement and arrival at the alternate location, when assigned to ride the affected train with passengers aboard.

PATROL SUPERVISOR

17. Make appropriate assignments of personnel in accordance with the number of passengers who choose to continue on the train.

DUTY CAPTAIN

18. Communicate with Rapid Transit Operations Command Center and field personnel on scene to ensure the assignment of sufficient personnel to effect the safe movement and discharge of passengers at the alternate terminus.

ADDITIONAL DATA *For both emergency and non-emergency situations, the duty captain or ranking member in charge will ensure that a report on* ***Typed Letterhead*** *is prepared describing the circumstances of the incident and any action(s) taken. The report is to be forwarded to the Chief, Transit Bureau.*

FORMS AND REPORTS ***Typed Letterhead***

Section: Command Operations		Procedure No: 212-17	
PROCEDURES AT SCENES OF CRITICAL SITUATIONS ON NEW YORK CITY TRANSIT			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide procedures to be followed at the scene of certain incidents.

PROCEDURE The following procedures will be followed in cases of fires, floods, collisions, derailments, persons under trains and other major disruptions of service:

UNIFORMED MEMBER OF THE SERVICE

1. Remove power from affected area, when necessary.
2. Post a responsible person in the street near the scene to direct responding emergency units and equipment.
3. If necessary, evacuate or remove persons from trains and/or stations.
4. DO NOT permit the removal of a sick or injured member of the Fire Department without consent of the fire officer in charge.
5. Remove person(s) from under trains except when person is deceased and possibly the victim of a crime, when possible.
6. Administer necessary first aid to victim(s).
7. Exclude unauthorized person(s) from the area.
8. Establish police/fire lines.
9. Establish a command post.
10. Obtain the names, addresses and telephone numbers of all witness(es), and their employer's names, business addresses and telephone numbers.
    a. Record this information in digital **Activity Log** together with any statement made by such witness(es).
11. Report full details to the duty captain or incident commander, unless a supervisor designates another member to report details, when assigned to post on which the incident occurred.
    a. Include the following information, where applicable:
        (1) Train operator's name, address, telephone number, pass number, run number and regular days off
        (2) Statement of train operator
        (3) Conductor-in-charge's name, address, telephone number, pass number, run number and regular days off
        (4) Statement of conductor-in-charge
        (5) Line
        (6) Northbound or southbound, express or local
        (7) Lead motor car number
        (8) Departure time
        (9) Point of departure
        (10) Terminus
        (11) Car numbers
        (12) Car(s) involved
        (13) Police Emergency Service Unit truck number
        (14) Detective handling the investigation
        (15) Power ordered off - by whom, time
        (16) Power ordered restored - by whom, time

DUTY CAPTAIN/ INCIDENT COMMANDER

12. Prepare a report on **Typed Letterhead**, describing circumstances of incident and any action(s) taken.
    a. Forward report to Chief, Transit Bureau.

ADDITIONAL DATA

All uniformed members of the service, especially those assigned to subway patrol duty, should be cognizant of the New York City Transit (NYCT) procedure for train crews to signal for police assistance.

The train operator and/or conductor may utilize a train horn or whistle to request police assistance, as follows:

LONG SOUND immediately followed by a SHORT SOUND, and then another LONG SOUND immediately followed by a SHORT SOUND.

Members of the service, upon hearing the above sound signals, shall, in a tactically safe manner, immediately respond to the nearest member of the train crew (either the conductor or train operator), to investigate the police condition.

Members of the service are reminded that personal safety is of paramount importance and they always must exercise sound tactics and good judgement whenever they respond to a train signaling for police assistance.

*As always, all police action will be recorded in the member's digital **Activity Log** including any reports prepared and/or notifications made.*

FORMS AND REPORTS

Typed Letterhead

NYPD

PURPOSE To provide procedures for uniformed members of the service coming into contact with dogs or other animals on the New York City Transit system or aboard New York City Transit buses.

SCOPE Section 1050.9(h)(1), New York Code Rules and Regulations - "No person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers."

The following are exemptions to this section of law:

a. NYPD Canine Team dogs or other working dogs for law enforcement agencies
b. Seeing eye dogs or other service animals that are harnessed and trained to assist persons who are visually impaired
c. Hearing guide dogs or other service animals trained to assist a person with a hearing impairment
d. Support dogs or other service animals that are trained to assist a person with a physical impairment
e. Animals used to assist persons with disabilities that are not readily apparent, including epilepsy, heart disease, lung disease, and other medical conditions
f. Animals which are being trained as service animals and are accompanying persons with disabilities
g. Service animals undergoing training by professional trainers possessing the necessary identification such as:
   (1) Training school identification OR
   (2) Letter from the training school OR
   (3) A training school collar tag.

NOTE *An individual with a disability who is accompanied by a service animal cannot be required to submit proof of disability or any form of documentation, or to demonstrate or otherwise prove that the animal is a service animal. An officer who is uncertain as to whether the animal is a service animal may inquire regarding whether such animal is providing assistance because of a disability.*

Animals whose behavior poses a direct threat to the health or safety of others, or whose presence creates an undue risk to the general public, may be excluded.

Dogs are the most common service animals, but other animals may be utilized as service animals, provided they perform specific functions and tasks pertaining to an individual's disability. However, it should be noted that many service animals are not identified by special or colored collars or harnesses, nor is the owner required to present a license or other identification for the animal. Service animals must be harnessed or leashed (and otherwise within control of the handler).

For further guidance on whether an animal qualifies as a service animal under the disabilities' laws, contact the Legal Bureau.

PROCEDURE Whenever a dog or other animal is observed on the system or the handler is NOT exempted as specified above:

UNIFORMED MEMBER OF THE SERVICE

1. Eject from the transit system any person or persons violating Section 1050.9(h), New York Code of Rules and Regulations for the use of the New York City Transit System.
   a. Issue a Criminal Court summons or Transit Adjudication Bureau (TAB) - Notice of Violation, if necessary.
2. Comply with the following, if coming upon a stray animal, excluding dogs, on the transit system:
   a. Notify the Communications Section, including:
      (1) Type of animal
      (2) Direction of flight
      (3) Assistance needed.
   b. Restrain animal in a safe place.
   c. Remain with animal until arrival of the Animal Care and Control of New York City (A.C. & C.).
3. Comply with the following, if coming upon a stray dog on the transit system:
   a. Notify radio dispatcher, including the direction of flight and assistance needed.
   b. Restrain animal in a safe place.
   c. Remain with animal until arrival of the Animal Care and Control of New York City.
   d. DO NOT chase after a dog while attempting to secure it because this may cause it to run away from the perceived threat.
   e. Request Emergency Service Unit to restrain a dog if it is causing a safety hazard and must be restrained.

NOTE *If a restraining pole is necessary, it should not be held out in front of the dog, waved or presented as a weapon, as this will threaten the dog and cause it to run away. If a dog is dangerous, the use of a tranquilizer gun may be required.*

   f. Request a patrol supervisor and Emergency Service Unit, if a dog is on the roadbed.
      (1) DO NOT enter roadbed to retrieve the dog without the permission of the patrol supervisor.
   g. Notify radio dispatcher, if a dog enters a tunnel, of the station the dog is heading towards.
      (1) Patrol supervisor shall confer with Emergency Service Unit member concerned to determine the need to turn off power.
4. Notify radio dispatcher, if coming upon a dead animal.

COMMUNICATIONS SECTION

5. Notify the Animal Care and Control of New York City (A.C. & C.) in cases of stray or injured animals. In emergency situations between 2000 hours and 0800 hours weekdays, and twenty four hours a day on weekends and holidays contact the Operations Division.

NOTE

Operations Division personnel will then notify the A.C. & C. member who is on-call for emergencies who will respond and/or provide instructions.

6. Notify New York City Transit Maintenance-of-Way Department in cases where a dead animal is on the roadbed.
7. Notify New York City Transit Station Department to remove dead animal from the station to the street.
8. Notify the Department of Sanitation of street location where dead animal is to be removed.
9. Ensure that Emergency Service Unit vehicle equipped with a restraining device and tranquilizer gun is dispatched when it has been requested, and animal poses a safety hazard.

RELATED PROCEDURES

Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)
Care and Disposition of Animals (P.G. 214-33)

NYPD

PURPOSE To provide procedures for uniformed members of the service having occasion to eject a passenger from New York City Transit property.

SCOPE Any person who violates any portion of NYCRR Part 1050, regardless of whether or not that person has also been issued a Transit Adjudication Bureau/Notice of Violation (TAB summons) or a Criminal Court Summons for that violation, is subject to ejection from New York City Transit facilities. Issuance of a Notice of Violation does not preclude a uniformed member of the service from ejecting a passenger from the transit system, if the member concerned deems it appropriate.

PROCEDURE When necessary to eject a passenger:

UNIFORMED MEMBER OF THE SERVICE

1. Advise passenger of ejection and reason.
2. Permit passenger, who voluntarily leaves the property or shows a willingness to do so, to leave without interference.
3. Use no more force than is necessary to effect the ejection, if passenger refuses to leave.
   a. Generally, grasping the upper arm and forearm to escort the person off the system is considered using reasonable force necessary to effect the ejection.

NOTE *If the passenger's conduct is such that it requires more force than is ordinarily needed to assist and guide the passenger out of the transit system, an arrest may be appropriate.*

4. Make digital **Activity Log** entries and prepare a **TRANSIT SYSTEM EJECTION REPORT** using Finest Online Records Management System (FORMS) each time an ejection is effected.
   a. Submit completed **TRANSIT SYSTEM EJECTION REPORT** prior to completion of tour.
   b. Use radio code disposition "10-93E" to finalize assignment anytime an individual is ejected from the NYC Transit System.

TRANSIT DISTRICT SUPERVISOR

5. Review **TRANSIT SYSTEM EJECTION REPORT** using FORMS and ensure that all required captions are complete and accurate.
   a. If unable to verify accuracy and completeness, return to submitting uniformed member of the service for necessary attention.
   b. Approve **TRANSIT SYSTEM EJECTION REPORT** using FORMS, after verifying accuracy and completeness.

PATROL GUIDE

Section: Command Operations		Procedure No: 212-21
PHOTOGRAPHY ON THE NEW YORK CITY TRANSIT SYSTEM		
DATE EFFECTIVE: 02/09/22	LAST REVISION: I.O. 12	PAGE: 1 of 1

PURPOSE To provide procedures for uniformed members of the service observing photography on the transit system.

SCOPE Photography, filming, or video-recording in any New York City Transit facility or conveyance is permitted except that ancillary equipment such as lights, reflectors or tripods may not be used. Members of the press holding valid identification issued by the Mayor's Office of Media and Entertainment are authorized to use necessary ancillary equipment.

PROCEDURE When a uniformed member of the service observes persons engaged in photography on the transit system:

UNIFORMED MEMBER OF THE SERVICE

1. Take no police action if person engaged in photography is using a camera alone, without any additional equipment such as lights, tripods, or reflectors, and if such photographic activity is creating no hazard to public safety or to the efficient operation of the transit system.
2. Ascertain whether or not person has valid press identification issued by the Mayor's Office of Media and Entertainment, if person engaged in photography is using additional equipment such as lights, tripods, or reflectors.

NOTE *If a person using additional photographic equipment does not have valid press identification, or if any person engaging in photographic activity is creating a hazard to public safety or to the efficient operation of the transit system:*

a. Warn person that he/she is in violation of the New York City Transit Rules:
(1) Direct person to cease.

b. Issue TAB/NOV or Criminal Court summons, eject from system, or arrest, as appropriate, if person does not desist from photography that violates New York City Transit Rules.

Section: Command Operations		Procedure No: 212-22	
MALFUNCTION OF TRANSIT BUREAU RADIO NETWORK			
DATE ISSUED: 01/13/21	DATE EFFECTIVE: 01/13/21	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide procedures for communication when there is a malfunction of the Transit Bureau radio network.

PROCEDURE When the Transit Bureau radio network malfunctions and/or there is an interruption in service:

COMMUNICATIONS DIVISION DISPATCHERS AND/OR SUPERVISORS

1. Notify immediately, via intercom or telephone:
   a. On-staff radio technicians and direct them to identify, evaluate and correct the problem
   b. Affected transit districts
   c. Transit Bureau Operations Unit
   d. Operations Unit.
2. Notify immediately, via division citywide frequencies:
   a. Patrol Services Bureau
   b. Precincts located within and adjacent to the geographic area affected by the Transit Bureau radio network malfunction.
3. Re-route Transit Bureau calls for service to Patrol Services Bureau.
   a. Precinct personnel will be assigned transit calls for service.
   b. Dispatch another unit to the location if call for service is not finalized in thirty minutes.
4. Prioritize 911 calls from uniformed members of the service in the field.
5. Conduct a radio check of various units in strategic areas within the affected area at thirty minute intervals, until condition is corrected.
6. Notify Operations Unit, Transit Bureau Operations and district desk officer when the condition is corrected.

OPERATIONS UNIT

7. Notify executive staff and duty chief.
8. Notify patrol boroughs concerned and direct that patrol personnel be assigned to conduct foot patrol within subway stations and/or on platforms of elevated lines in the affected area.
   a. Direct Patrol Services Bureau officers to notify Transit Bureau officers to contact their command for instructions/reassignment.
   b. Place the Strategic Response Group concerned on "Alert" for use within Transit, if required.
9. Generate FINEST message alerting districts and Patrol Services Bureau of outage.

TRANSIT BUREAU OPERATIONS

10. Notify the Chief of Transit Bureau, all Transit Bureau borough commanders, New York City Transit Rail Control Center, and all Transit Bureau High Alert Captains immediately.
11. Notify Transit Bureau Special Operations Division to have their units contact their commands for instructions/reassignments.

TRANSIT BOROUGH COMMANDS

12. Ensure all districts/commands in the affected and adjacent areas are notified.
13. Notify Electronics Section and request adequate number of UHF division radios to be picked up by transit borough commands for distribution to affected district commands.
14. Assign a captain or above as the incident commander for that borough to monitor police operations and initiate a systematic signal system requiring MOS to telephone their command at periodic intervals and to locate a telephone on post capable of receiving and sending telephone calls for the dispatch of emergency messages from the district command.

NOTE

Most times, New York City Transit system telephones, located at every token booth and at various yellow telephone boxes throughout the subway are capable of receiving incoming and outgoing telephone service.

TRANSIT DISTRICT DESK OFFICER

15. Ensure that all uniformed members of the service are accounted for, notified to make hourly signals, and directed to conduct all police business via telephone.
16. Assign uniformed members of the service a UHF radio and to paired patrols until such time as the malfunction is corrected.
17. Suspend assignments in civilian clothes.

UNIFORMED MEMBER OF THE SERVICE

18. Make hourly signals to district/command.
19. Keep radio in the "ON" position in the event that radio repairs are made.
20. Attempt to contact the radio dispatcher utilizing the Transit Bureau VHF radio every half hour until condition is corrected.
21. Notify radio dispatcher and the district desk officer, when condition is corrected.
22. Return UHF radio to transit district desk officer at the end of tour.

ADDITIONAL DATA

Sergeants assigned to the New York City Transit Rail Control Center will liaison with the Communications Division, Operations Unit, Transit Bureau Operations, and Transit boroughs during the malfunction of the Transit Bureau radio network. Sergeants assigned to the Rail Control Center will relay NYCT Department of Subways radio transmissions of interest to the Transit Bureau Wheel via landline. In addition, a request will be made to the Rail Control Center to have train operators remain alert when entering subway stations to stop the train and inform uniformed members of the service that there is a police radio malfunction in the area and request the member to "call his/her command."

Uniformed members of the service should remain cognizant of the fact that New York City Police Department radios, other than those normally assigned to the Transit Bureau, will not work underground (except for those few Manhattan stations equipped with underground repeaters).

PATROL GUIDE

Section: Command Operations		Procedure No: 212-23	
INSPECTION OF RAPID TRANSIT STATIONS ON POST			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To inspect rapid transit stations (New York City Transit, Port Authority Trans-Hudson [PATH], or Staten Island Rapid Transit [SIRT]) located within a member's assigned post or sector.

PROCEDURE When a member's assigned post or sector includes a rapid transit station:

NOTE *All uniformed members of the service will notify the Communications Section radio dispatcher prior to entering the transit system utilizing the following radio code signals depending on the nature of their assignment:*

a. 10-75T – Transit Patrol/Inspection – By Non-Transit Bureau Personnel
b. 10-75S – Station Inspection – By Transit Bureau Personnel
c. 10-75O – Train Order Maintenance Sweep (TOMS)
d. 10-75M – Train Run/Mobile Order Maintenance Sweep.

UNIFORMED MEMBER OF THE SERVICE

1. Confer with railroad clerk, at each station, as to conditions requiring police attention.
2. Inspect concessions, toilets, stairways, mezzanines, platforms and <u>all</u> token booths whether open or closed, for conditions requiring police attention.

NOTE *Before entering a toilet used by a person of the opposite sex, member concerned will knock on the door and announce loudly "Police Inspection." If persons of the opposite sex are within, member <u>WILL NOT</u> enter until their departure, <u>UNLESS</u> informed of criminal activity therein.*

3. Visit each station on post at least once, and as often as practicable, unless otherwise directed.
4. Make digital **Activity Log** entries concerning conditions reported by railroad clerk and results of inspections.
5. Know hours of operation for concessions in the station.
6. Investigate suspicious conditions in the station.
7. Report any accident/crime prone condition, unsanitary condition, or fire hazard.
8. Prevent persons unable to care for themselves from entering the system.
   a. Ensure that necessary assistance is provided to such persons.

RADIO MOTOR PATROL RECORDER

9. Inspect each uncovered station and post in patrol sector.
10. Make digital **Activity Log** entries of results of such inspections.
11. Notify district desk officer of any uncovered station in sector not inspected and reason.

DISTRICT DESK OFFICER

12. Ensure on first platoon that any post not inspected during the previous twenty-four hours is inspected, as soon as possible.

ADDITIONAL DATA *Members performing Transit Bureau assignments shall proceed immediately after roll call to the nearest station of assigned post, unless otherwise directed by competent authority.*

Section: Command Operations		Procedure No: 212-24	
REMOVAL OF POWER IN SUBWAY			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To establish guidelines to be adhered to when requesting the removal of power in the subway.

SCOPE Removal of power in the subway can be extremely hazardous, dangerous and disruptive to police personnel, passengers and New York City Transit employees and should only be requested in extreme emergencies involving life-threatening situations.

PROCEDURE When it becomes necessary to request the removal of power in the subway:

UNIFORMED MEMBER OF THE SERVICE, FIRST ON THE SCENE

1. DO NOT enter the track area, except in extreme emergencies.
2. Notify the radio dispatcher in the usual manner.
3. Provide complete details including, if applicable:
   a. Full description of the condition or suspect(s)
   b. Crime committed
   c. Type of weapon
   d. Direction of flight, etc.
4. Request response of the Patrol Services Bureau and Transit Bureau patrol supervisors, and additional units necessary to secure the platform area and points of entry to the tunnel.
5. Notify required units, e.g., Emergency Service Units, detective squad, Crime Scene Unit, etc., as necessary.

NOTE *Prompt notification and timely response of specialized units will minimize the duration of the power removal and subsequent disruption.*

PATROL SUPERVISOR

6. Make determination whether a search or other police action will be conducted in the tunnel.
7. Determine the manner in which a police operation is conducted, including the necessity for removal of power.

NOTE *Before requesting the removal of power, consider the wide scale ramifications of this action. Some of the factors to be considered, but not limited to, are:*
a. The time of day (rush hour/non-rush hour)
b. Weather conditions (extreme heat)
c. Type of station (elevated or below ground)
d. Location of trains
e. Extent of injuries in aided cases
f. Risk to the riding public, if a crime is involved.

8. Notify the Operations Unit of the time of the request for the removal of power.
   a. Notify the Operations Unit when power is restored.
9. Notify and request the response of the district commander/duty captain.

DISTRICT COMMANDER/ DUTY CAPTAIN

10. Respond to the scene and supervise police operations.
11. Ensure that proper notifications have been made to the Operations Unit.

NOTE *The ranking officer supervising police operations will make maximum utilization of the experience and expertise of New York City Transit personnel at the scene.*

MEMBER CONCERNED, OPERATIONS UNIT

12. Notify the Police Commissioner's Office, the Office of Chief of Department, and the Transit Bureau Wheel of any removal of power within the transit system which occurs as a result of police action.
    a. A second notification will be made upon restoration of power.

NOTE *Uniformed members of the service will not personally shut off power, unless there is a grave risk of IMMINENT danger to the officers concerned or to others and NO OTHER safe alternative is available.*

WHEN IT IS NECESSARY TO IMMEDIATELY REMOVE POWER FROM TRACK AREA DUE TO IMMINENT DANGER:

UNIFORMED MEMBER OF THE SERVICE CONCERNED

13. Open emergency alarm box and pull lever down as far as it will go and release the lever (located in subway tunnels, spaced about 400 to 600 feet apart, beneath the blue light).
    a. Power on all tracks in the vicinity will be immediately turned off.
14. Use the telephone (located at the alarm box), immediately after removing power, to notify the Rapid Transit Operations Command Center Desk Superintendent of the situation.

NOTE *New York City Transit will automatically RESTORE THE POWER if notification is not made immediately.*

15. Notify the radio dispatcher via radio, if telephone notification cannot be made, and request that immediate notification be made to the Desk Superintendent concerned.

NOTE *The train operator or conductor's New York City Transit radio can be used by police personnel for conducting direct communications with the Rapid Transit Operations Command Center.*

The removal of power may be avoided, in many instances, by obtaining the cooperation of train motormen and riding in the lead cars of trains, in both directions, through the affected area to search for fleeing suspects.

PATROL SUPERVISOR/ RANKING OFFICER IN CHARGE

16. Confer with a New York City Transit supervisor on the scene, after ensuring that all personnel are off the tracks, as to whether power can be restored immediately after the condition, which required the removal of power, has been corrected.

ADDITIONAL DATA

Members of the service are reminded that the NYC Transit has the capability of limiting the removal of power to the actual tracks involved in the critical incident. Turning off the power directly from the emergency alarm boxes will remove the power in both directions and on all tracks for several stations. This can cause a major tie-up on the subway system thereby creating other hazards. Therefore, when possible, all requests for the removal or restoration of third rail power will be made directly to the Rapid Transit Operations Command Center Desk Superintendent. This request can be made via the motorman's radio, Rapid Transit Operations Radio or if no other alternative exists by the radio dispatcher in the usual manner. In all cases, an immediate follow-up notification will be made to the Communications Section.

In cases where a dead human body is found under circumstances indicating an apparent homicide or is otherwise suspicious, the investigating officer from the Crime Scene Unit will photograph and mark the position of the body (head, leg, arm, etc.) and any other items of evidence that must be removed to avoid destruction by passing train traffic. The body will then be removed to an area of safety for further examination so that the power and service can be restored.

If a suspicious death/homicide occurs on a train, the body should remain undisturbed. The car or cars involved shall be secured, and a uniformed member of the service shall be assigned to accompany the car involved as it is removed to the train yard or other place where the investigation will be completed. If the member so assigned is anyone other than the investigating officer, that member shall remain with the removed car until the investigating officer's arrival. Prior to moving the car, the investigating officer will mark its position and note the order and serial numbers of all cars in the make-up of the train. If necessary, investigators may return to the scene to conduct a search for additional evidence.

When a body is found in the track bed and is obstructing passenger train traffic, it will suffice to have the responding detectives photograph the body in place from several angles prior to its removal.

RELATED PROCEDURE

Searches for Armed/Dangerous Persons on New York City Transit Tracks (P.G. 212-18)

PURPOSE To ensure that New York City Housing Authority facilities are being properly inspected and to suppress criminal activities therein.

DEFINITION N.Y.C. HOUSING AUTHORITY FACILITY - Includes, but is not limited to, community centers, child care centers, maintenance shops and areas, storerooms, health centers, senior citizen centers, tenant recreation rooms, management offices, laundry and boiler rooms, etc.

PROCEDURE Uniformed members of the service shall comply with the following guidelines relative to inspecting N.Y.C. Housing Authority (NYCHA) facilities:

UNIFORMED MEMBER OF THE SERVICE

1. Be responsible for the suppression or rapid discovery of burglaries or related crimes on assigned post.
2. Check each NYCHA facility on assigned post during the first and last hour of each tour of duty, if possible.
   a. Make appropriate digital **Activity Log** entries.
3. Frequently inspect security of NYCHA facilities on assigned post during tour of duty.
   a. Make appropriate digital **Activity Log** entries of all facility inspections.
4. Comply with any additional instructions given by supervisory officers relative to facility security measures.
   a. Give special attention to those facilities accorded "Post Condition" status.

NOTE *Members of the service assigned to a high priority incident will not be required to conduct security checks as stated above.*

5. Request the response of a patrol supervisor upon discovery of a burglary or related crime committed within a NYCHA facility.

PATROL SUPERVISOR

6. Inspect assigned member's digital **Activity Log** during tour to ensure that NYCHA facilities have been inspected.

UPON NOTIFICATION OF A BURGLARY OR RELATED CRIME WITHIN A NYCHA FACILITY:

PATROL SUPERVISOR

7. Respond to scene and supervise investigation.
8. Interview members of the service at location.
9. Ascertain that location has been secured.
10. Take other appropriate action as deemed necessary.
11. Ensure that all required reports (i.e., **COMPLAINT REPORT [PD313-152]**) are prepared in connection with the incident.

NOTE *Whenever an arrest is made of a perpetrator for the burglary of a NYCHA facility, the patrol supervisor will evaluate the circumstances, and when warranted, will recommend the arresting officer(s) for Departmental Recognition.*

PSA COMMANDING OFFICER

12. Coordinate police and N.Y.C. Housing Authority management efforts to suppress crime.
13. Solicit recommendations from assigned members on methods to deter crimes in facilities.
14. Prepare a written directive to assigned members, indicating any additional instructions concerning the frequency and manner of inspection that may be required on their posts.
15. Maintain liaison with executive members of the N.Y.C. Housing Authority to ensure coordination of efforts.

COMMANDING OFFICER, HOUSING BOROUGH

16. Coordinate and direct special units of the housing borough for maximum effectiveness in suppressing facility burglaries and related criminal activity.
17. Apprise the Chief of Housing Bureau of conditions within NYCHA facilities, when necessary.

ADDITIONAL DATA

PSA commanding officers will work closely with Housing Authority managers concerning ongoing construction initiatives and the temporary storage of materials and equipment on Housing Authority property. Housing Authority managers will provide PSA commanding officers with a list of development addresses where materials and equipment will be stored while the development is undergoing construction and/or improvement(s). Based in this information, PSA commanding officers will ensure that all on-site storage locations are temporarily designated as NYCHA facilities, and inspected in conformance with this procedure.

The PSA community affairs officer will survey the physical layout of each NYCHA facility within the command, and will recommend, to the development manager concerned, measures concerning:

a. The proper locking/securing of facilities
b. Appropriate lighting for surroundings
c. Securing valuable items
d. Acquiring additional security devices that may deter crime, etc.

The PSA crime analysis officer will evaluate statistical data of incidents to identify specific times, locations and other patterns of crime. This information will be made available to the PSA commanding officer, on a continual basis.

FORMS AND REPORTS ***COMPLAINT REPORT (PD313-152)***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-28

DISABLED HOUSING AUTHORITY ELEVATOR CAR WITH PASSENGERS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
04/13/21	04/13/21		1 of 1

PURPOSE To ensure the prompt and safe removal of passengers from disabled elevator cars in Housing Authority buildings.

PROCEDURE Upon arriving at the scene of a disabled elevator car with passengers:

UNIFORMED MEMBER OF THE SERVICE

1. Notify radio dispatcher and request response of:
   a. Housing Authority Emergency Service personnel, via the PSA telephone switchboard operator, police service area of occurrence.
   b. N.Y.P.D. Emergency Service Unit and ambulance, if situation requires the immediate removal of passengers in cases involving, but not limited to:
      (1) Cardiac condition
      (2) Seriously ill passenger, etc.

NOTE *If a delay in the response of Housing Authority Emergency Service personnel is expected, a request for N.Y.P.D. Emergency Service Unit personnel will be made even in situations deemed to be of a non-emergency nature.*

2. Remain at the location of a disabled elevator car with passengers and provide necessary assistance until:
   a. Properly relieved by other police personnel
   b. Condition is corrected and elevator car door, as well as the outer car door, is properly secured.

NOTE *Members of the service shall NOT attempt to remove passengers from a disabled elevator car without the assistance of Housing Authority and/or N.Y.P.D. Emergency Service Unit personnel who are trained in the removal of passengers from disabled elevators.*

3. Notify radio dispatcher when condition is corrected.
4. Prepare **FIELD REPORT** and **AIDED REPORT**, if necessary, using the Finest Online Records Management System (FORMS), upon completion of assignment.
   a. Include names and addresses of passengers, and names and shield numbers of Emergency Service personnel.
      (1) A legible handwritten copy must be completed if a uniformed member of the service does not have the ability to complete a **FIELD REPORT** electronically.

ADDITIONAL DATA *If the incident may involve the Housing Authority in a civil action, members shall notify the PSA desk officer and report all pertinent details in accordance with P.G. 217-11, "Accidents – New York City Housing Authority Involved."*

RELATED PROCEDURE *Accidents – New York City Housing Authority Involved (P.G. 217-11)*

FORMS AND REPORTS ***AIDED REPORT***
FIELD REPORT (PD313-1511)

PATROL GUIDE

Section: Command Operations		Procedure No: 212-32
OFF DUTY INCIDENTS INVOLVING UNIFORMED MEMBERS OF THE SERVICE		
DATE EFFECTIVE: 09/20/22	LAST REVISION: I.O. 98	PAGE: 1 of 1

PURPOSE To facilitate the preliminary investigation of off duty incidents involving uniformed members of the service.

PROCEDURE When an off duty uniformed member of the service is at an unusual police occurrence to which the uniformed member of the service is either a participant or a witness:

UNIFORMED MEMBER OF THE SERVICE

1. Remain at the scene of incident when feasible and consistent with personal safety.
2. Request response of patrol supervisor, precinct of occurrence.

NOTE *For purposes of this procedure an unusual police occurrence shall include family disputes and other incidents of domestic violence in which the officer is either a participant or a witness. When remaining at the scene is inappropriate, the uniformed member of the service concerned may leave the scene; however, said member must promptly notify the desk officer, precinct of occurrence, and be guided by the desk officer's instructions. If incident occurs outside of the City the uniformed member of the service concerned will promptly notify the Operations Unit. The Operations Unit will notify the appropriate patrol borough responsible for conducting investigations in the residence county, or the appropriate authority if outside residence counties.*

PATROL SUPERVISOR

3. Respond to scene and assess situation.
4. Notify desk officer of available details.

DESK OFFICER

5. Notify precinct commander/duty captain.
6. Notify the Internal Affairs Bureau Command Center ([redacted]) with all available details.

COMMANDING OFFICER/ COUNTERPART

7. Conduct investigation and take appropriate action.

NOTE *Any investigation of a police incident or unusual occurrence, including domestic violence and family disputes, which involve an off duty uniformed member of the service as a participant or witness will benefit from that uniformed member's presence.*

ADDITIONAL DATA *When the Internal Affairs Bureau, Command Center, is notified that an off duty uniformed member of the service has suffered a non-fatal bullet wound from a firearms discharge and they did not discharge a firearm and the injured member is not the subject of any allegation of misconduct, the Internal Affairs Bureau will notify the Personnel Bureau to enter the event entitled, "UMOS Victim of Bullet Wound" on the concerned member's Central Personnel Index (CPI).*

PATROL GUIDE

Section: Command Operations		Procedure No: 212-34
PROBATIONARY POLICE OFFICER, POLICE ELIGIBLE OR CIVILIAN EMPLOYEE INVOLVED IN A POLICE INCIDENT		
DATE EFFECTIVE: 05/03/24	LAST REVISION: R.O. 24	PAGE: 1 of 1

PURPOSE To ensure that commands concerned are notified when a probationary police officer, civilian employee, or a person eligible for appointment to the Department is involved in a police incident.

PROCEDURE When a probationary police officer, a civilian employee or a person eligible for appointment to the Department is involved in a police incident:

MEMBER OF THE SERVICE

1. Report facts to commanding officer.

COMMANDING OFFICER

2. Conduct investigation to determine if involvement in incident would affect member's performance in the Police Department.
3. Notify the Internal Affairs Bureau Command Center [redacted] with all available details.
4. Have three copies of report prepared on **Typed Letterhead**, containing all pertinent information.
5. Forward one copy of report to:
   a. Commanding Officer, Medical Division, when a person is on a police eligible list.
   b. Commanding Officer, Candidate Assessment Division, if incident involves a police eligible.
   c. Commanding Officer, Performance Analysis Unit, for probationary police officers or civilian employees.

NOTE *If a probationary police officer is assigned to the Police Academy:*
a. Forward duplicated copy of report to Commanding Officer, Police Academy
b. Notify Recruit Operations
c. Notify Performance Analysis Unit next business day.

6. File remaining copy.

ADDITIONAL DATA *Whenever a commanding officer, or investigative unit commander is recommending a probationary police officer or civilian member for termination or decertification, or is recommending a probationary member of the service of any rank or title for an extension of probation, the commander must confer with the Commanding Officer, Performance Analysis Unit prior to forwarding the recommendation.*

Commanding Officers concerned must recognize that the conduct of probationary police officers, both on and off duty, is subject to evaluation.

FORMS AND REPORTS ***Typed Letterhead***

PROCEDURE To investigate allegations of unnecessary use of force by uniformed members of the service against on-duty enforcement personnel of specified agencies or to investigate incidents which may result in the arrest of or the issuing of a summons to such enforcement personnel.

DEFINITION ENFORCEMENT PERSONNEL OF SPECIFIED AGENCIES:

a. Department of Transportation Highway Inspection/Quality Assurance inspectors or Department of Transportation Parking Control Unit agents
b. Sanitation Department Enforcement agents.

PROCEDURE When a uniformed member of the service is alleged to have used unnecessary force against an on-duty enforcement agent of a specified agency or becomes involved in an incident that may result in such enforcement agent being arrested or issued a summons:

UNIFORMED MEMBER OF THE SERVICE

1. Immediately request the patrol supervisor to respond to the scene prior to taking any other action.

PATROL SUPERVISOR

2. Respond to the scene and attempt to obtain third party witnesses to the incident.
3. Bring all parties involved, including witnesses if possible, to precinct of occurrence.
4. Inform desk officer of all facts.

DESK OFFICER

5. Notify Civilian Complaint Review Board, Intake Unit at [redacted] (twenty-four hours), if allegation of unnecessary force is made (see *P.G. 207-28, "Processing Civilian Complaints"*).
6. Notify precinct commander/duty captain and:
   a. The Department of Transportation Central Communications, if incident involves Department of Transportation Highway Inspection/Quality Assurance inspector or Department of Transportation Parking Control Unit agent.
   b. The Sanitation Enforcement Headquarters Division: (0600 x 1600 hours/7 days) (if closed, notify Sanitation Bureau Operations Office: if incident involves Sanitation Department enforcement personnel.

NOTE *Detective squad member will make the above notifications if, while conducting an official investigation involving enforcement personnel of the specified agencies, a complaint of unnecessary force is alleged or it appears an arrest must be made or a summons issued to the enforcement agent.*

PRECINCT COMMANDER/ DUTY CAPTAIN

7. Conduct investigation.
8. Confer with supervisory/managerial personnel of enforcement personnel involved.
9. Prepare three copies of report on **Typed Letterhead** with details of incident and results of investigation and forward to:
   a. Chief of Department - Direct
   b. Chief of Department - through channels
   c. File - precinct of occurrence.

ADDITIONAL DATA

If an agent of one of the above listed agencies wants to make an arrest claiming that he or she was assaulted or the subject of any other crime while performing their official duties, the officer will determine if probable cause exists to support the claim. Upon determination that probable cause exists, the officer will assist in the arrest and take the prisoner into custody. The enforcement agent involved will be the complainant.

No arrest may be made, nor may a summons be issued, for a violation unless the offense is personally observed by the member of the service.

***DESK APPEARANCE TICKETS (PD260-121)** and stationhouse bail will not be issued to persons charged with Assault 3rd degree (Penal Law 120.00), Attempted Assault 3rd degree (Penal Law 110/120.00), Menacing 2nd degree (Penal Law 120.14), Menacing 3rd degree (Penal Law 120.15), Harassment 1st degree (Penal Law 240.25), Aggravated Harassment (Penal Law 240.30), and Reckless Endangerment 2nd Degree (Penal Law 120.20) when committed against a city/state enforcement agent performing official duty.*

RELATED PROCEDURE

Processing Civilian Complaints (P.G. 207-28)

FORMS AND REPORTS

DESK APPEARANCE TICKET (PD260-121)
Typed Letterhead

Section: Command Operations	Procedure No: 212-36

INCIDENTS INVOLVING FORMER/RETIRED MEMBERS OF THE SERVICE OR OFF DUTY/RETIRED FEDERAL, STATE AND CITY LAW ENFORCEMENT AGENTS AUTHORIZED TO CARRY A WEAPON

DATE EFFECTIVE:	LAST REVISION:	PAGE:
02/16/22	I.O. 13	1 of 2

PURPOSE To investigate and safely resolve incidents and/or confrontations involving former/retired members of the service or off duty/retired Federal, State, and City law enforcement agents authorized to carry a weapon.

SCOPE The type and circumstances of encounters involving former or off duty law enforcement officers with on-duty officers and the general public are varied. Incidents which can lead to a confrontation or the potential for confrontation may include traffic collisions, personal domestic disputes, an occasion where a retired officer/agent observes criminal activity and takes police action or when he/she is the victim of a serious crime.

PROCEDURE When a uniformed member of the service responds to or becomes aware of an incident with the potential for a confrontation involving a former/retired member of the service or off duty/retired Federal, State or City law agent authorized to carry a weapon:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain identity of former/retired member of the service or the off duty/retired law enforcement agent involved.
2. Determine if individual has a weapon on his/her person.
3. Request, if armed, personal identification and pistol license, when appropriate.
4. Request to see his/her New York Police Department **IDENTIFICATION CARD (PD416-091)** or other official law enforcement identification.
5. Request patrol supervisor to respond to scene.

NOTE *Any incident involving an off duty officer or member of another law enforcement agency should be treated in a comparable manner to other incidents or confrontations routinely encountered with other members of the public. These individuals should not receive preferential treatment based on their former or present status. Utilization of standardized procedures avoids unnecessary risks to responding officers, individuals directly involved in the controversy/confrontation and the general public at the scene.*

PATROL SUPERVISOR

6. Respond to scene and attempt to obtain all relevant information from witnesses, if any.
7. Approve an appropriate resolution of the matter, i.e., arrest, summons, court referral, no police actions, etc.
8. Note if condition/incident has caused any unusual consequences, i.e., large crowd, community unrest, etc.
9. Determine whether individual's licensed weapon should be taken for safekeeping, when appropriate.
10. Notify desk officer of available details, when necessary.

DESK OFFICER

11. Make additional notifications as necessary.

NOTE *Where appropriate, i.e., in cases of arrest, issuance of summons, etc., to an affected agent from another governmental law enforcement agency, the desk officer will notify the Operations Unit of the relevant information. The Operations Unit will act as the Department's liaison to make the notification of this incident to the applicable governmental agency concerned.*

RELATED PROCEDURES
Confrontation Situations (P.G. 221-20)
Verification of Pistol License (P.G. 212-84)
Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits (P.G. 212-118)

FORMS AND REPORTS ***IDENTIFICATION CARD (PD416-091)***

NYPD

PATROL GUIDE

Section: Command Operations		Procedure No: 212-41	
ALARMS - DEPARTMENT OF EDUCATION FACILITIES			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To investigate alarms at Department of Education facilities.

PROCEDURE Upon receipt of a radio code signal 10-11 (Alarm Condition) at a Department of Education facility:

RESPONDING UNIFORMED MEMBER

1. Conduct immediate investigation.

IF INVESTIGATION REVEALS FORCED ENTRY:

RESPONDING UNIFORMED MEMBER

2. Request radio dispatcher to:
   a. Direct patrol supervisor to respond to scene
   b. Notify School Safety Division Alarms Unit.

PATROL SUPERVISOR

3. Respond to scene and supervise search of premises.
4. Request additional personnel, if necessary.
5. Assign uniformed member of the service to guard premises and safeguard property pending arrival of custodial or school security personnel.
6. Direct assigned member to obtain required information for preparation of **COMPLAINT REPORT**.

IF PREMISES ARE APPARENTLY SECURE AND THERE IS NO SIGN OF FORCED ENTRY:

RESPONDING UNIFORMED MEMBER

7. Transmit radio code signal 10-90N (Unnecessary Alarm).
8. Make entry in digital **Activity Log**.
9. Resume patrol.

RADIO DISPATCHER

10. Notify School Safety Division Alarms Unit for notification to custodian, unless premises has been classified chronic alarm location.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

A custodian, when notified, will respond to the stationhouse, precinct of occurrence, where the desk officer will designate an RMP unit to accompany the custodian to the Department of Education facility to conduct an interior search of the premises.

Nothing contained herein shall prevent a member of the service from taking summary or other police action, should circumstances warrant such action.

FORMS AND REPORTS ***COMPLAINT REPORT (PD313-152)***

PURPOSE To prevent injuries due to hazardous building conditions and preserve the peace during the enforcement of a residential building vacate order.

SCOPE A "Memorandum of Understanding" concerning the issuance and enforcement of vacate orders at residential buildings was agreed upon by the Commissioners of the Police, Fire, Buildings, and Housing Preservation and Development Departments. Vacate orders are issued to remove residents from, or prevent their return into, a building which has become a hazard. This hazard may be caused by a fire, partial building collapse, etc.

Representatives from the agency issuing the vacate order will be responsible for the service of the order. When time permits, and the assistance of the Police Department is anticipated the issuing agency will contact the Chief of Department's Investigation and Review Section, twenty-four hours in advance. In addition, if a potential for violence exists, the patrol borough command will also be notified to ensure that proper planning takes place prior the issuance of the vacate order.

PROCEDURE Upon being assigned to assist in the service of a residential building vacate order:

UNIFORMED MEMBER OF THE SERVICE

1. Verify credentials and authority of agency representative.
2. Obtain facts concerning condition which caused vacate order to be issued.
3. Assist in evacuation of building when there is:
   a. Actual immediate danger that structure will collapse, or
   b. An existing dangerous condition constituting a threat to human life requiring that occupants vacate immediately.
4. Notify Operations Unit, if above emergency conditions exist.
5. Request patrol supervisor to respond, if:
   a. Persons are actually being evacuated, or
   b. Premises are to be sealed, or
   c. For any other appropriate reason.

NOTE *The patrol supervisor will consult with the duty captain if:*

a. Reasonable doubt concerning the agency representative's authority or the validity of the vacate order exists
b. A large number of residents must be relocated
c. Occupants refuse to vacate premises
d. Any potential for violence
e. Any other sensitive or dangerous conditions exists.

6. Accompany agency representative until completion of service or execution of order, if requested.

NOTE *Personnel from the agency issuing the vacate order will be responsible for service of the vacate order and for attempting to persuade occupants who fail to comply with the vacate order that they should leave the premises. The agency issuing the vacate order will be responsible for obtaining access to the building(s) or portions of the building(s) to which entry is not available. If, however, the senior representative of the agency issuing the vacate order believes that the safety of agency personnel or the public is at risk, he/she may request the assistance of a police supervisor/commander for entry to be made by police personnel. Additionally, the police supervisor/commander may direct that entry be made by police personnel if it is determined that the safety of the public or agency personnel is at risk.*

UNIFORMED MEMBER OF THE SERVICE (continued)

7. Ascertain from agency representative any provisions made to safeguard vacated premises and property of persons evacuated.
   a. Relocations are the responsibility of the issuing agency.

NOTE *Whenever an agency issuing a vacate order determines that vacated premises must be secured against re-entry, the agency concerned will notify and make arrangements with the Department of Housing Preservation and Development (DHPD) which is responsible for sealing and/or demolishing vacated premises. The Department of Housing Preservation and Development is responsible for sealing the building, or providing sufficient security to prevent it from being reoccupied, within seventy-two hours of the enforcement of the vacate order. Uniformed members of the service will take appropriate interim measures to secure the premises against re-entry. In the event that the Department of Housing Preservation and Development does not commence work in a timely manner, notify the Investigation and Review Section, Monday through Friday, 0800 to 1600 hours, or the Operations Unit at other times. The Investigation and Review Section will contact the Department of Housing Preservation and Development to ascertain when the work will commence.*

8. Make digital **Activity Log** entry including:
   a. Facts concerning premises security provisions
   b. Identify of representative of agency issuing vacate order
   c. Identify of representative of any other city agencies present.
9. Report facts to desk officer upon completion of assignment.

DESK OFFICER

10. Report facts to commanding officer, if condition may require special patrol coverage.

ADDITIONAL DATA *Vacate orders may be issued by the Department of Buildings, Department of Health, the Fire Department and Department of Housing Preservation and Development. The agency issuing the vacate order will serve any necessary summonses. Any necessary arrests will be made by the assigned officer and the agency representative will appear as the complainant.*

ADDITIONAL DATA (continued)

Agencies issuing vacate orders and anticipating the need for police assistance should contact the Chief of Department's Investigation and Review Section, twenty-four hours in advance of the initial execution time. The Investigation and Review Section will notify the patrol borough concerned which will notify the appropriate precinct of the particulars of the vacate order. In cases where the issuing agency is aware of a potential for violence at these locations, a responsible representative of the issuing agency will notify and confer with the patrol borough commander concerned or his/her designee prior to enforcement activity to assure proper planning.

Under exigent circumstances, i.e., building collapse or other condition constituting a threat to human life, uniformed members of the service may assist with non-residential vacate orders.

Each borough command and the Chief of Department, Investigation and Review Section, will obtain and have available a copy of the "Memorandum of Understanding."

RELATED PROCEDURES

Construction Sites (P.G. 214-16)
Vacate Buildings (P.G. 214-17)
Stop Work Orders (P.G. 214-18)

NYPD

Section: Command Operations		Procedure No: 212-44	
RESPONSE TO FIREARMS DEALERS LOCATIONS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To establish a proper response to firearms dealer locations after notification via NICS and the New York State Police that a person wanted on a warrant is attempting to purchase a weapon.

SCOPE Federal law requires that federally licensed firearm dealers in New York City conduct an "instant background check" on any person wishing to purchase a firearm (handgun, rifle, shotgun). To do this the dealer will telephone the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS), with the person's pedigree information. Within a short time NICS will advise the dealer whether or not a firearms sale can be completed. In situations where NICS confirms that there is an outstanding arrest warrant for a person attempting to purchase a firearm, they will notify the New York State Police, who in turn will contact the N.Y.P.D.'s Operations Unit. Operations Unit will then notify both the patrol borough concerned and the Communications Section. Communications Section will advise the patrol supervisor to contact Operations Unit for an appraisal of situation i.e., the location and number of perpetrators. Based on all available information, the patrol supervisor will evaluate the situation and determine if additional resources are required, and if the duty captain should be notified.

PROCEDURE When a notification is received via the National Instant Criminal Background Check System (NICS) and the New York State Police, that a person attempting to purchase a firearm from a gun dealer is wanted on a warrant:

OPERATIONS UNIT MEMBER

1. Notify Communications Section and patrol borough concerned.

COMMUNICATIONS DISPATCHER

2. Notify patrol supervisor, precinct concerned, to contact Operations Unit.

NOTE *If the patrol supervisor is not available, another supervisor will be directed to respond.*

PATROL SUPERVISOR

3. Confer with Operations Unit member regarding situation at gun dealer's location.
4. Evaluate the situation.
5. Determine if additional resources are required.
6. Notify and confer with duty captain, if necessary.
7. Devise an appropriate tactical plan, giving priority to the safety of the public and responding members of the service.

NOTE *Depending upon the information available, including the seriousness of the offense for which the person in question is wanted, the patrol supervisor will assign sufficient units to respond. In addition, strong consideration will be given to notifying the patrol borough warrant team, Emergency Service Units, etc.*

PATROL SUPERVISOR (continued)

8. Respond to gun dealer's location and direct that the wanted person be taken into custody, if still present.

NOTE *If the wanted person is not present at the store, the case will be referred to the precinct detective squad.*

9. Have subject removed to stationhouse for either further investigation or arrest processing.

NOTE *A NICS "hit" on a name check is not considered conclusive and is not sufficient authority to arrest. Further inquiries must be made through the Warrant Section, twenty-four hours a day, seven days a week. In addition, New York City Pistol Permit holders are issued a* ***PISTOL PURCHASE AUTHORIZATION (PD643-053)*** *only after a name check is conducted. When appropriate, the License Division should be conferred with.*

DESK OFFICER

10. Supervise arrest processing and ensure that the Warrant Section is notified by the uniformed member of the service concerned to confirm the status of the warrant.

UNIFORMED MEMBER OF THE SERVICE CONCERNED

11. Record name of person notified at Warrant Section in the Telephone Record and other pertinent Department forms, i.e., **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

ADDITIONAL DATA *If assistance regarding NICS or instant checks is needed, the uniformed member of the service (UMOS) can call toll free the NICS customer service number from 0900 to 0200 hours daily. When further information, beyond that which is available through the toll free number is needed, the UMOS can call NICS at (304) 625-7363 or (304) 625- 7361, during business hours listed above, Monday through Friday.*

FORMS AND REPORTS ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

Section: Command Operations		Procedure No: 212-45
FOREIGN NATIONAL REQUESTING ASYLUM		
DATE EFFECTIVE: 12/02/22	LAST REVISION: I.O. 116	PAGE: 1 of 1

PURPOSE To protect persons seeking asylum and notify proper agencies.

PROCEDURE Upon coming in contact with a foreign national seeking asylum in this country:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer.
2. Provide necessary protection.
3. Accompany person to command.

DESK OFFICER

4. Make immediate notification to Commanding Officer, Intelligence Division.
5. Interview person seeking asylum and obtain the following:
   a. Name
   b. Nationality
   c. Date and place of birth
   d. Occupation
   e. Description of documents possessed
   f. What foreign authorities, if any, are aware of his seeking asylum
   g. Circumstances surrounding request for asylum
   h. Where asylum was requested, e.g., aboard vessel, aircraft. Estimated time of arrival of next intended port or airport.
   i. Reason for requesting asylum
   j. Description of criminal charges known or alleged to be pending against asylum seekers.
6. Telephone information to Commanding Officer, Intelligence Division.
7. Afford the person proper protection until determination is made of his status.

Section: Command Operations		Procedure No: 212-46
UNLAWFUL POSSESSION OF RIFLES/SHOTGUNS		
DATE EFFECTIVE: 03/16/22	LAST REVISION: I.O. 32	PAGE: 1 of 2

PURPOSE To record and process violations concerning unlawful possession of a rifle or shotgun.

SCOPE The following individuals are exempt from appropriate sections of the Administrative Code:

a. Persons in military service of the State of New York duly authorized by the Chief of Staff to the Governor.
b. Peace officers as defined in Section 1.20, subdivision 33, Criminal Procedure Law
c. Participants in special events when authorized by the Police Commissioner
d. Others as described in Administrative Code, Section 10-305.

PROCEDURE When a uniformed member of the service observes a person in custody or possession of a rifle or shotgun, loaded or unloaded, covered or uncovered in public:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if person possesses a valid permit and certificate of registration, or is exempt.
2. Inform person not possessing permit and certificate of registration, or who is not exempt that:
   a. He may accompany officer to precinct and surrender firearm, or
   b. He may surrender firearm at the scene for which a receipt will be given.
3. Conduct a name check; serve summons if eligible, returnable to the appropriate borough Criminal Court for the following violations of the Administrative Code:
   a. No permit and certificate of registration - Section 10-303
   b. Carried, not enclosed in a non-transparent cover, or is loaded - Section 10-131, subdivision (h)(2).
4. Make summary arrest if violator is not eligible for summons or if person refuses to surrender weapon.
5. Notify License Division, Rifle and Shotgun Section of action taken.
6. Prepare **PROPERTY CLERK INVOICE (PD521-141)** and invoice weapons as evidence.
   a. Forward copy of **INVOICE** to Rifle and Shotgun Section.

NOTE *A resident of New York City who purchases a rifle or shotgun outside New York City must make application for a permit within seventy two hours after bringing the weapon into the City. A rifle or shotgun that is surrendered to, or confiscated by a uniformed member of the service within this time period will be invoiced for safekeeping and a summons will not be served.*

DESK OFFICER

7. Issue owner receipt for weapon on Prisoner/Finder Copy (pink) of **INVOICE**.
8. Forward weapon to Firearms Analysis Unit only if member concerned believes that weapon might have been used in the commission of a crime or permit holder has been accused or convicted of a serious crime.
9. Inform owner to apply for permit in person at Rifle and Shotgun Section, 120-55 Queens Boulevard, Kew Gardens, New York.

ADDITIONAL DATA

Weapon held for safekeeping will be returned to owner at the borough Property Clerk's office upon presentation of a valid permit, registration and signed release from Rifle and Shotgun Section. If an owner, after surrendering a rifle/shotgun, does not wish to obtain a permit, such owner may sell the rifle/shotgun to a permit holder or any person, not required by law to possess a permit. Upon presentation of a bona fide bill of sale and a written representation by the owner that the weapon has been sold or otherwise disposed of, the Rifle and Shotgun Section will issue a release to the new lawful owner.

RELATED PROCEDURES

Voluntary Surrender of Weapons (P.G. 207-25)
Rifle/Shotgun Permit - Suspended, Revoked, Disapproved (P.G. 212-85)
Processing Firearms and Firearm-Related Evidence (P.G. 218-23)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)

NYPD

PATROL GUIDE

Section: Command Operations		Procedure No: 212-47	
COUNTERFEIT MONEY			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To confiscate counterfeit money.

PROCEDURE When counterfeit money is detected and it is determined that the passer is an innocent victim or there is no indication who passed it:

INVESTIGATING OFFICER

1. Have person last in possession write his name and date across face of bill or scratch initials on a coin.
2. Sign rank, name, shield number and date on bill or scratch initials on coin.

DESK OFFICER

3. Prepare four copies of report on **Typed Letterhead** addressed to Chief of Patrol describing in detail how money came into possession of member of the service, including amount and serial numbers.
4. Assign messenger to deliver reports and money to patrol borough office.
5. Have messenger sign itemized receipt in Property Receipt Book.
6. Direct messenger to obtain one receipted copy of report from patrol borough office.
7. Attach receipted copy of report received from messenger, to entry in Property Receipt Book.

PATROL BOROUGH MEMBER

8. Direct borough messenger to deliver counterfeit money with remaining copies of report to Patrol Services Bureau.

PATROL SERVICES BUREAU MEMBER

9. Give borough messenger receipted copy of **Typed Letterhead** for file in borough office.
10. Deliver money and two remaining copies of letterhead to the Special Agent-In-Charge, United States Secret Service.
11. Obtain one copy of report, receipted by Special Agent, for file in the Patrol Services Bureau.

RELATED PROCEDURE *Counterfeiting/Forging U.S. Government Obligations or Counterfeiting/Unauthorized Use of Access Device (P.G. 208-47)*

FORMS AND REPORTS ***Typed Letterhead***

NYPD

PURPOSE To record information concerning repossessed vehicles/vehicles seized under the Parking Violations Scofflaw Removal Program.

PROCEDURE When a person/city marshal appears at a stationhouse and reports a repossessed vehicle/vehicle seized under Scofflaw Removal Program:

DEFINITION IMPOUND – The taking into possession by an agency of any motor vehicle which has been abandoned, repossessed, seized pending forfeiture proceedings, taken into custody or held as evidence in the course of a police investigation, required to be impounded by law, or held by any agency under circumstances in which the owner might not reasonably know the status of the vehicle.

IF VEHICLE REPOSSESSED

DESK OFFICER

1. Request identification.
2. Examine papers authorizing seizure of vehicle.
   a. Conduct a check of the VIN through the Department of Motor Vehicles utilizing the FINEST system.
3. Make Command Log entry and notify Stolen Property Inquiry Unit, utilizing the FINEST System, of the following:
   a. Time and date of repossession
   b. Location from which obtained
   c. Name, address and telephone number of firm, corporation, etc. repossessing vehicle
   d. Name, business address of person executing the repossession
   e. Year and make of vehicle
   f. Registration plate number, state and year
   g. Vehicle identification number, if known
   h. Name and address - registered owner
   i. Name of member of the service notified at Stolen Property Inquiry Unit.

NOTE *When the FINEST SYSTEM is inoperative, notification to Stolen Property Inquiry Unit (S.P.I.U.) will be made by telephone.*

MEMBER CONCERNED, S.P.I.S.

4. Enter information into the NYSPIN/NCIC computer system.
   a. The information will be retained in the computer for thirty days.

IF VEHICLE SEIZED - SCOFFLAW REMOVAL PROGRAM

DESK OFFICER

5. Verify credentials of city marshal upon arrival.
   a. Conduct a check of the VIN through the Department of Motor Vehicles utilizing the FINEST system.

NOTE *The city marshal must report as soon as possible to the stationhouse of the precinct where the vehicle was picked up and provide the desk officer with a Parking Violations preprinted two part snap-out containing pertinent information regarding the seizure.*

DESK OFFICER (continued)

6. Examine papers authorizing seizure of the vehicle.
7. Sign and return one copy of the form to the city marshal.
8. Make Command Log entry and notify Stolen Property Inquiry Unit utilizing FINEST inquiry format "RVIE" (Request for Vehicle Impound Entry) of the following:
   a. Time and date of impound
   b. Location from where obtained
   c. City marshal's name and shield number
   d. Year and make of vehicle
   e. Registration plate number
   f. Vehicle identification number
   g. Name and address of registered owner.
9. File remaining copy of Parking Violations form in Property Receipt Book and enter relevant information.
   a. Make cross-reference in Command Log to Property Receipt Book. Discrepancies will immediately be reported to the Stolen Property Inquiry Unit supervisor, by telephone.

ADDITIONAL DATA

Tow trucks used in the Scofflaw Removal Program are sub-contracted by the participating city marshals, require licensing by the Department of Consumer and Worker Protection and are subject to the rules and regulations of that agency.

Information concerning abandoned vehicles, which have not been reported stolen but are the subject of an investigation, is transmitted to the Stolen Property Inquiry Unit for entry into the NYSPIN/NCIC computer system in the same manner as for repossessed vehicles.

Section 424, Vehicle and Traffic Law requires agencies who are members of the New York Statewide Police Information Network (NYSPIN) to report the impounding of motor vehicles, trailers or parts thereof to the Network. This is intended to prevent false or erroneous reports of motor vehicle theft by owners who are unaware that their vehicles have been impounded. Reports to NYSPIN shall include if possible:

a. Vehicle Identification Number (VIN)
b. Date of impoundment
c. License plate number
d. Location where the vehicle was obtained
e. Name, address and telephone number of the facility where the vehicle is being stored.

The term "impound" is defined to mean the taking into possession by an agency of any motor vehicle which has been abandoned, repossessed, seized pending forfeiture proceedings, taken into custody or held as evidence in the course of a police investigation, required to be impounded by law, or held by any agency under circumstances in which the owner might not reasonably know the status of the vehicle.

PURPOSE To cooperate with members of the press by not interfering or allowing others to interfere with media personnel acting in their news gathering capacity.

DEFINITIONS MEMBER OF THE PRESS: An individual who gathers, reports, or licenses news or content, for the purpose of publishing, broadcasting, or cablecasting articles, commentaries, books, photographs, video, film, or audio by electronic, print, or digital media such as radio, television, newspapers, magazines, wire, books, and the Internet, including but not limited to an employee of a news-gathering organization, independent contractor, freelancer, or a self-employed person. If accessing an area that the general public has access to, this individual does not necessarily need a press pass to be considered a member of the press.

MAYOR'S OFFICE OF MEDIA AND ENTERTAINMENT (MOME) PRESS CREDENTIAL: A City of New York Press Card issued by MOME's Press Credentials Office which allows the bearer to pass NYPD/city official lines and attend official City-government sponsored events open to the press.

PROCEDURE To provide members of the press access to cover newsworthy events:

UNIFORMED MEMBER OF THE SERVICE

1. Adhere to the following guidelines unless safety interests or proper performance of police duties require otherwise:
   a. Members of the press will be given access as close to the activity as possible, with a clear line of sight and within hearing range of the incident, unaided by any electronic device.
   b. To the extent it is feasible to do so, press access to demonstrations on private property will not be impeded by the Department.
   c. When incidents spill over or occur on private property, members of the press will not be arrested for criminal trespass, unless an owner or representative expressly indicates that the press is not to be permitted to enter or remain on the property.
   d. If the ranking officer at the incident determines that press access must be restricted in certain circumstances (i.e., in order for the Department to carry out its law enforcement functions), they retain the discretion to do so.

NOTE *Only MOME-issued Press Cards holders are entitled to cross police and fire lines. This right will be honored and access will not be denied. However, this does not include access to interior crime scenes or areas designated off-limits for security reasons.*

Additionally, in certain instances, MOME-issued Press Card holders may be required to leave a particular area but should be allowed to remain as close as is safely possible to the area of concern in order to capture any police action.

NOTE (continued) *During a First Amendment Activity, MOME press place holders are not required to leave an area, if NYPD has ordered persons to leave an area, but shall move to a safe location. At the discretion of the incident commander, members of the press may be directed to move to a different location where, to the fullest extent possible, they may still see and hear (unaided by an electronic device) ongoing newsworthy events and will not be subject to arrest for documenting police activity or for not leaving the general area. See P.G. 213-21, "Tiered Response to Policing First Amendment Activities."*

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Determine if any threat to safety of members of the press exist and take appropriate action.
3. Request response of the patrol supervisor.
4. Take enforcement action, as necessary.

PATROL SUPERVISOR

5. Cooperate with and assist members of the press and provide safe access to the scene, if possible.
6. Conduct immediate investigation if a member of the press is assaulted, harassed or their vehicle/equipment is vandalized/damaged.
7. Attempt to obtain third party witnesses if confrontation with members of the service or others.
8. Request all parties, including witnesses, if possible, to report to precinct of occurrence for further investigation, when necessary.
9. Notify without delay:
   a. Office of the Deputy Commissioner, Public Information,
   b. Desk officer, and
   c. Lieutenant platoon commander.

NOTE *The Office of the Deputy Commissioner, Public Information, is available via phone 24 hours a day, 7 days a week for consultation and/or response to incidents involving the press. Members of the service are required to immediately notify the Deputy Commissioner, Public Information of any incident involving the press, regardless of the outcome of that incident.*

DESK OFFICER

10. Notify:
    a. Commanding officer/executive officer/duty captain, and
    b. Operations Unit.

LIEUTENANT PLATOON COMMANDER

11. Respond to command, if in the field, and under the supervision of the commanding officer/executive officer/duty captain, conduct investigation of incident.

NOTE *The commanding officer/executive officer/duty captain will perform the duties of the lieutenant platoon commander, if the platoon commander is unavailable.*

12. Prepare report on **Typed Letterhead** containing details of incident and results of investigation and forward to:
    a. Chief of Patrol/bureau chief concerned,
    b. Borough commander concerned,

LIEUTENANT PLATOON COMMANDER (continued)

c. Commanding Officer, Public Information Division, and
d. Command file.

NOTE *The Office of Deputy Commissioner, Public Information will maintain a central repository of all reports received of incidents involving members of the press.*

13. Forward supplementary report, if necessary.

COMMANDING OFFICER/ DUTY CAPTAIN

14. Respond to command and supervise the investigation and preparation of the report by the lieutenant platoon commander.

ADDITIONAL DATA

The Mayor's Office of Media and Entertainment (MOME) is available to confirm the validity of press credentials. Members of the service needing to verify press credentials may contact the Operations Unit for the MOME phone number and any other relevant contact information.

Standard Press Card and Reserve Press Card holders must be at least 18 years old. Persons under 18 years old may apply for a Single Event Press Card. Persons under 16 years old, and in lawful possession of a Single Event Press Card, must be accompanied by an adult, unless such requirement is waived by MOME. One adult may not accompany more than one person that is under 16 years old into a restricted area.

Members of the service will not interfere with the videotaping or the photographing of incidents or any member of service in public places. Intentional interference such as blocking or obstructing cameras or harassing the photographer constitutes censorship. Members of the press shall have access to any location where the public is permitted access. Additionally, members of the service may not put up police line barrier tape or establish frozen zones for the purpose of preventing members of the press from viewing or recording the scene from a public place.

Members of the service will no longer be permitted to seize a press credential under any circumstances, except when seized in the normal course of an arrest and held for safekeeping like other types of non-evidentiary, non-investigatory personal property.

Members of the service may not take any police action in retaliation for individuals expressing a viewpoint, engaging in First Amendment Activities, or lawfully exercising their right to witness, observe, record, comment on, or protest police activity.

If a member of the press is arrested for any "Red Light" offense(s) as specified in P.G. 213-21, "Tiered Response to Policing First Amendment Activities," and presents a MOME-issued press credential or an official government–issued press credential from another jurisdiction or government agency, the processing of that arrest shall be approved by the incident commander or ranking member from Deputy Commissioner, Public Information at the time of the arrest. If such member of the press is arrested for

ADDITIONAL DATA (continued)

a criminal court summons-eligible "Red Light" offense, the presumption shall be that the arrested member of the press will be issued the summons on scene, if eligible. Such arrested member of the press may be removed to an arrest processing facility or otherwise transported to another location only in those instances where the incident commander determines that issuing the summons on scene would create a health and/or safety risk to members of the service or any other individual. This applies to arrests for any "Red Light" offense(s) committed by members of the press regardless of whether the arrest occurs at a First Amendment Activity event or not.

In the event the member of the press presents a government-issued press credential from another jurisdiction or government agency, this shall be verified, to the extent possible, at the time of the encounter. In a circumstance where the validity of the press credential is unable to be verified on scene, officers shall consider the following as indicia of the credential being valid: the identification contains a name which matches another form of identification, contains a photograph of the individual, details the issuing city or agency, includes the associated media outlet or indicates whether that individual is independent, includes an expiration date, or includes a serial or identification number. Members should confer with Deputy Commissioner, Public Information, if necessary.

NYPD

PURPOSE To enforce laws regulating the operation of aircraft over the city.

PROCEDURE Upon receiving a complaint of or observing an aircraft being operated in a careless or reckless manner (e.g., performing acrobatics), advertising by towing a banner, dropping circulars, using loud speakers, landing or taking-off, except in an emergency, any place within the city other than places designated by the Department of Transportation or Port Authority of New York, or violating any other law over the city:

UNIFORMED MEMBER OF THE SERVICE

1. Notify the radio dispatcher and request Aviation Unit response, if necessary.
2. Record the following information:
   a. Description of aircraft, as detailed as possible, including registration number, type (airplane, helicopter, gyroplane), color, paint scheme, number of engines/propellers, wings (mounted high or low, biplane, etc.)
   b. Description of the action of the aircraft in flight, include estimate of altitude (height of known structure, if possible)
   c. Approximate location where flight action occurred
   d. Time and date when action occurred
   e. Names and addresses of witnesses
   f. Name and location of base from which the aircraft took off from, or landed, if known.
3. Serve summons, if possible.
4. Telephone information to the desk officer promptly.

DESK OFFICER

5. Assign a uniformed member of the service to advise complainant that a citizen may lodge a complaint with the local Federal Aviation Administration, Flight Standards District Office, if member of the service does not observe the violation.
6. Notify Aviation Unit.
7. Notify commanding officer/duty captain/operations coordinator.
8. Telephone information to Office of the Chief of Special Operations.

AVIATION UNIT

9. Follow aircraft after observing a violation to any airport in the metropolitan area to identify the aircraft and violator, if possible.
   a. Serve summons, if warranted.

UNIFORMED MEMBER OF THE SERVICE

10. Inform the complainant that they may lodge a complaint with the local Federal Aviation Administration, Flight Standards District Office.
11. Make digital **Activity Log** entry, including name, address, and telephone number of any witnesses.

DESK OFFICER

12. Prepare three copies of report of the circumstances on **Typed Letterhead**.
    a. Send copy to Aviation Unit
    b. Send copy to Office of the Chief of Special Operations
    c. File copy in binder at desk.

COMMANDING OFFICER, AVIATION UNIT

13. Investigate report of the violation.
14. Determine the identity of the aircraft and pilot.
15. Determine if violation of Federal Aviation Regulations, Administrative Code or other law has been committed and have summons prepared, if warranted.
    a. Prepare report, if violation has occurred, on **OFFICIAL LETTERHEAD (PD158-151)** describing the details of the violation and the identity of the offender to the Federal Aviation Adminstration, Flight Standards District Office, Garden City, N.Y. (through channels) for all aircraft violations in New York City, except helicopters.
        (1) Send report to Flight Standards District Office, Farmingdale, N.Y., (through channels) for all helicopter related violations.
16. Investigate and maintain complete statistics and records of all forced landings within the city.

ADDITIONAL DATA

The Administrative Code, Section 10-127, makes it unlawful for the operator or owner of an aircraft to fail to report to the police department within ten hours a forced landing of aircraft within city limits or an accident to an aircraft where personal injury, property damage or serious damage to the aircraft is involved. Uniformed members of the service on the scene will direct the pilot or owner to report to the desk officer, precinct of occurrence. Failure to comply with this section is a misdemeanor.

When an airport, heliport or seaplane base is operating without a permit issued by the New York City Economic Development Corporation or in violation of the permit, the precinct commander will make a notification to the Economic Development Corporation and prepare and forward two copies of a report to the Chief of Department and one copy to the Commanding Officer, Aviation Unit.

FORMS AND REPORTS

OFFICIAL LETTERHEAD (PD158-151)
Typed Letterhead

Section: Command Operations		Procedure No: 212-51	
RESPONSE TO WORK DISRUPTIONS AT CITY CONSTRUCTION SITES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To investigate and record complaints, effect arrests, when necessary, and provide complainants in cases involving illegal work disruptions at City construction sites.

SCOPE In an effort to more effectively respond to and prevent illegal activity and demonstrations which result in work disruptions at City construction sites, this Department and the Mayor's Office of Construction have developed a protocol to be followed by members of the service and City agencies concerned. The protocol requires:

a. Posting of "No Trespassing" signs at construction sites.
b. Designation of an authorized agent to act as a liaison with personnel of this Department.
c. Availability of agency representatives to act as complainants in criminal cases.

DEFINITIONS CONSTRUCTION SITE WORK DISRUPTION - Illegal activity by an individual or individuals at or in the vicinity of a City construction site which is either solely or in addition to other purposes intended to prevent, delay or encumber construction work activity.

AUTHORIZED AGENT - Individuals designated to act as a liaison with Police Department personnel. In addition to other duties, the authorized agent will:

a. Assist Police Department personnel in entering the site and identifying trespassers.
b. Provide eyewitnesses, if possible, to unlawful conduct in the event such conduct is alleged, but not witnessed by members of the service concerned. The identity of the authorized agent should be provided to the appropriate precinct commander by the City agency concerned.

CITY CONSTRUCTION SITE - Property owned or leased by the City of New York or agency of the City of New York upon which a physical structure (e.g., building, housing, school, park, tunnel, road, etc.) is being constructed, renovated or demolished.

PROCEDURE Upon receiving a report of a work disruption at a City construction site:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to location, verify disruption and ascertain extent.
2. Confer with authorized agent at construction site to determine if criminal activity has occurred.
3. Request response of patrol supervisor, if work site disruption is verified.
4. Make summary arrest if investigation reveals the commission of a criminal offense.
   a. Effect arrest for felonious assault, based on information or observation, regardless of the willingness of the victim to act as the complainant.
      (1) Identity of informant, if any, will be noted.

UNIFORMED MEMBER OF THE SERVICE (continued)

b. Effect arrest for criminal trespass and/or criminal mischief to City owned property based on information or observation.
   (1) The City agency responsible or the Mayor's Office of Construction will act as the complainant.
      (a) Identity of informant, if any, will be noted.

c. Effect arrest for criminal mischief involving property owned by any party other than the City of New York or City agency only when the party concerned requests an arrest be made and will provide a complainant.
   (1) Identity of the supervisory personnel representing the party involved and informant, if any, will be noted.

NOTE *It is **not** necessary to personally communicate a notice against trespass to an individual(s) if "No Trespassing, Authorized Personnel Only" signs are posted and clearly visible from outside an enclosed construction site.*

5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** in all verified incidents and deliver to desk officer.
   a. Enter "Construction Site Disruption" in box captioned "OFFENSE."

PATROL SUPERVISOR

6. Respond to location.
7. Request additional personnel and equipment, if necessary.
8. Notify desk officer.

DESK OFFICER

9. Notify precinct commander/duty captain, patrol borough command, and Operations Unit.

COMMANDING OFFICER/ COUNTERPART

10. Respond to location and confer with supervisory personnel of the construction site.
11. Evaluate situation and direct the response of personnel and equipment accordingly.

ADDITIONAL DATA *A representative of the City agency concerned will act as the complainant in criminal cases involving City property. The agency representative will not necessarily be the same individual identified as the "authorized agent" at the construction site. While the authorized agent should be prepared to provide information, identification, and/or eyewitnesses to the criminal action, the authorized agent is not required to act as the complainant.*

RELATED PROCEDURES
Emergency Incidents (P.G. 213-02)
Unusual Occurrence Reports (P.G. 212-09)
Labor Dispute (P.G. 212-52)

FORMS AND REPORTS ***COMPLAINT REPORT WORKSHEET (PD313-152A)***

PATROL GUIDE

Section: Command Operations		Procedure No: 212-52	
LABOR DISPUTE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To preserve the peace and protect life and property at the scene of a strike or labor dispute.

DEFINITIONS PENAL LAW SECTION 240.25, HARASSMENT IN THE FIRST DEGREE - prohibits "stalking" - intentionally and repeatedly harassing another person by following him/her in a public place or by engaging in a course of conduct which places the person in reasonable fear of physical injury. However, this Penal Law section does not apply to conduct which constitutes picketing or other labor-related activity governed by federal labor statutes.

PENAL LAW SECTION 240.26, HARASSMENT IN THE SECOND DEGREE - prohibits harassing a person by following him/her in a public place or engaging in a course of conduct which alarms or seriously annoys someone and has no legitimate purpose. These provisions do not apply to conduct which constitutes picketing or other labor-related activity governed by federal labor statutes. However, the law leaves intact the prohibition against striking, shoving, kicking, or otherwise subjecting another person to physical contact, or attempting to do such acts -- no one, whether picketing or not, is permitted to engage in this behavior, which remains enforceable as Harassment in the second degree.

PROCEDURE Upon arriving at the scene of a strike or labor dispute:

UNIFORMED MEMBER OF THE SERVICE

1. Take action to preserve the peace and prevent destruction of property.
2. Request response of patrol supervisor.
3. Notify desk officer.

PATROL SUPERVISOR

4. Respond to location.
5. Interview, separately, a management representative and union representative.
   a. Obtain information for a **STRIKE REPORT (PD332-151)**.
6. Advise management and union representatives that:
   a. Force or violence will not be tolerated
   b. The law will be enforced impartially
   c. Right of the public to use streets and sidewalks will be protected
   d. Striking employees may conduct orderly picketing in accordance with conditions at the location
   e. The precinct commander will designate the number of pickets permitted
   f. Professional agitators and the use of language offensive to public decency will not be permitted
   g. The carrying of sticks or poles that are affixed to signs, or other objects, which may be injurious to the public, by any individual or group, will not be permitted.
7. Telephone the desk officer for immediate assignment of personnel, if required.
8. Deliver the **STRIKE REPORT** to the desk officer.

DESK OFFICER

9. Confer with precinct commanding officer/duty captain concerning personnel assignments.

PRECINCT COMMANDING OFFICER/ DUTY CAPTAIN

10. Determine personnel requirements.
    a. Obtain the following information, if the dispute involves a large plant and a considerable number of employees:
       (1) Location and size of plant
       (2) Location of entrances, exits, loading platforms, etc.
       (3) Employees arrival and departure times
       (4) Entrances and exits used by employees
       (5) Time of employee's meal periods and location of premises where meals taken
       (6) Transit facilities, parking lots and routes used by employees
       (7) Times merchandise is shipped or received
       (8) Other locations that may be affected by dispute
       (9) Special hazards or conditions affecting police duty.

PATROL SUPERVISOR

11. Set up command post, if conditions require.

NOTE *Facilities of management or labor are not to be used as a command post or meal location.*

DESK OFFICER

12. Make assignments as directed by precinct commander/duty captain from precinct personnel, if available, or request additional personnel from patrol borough command.
13. Notify Operations Unit.
14. Have **STRIKE REPORT** prepared.
15. Sign **STRIKE REPORT** above caption "Reviewed By."
    a. Forward as indicated on form.

ADDITIONAL DATA

When individuals are engaged in labor related activity such as picketing, distributing leaflets or otherwise demonstrating in a labor relations context, they are exempt from arrest for the categories of harassment discussed above. Instead, the victim may be referred to court for an injunction, or to the National Labor Relations Board. The only permissible arrest for harassment in this situation is now where the individual strikes, shoves, kicks, or otherwise subjects the victim to physical contact, or attempts or threatens to do the same. It should also be remembered that no other Penal Law section has been amended in this way, so that a person who violates other provisions such as disorderly conduct, menacing, criminal mischief, etc., will still be subject to arrest even if the violation occurred in a labor demonstration.

RELATED PROCEDURES

Unusual Occurrence Reports (P.G. 212-09)
Emergency Incidents (P.G. 213-02)

FORMS AND REPORTS

STRIKE REPORT (PD332-151)

MYPD

PATROL GUIDE

Section: Command Operations		Procedure No: 212-54	
PERSON THREATENING TO JUMP FROM STRUCTURE			
DATE ISSUED: 06/01/16	DATE EFFECTIVE: 06/01/16	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To prevent persons from jumping from structures.

PROCEDURE Upon arriving at a location where a person is threatening to jump from a structure:

UNIFORMED MEMBER OF THE SERVICE

1. Notify radio dispatcher and request patrol supervisor, Emergency Service and ambulance to respond.
   a. Request Harbor Unit to respond if person is over navigable waters.
2. Attempt to persuade or prevent person from jumping.
3. Seek assistance of person's relatives, friends, and clergyman.
4. Confine the person to side of the structure facing street, if possible.
5. Rope off area below and prevent persons from entering area.

PATROL SUPERVISOR

6. Verify that Emergency Service Unit and ambulance are responding, if required.
   a. Cancel response of Emergency Service/ambulance if no longer required.
7. Follow *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* where appropriate.

RELATED PROCEDURE *Mentally Ill Or Emotionally Disturbed Persons (P.G. 221-13)*

NYPD

PATROL GUIDE

Section: Command Operations	Procedure No: 212-55

INVESTIGATION OF AIDED CASES INVOLVING INJURIES RESULTING FROM ILLEGAL FIREWORKS

DATE EFFECTIVE:	LAST REVISION:	PAGE:
12/02/22	I.O. 116	1 of 1

PURPOSE To prevent future injuries to the public and to ascertain the source of illegal fireworks.

PROCEDURE Upon responding to, or otherwise becoming aware of, an incident involving a physical injury to an individual as a result of the intentional or accidental detonation of illegal fireworks:

UNIFORMED MEMBER OF THE SERVICE

1. Render reasonable aid to injured person.
2. Request response of ambulance, if necessary.
3. Request response of patrol supervisor and precinct detective squad.
4. Notify desk officer, precinct of occurrence, of incident.
5. Issue summons or effect arrest if fireworks were illegally possessed.
6. Prepare **COMPLAINT REPORT (PD313-152)**.
   a. Under caption "Offense," enter "Investigate Aided-Fireworks Injury," if applicable.
7. Prepare **AIDED REPORT**, if applicable.

PATROL SUPERVISOR

8. Review action taken and ascertain that precinct detective squad has been notified to respond, if not present at scene.

PRECINCT DETECTIVE SQUAD MEMBER

9. Investigate circumstances of injury to determine source of illegal fireworks.
10. Notify Intelligence Division and appropriate narcotics borough of results of investigation.

NOTE *In addition, precinct detective squad members will notify the Detective Bureau Wheel 24 hours, seven days a week regarding all ongoing firework related investigations.*

ADDITIONAL DATA *In cases where the aided is less than eighteen years of age, it is incumbent upon the investigating member to determine the extent of adult involvement in the incident. When probable cause exists to establish a charge of Endangering the Welfare of Child, an arrest will be made.*

The Intelligence Division will maintain a database containing all incidents involving a physical injury to an individual as a result of the detonation of illegal fireworks. The database will include all relevant information concerning the incident and the results of the investigation. The Commanding Officer, Intelligence Division, will review the results of each investigation and coordinate the distribution of intelligence obtained in the investigation. In addition, those cases requiring further investigation will be referred to the appropriate unit for follow-up investigation, as deemed necessary.

FORMS AND REPORTS ***AIDED REPORT***
COMPLAINT REPORT (PD313-152)

PURPOSE To process incidents involving persons classified as "diplomats."

DEFINITIONS DIPLOMATS - Members of foreign missions, delegations, embassies or consulates to the United Nations, and their families and staff (identification cards are issued by the United States Department of State).

DIPLOMATIC IMMUNITY - Diplomats with full criminal immunity shall not be arrested but may be issued a summons. Uniformed members of the service will extend every courtesy and consideration to them and provide all reasonable assistance.

PROCEDURE Upon arriving at the scene of an incident where a diplomat is involved:

UNIFORMED MEMBER OF THE SERVICE

1. Take necessary action to protect life and property.
   a. Pending verification of diplomatic status, diplomats may be detained, particularly if they pose a danger to themselves or the public.

NOTE *Do not enter headquarters district of United Nations to perform official duty without consent of Secretary General.*

2. Obtain name and title of diplomat and government he/she represents.
3. Notify Operations Unit and Intelligence Division immediately by telephone that an incident involving a diplomat has occurred.

NOTE *The Intelligence Division, Criminal Intelligence Section will verify diplomatic status, through the Mayor's Office for International Affairs, the U.S. Mission to the United Nations, Host Country Affairs Duty Officer or the U.S. Department of State, Office of the Chief of Protocol.*

4. Do not detain a diplomat who is properly identified and has been verified by Intelligence Division personnel.
5. Request patrol supervisor to respond to scene.
6. Telephone details of the incident to the desk officer.

OPERATIONS UNIT MEMBER

7. Notify detective squad or detective borough command, if required.
8. Notify Police Commissioner and Chief of Department, if required.
9. Notify Intelligence Division, Criminal Intelligence Section in all circumstances.

DESK OFFICER

10. Notify:
    a. Precinct commanding officer/duty captain
    b. Patrol borough
    c. Operations Unit - to provide additional details and/or confirm incident.

UNIFORMED MEMBER OF THE SERVICE

11. Prepare required forms/reports.
12. Make digital **Activity Log** entry.

INTELLIGENCE DIVISION MEMBER

13. Transmit details of incident to:
    a. Mayor's Office for International Affairs
    b. United States Mission to the United Nations
    c. United States Department of State, Office of the Chief of Protocol.

NOTE *The Mayor's Office for International Affairs may be requested to the scene or may respond when appropriate.*

PATROL SUPERVISOR

14. Investigate incident and interview witnesses.
15. Determine if incident is of a serious or non-serious nature.
16. Take immediate action as required by circumstances of incident.
17. Report actions taken to precinct desk officer.

NOTE *The desk officer will notify the precinct commanding officer/duty captain who will perform the duties of the patrol supervisor if the incident is of a serious nature. Incidents of a non-serious nature will be investigated by the patrol supervisor.*

Members of the service will notify commanding officer/duty captain if an emergency child removal, as described in P.G. 215-03, "Emergency Removals or Investigations and Reporting of Abused, Neglected, or Maltreated Children," has a diplomatic immunity component. Such removal will be directly supervised by the commanding officer/duty captain.

18. Review actions already taken, conduct additional investigation as necessary.
19. Telephone results of preliminary investigation to:
    a. Operations Unit
    b. Patrol borough office concerned
    c. Intelligence Division - indicate whether incident is serious or non-serious.
20. Prepare four copies of report concerning results of investigation on **Typed Letterhead**, when incident is of a serious nature, and forward to:
    a. Chief of Patrol - one copy DIRECT
    b. Intelligence Division - two copies DIRECT
    c. File last copy in precinct desk binder.
21. Notify precinct commanding officer/duty captain of actions taken, when incident is of a non-serious nature.

PRECINCT COMMANDING OFFICER/ DUTY CAPTAIN

22. Review actions taken by the patrol supervisor in non-serious incidents.

INTELLIGENCE DIVISION MEMBER

23. Forward one copy of report to the Mayor's Office for International Affairs.

NOTE *The Mayor's Office for International Affairs will, when appropriate, present the incident to the District Attorney or other agencies for action, and follow up accordingly.*

DESK OFFICER

24. Review and process required reports/forms.

ADDITIONAL DATA

Subsequent reports including final dispositions will be prepared and forwarded in the same manner as initial reports.

A parking summons placed upon a vehicle bearing "Diplomat" and "Consul" license plates for a safety hazard violation is NOT considered a diplomatic incident.

When a diplomat with full diplomatic immunity (verified by the Intelligence Division) is suspected of impaired/intoxicated driving, the uniformed member of service on the scene may ask the diplomat to submit to a sobriety test (breathalyzer). The diplomat is entitled to refuse. This request and the diplomat's response must be documented in the member's digital ***ACTIVITY LOG*** *and in the supervisor's* ***UNUSUAL OCCURRENCE REPORT (PD370-152)****. This documentation may be used by the Mayor's Office for International Affairs at a later date for possible prosecution or administrative action against the diplomat, should the diplomat's home country waive immunity.*

Even when a diplomat has full diplomatic immunity, the responding uniformed member of the service must prepare all of the required reports (e.g., ***COMPLAINT REPORT WORKSHEET [PD313-152A]****,* ***AIDED REPORT****, etc.) normally prepared for the type of incident.*

RELATED PROCEDURES

Parking Summons - General Procedure (P.G. 209-07)
Unusual Occurrence Reports (P.G. 212-09)

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT WORKSHEET (PD313-152A)
UNUSUAL OCCURRENCE REPORT (PD370-152)
Typed Letterhead

PURPOSE To assist in the service of all orders of protection and any associated papers issued by Family Court or Supreme Court.

PROCEDURE When an order of protection issued by Family Court or Supreme Court is presented for service at a Department facility:

DESK OFFICER

1. Accept the order of protection from the member of the public or Court.

NOTE *Courts and advocacy organizations encourage petitioners to contact the NYC Sheriff in the borough of issuance so that the NYC Sheriff may serve the order of protection. However, should a member of the public appear at a Departmental facility seeking assistance in the service of an order of protection, the member of the service must accept the order. Accepting the order is not the same as serving the order. The NYC Sheriff's Office, during its hours of operation, is the process server for any and all civil orders of protection to be served within New York City. During the hours when the NYC Sheriff's Office is not in operation, the Department will serve and/or attempt to serve any and all civil orders of protection within New York City, until the NYC Sheriff's Office resumes its hours of operation.*

2. Have the petitioner complete the **New York City Department of Finance, Office of the Sheriff, Service of Process Intake (SH-0609)** form.

<u>MONDAY THROUGH THURSDAY, BETWEEN THE HOURS OF 0300 AND 2300, AND FRIDAY, BETWEEN THE HOURS OF 0500 AND 2300</u>

DESK OFFICER

3. Fax a copy of the order of protection and the **New York City Department of Finance, Office of the Sheriff, Service of Process Intake** form directly to the NYC Sheriff's Operations Desk at [redacted]
4. Confirm receipt of the order and the **New York City Department of Finance, Office of the Sheriff, Service of Process Intake** form via telephone, [redacted].
5. Make an entry in the Order of Protection Log and record the petitioner's name, respondent's name, name of court, docket number, and confirmation of the NYC Sheriff's receipt of the order and relative paperwork.

NOTE *The Order of Protection Log will be maintained at the desk and captioned across a double page as follows:*

LEFT PAGE

NOTE (continued)

Pct. Serial #	*Petitioner's Name*	*Respondent's Name*	*Docket #*	*1st Tour UMOS Assigned/ Desk Officer*	*Time/Date of Attempt(s)*	*2nd Tour UMOS Assigned/ Desk Officer*

RIGHT PAGE

Date & Time of Attempt(s)	*(Through) --------->*	*6th Tour UMOS Assigned/ Desk Officer*	*Date & Time of Attempt(s)*	*Final Disposition*	*Time/Date NYC Sheriff Office Received*	*Time/Date DVP Officer Entered In Registry*

ALL OTHER TIMES

DESK OFFICER

6. Make appropriate entries in the Order of Protection Log.
7. Assign a uniformed member of the service to serve the order of protection.
   a. Indicate name under caption "1st TOUR UMOS."

UNIFORMED MEMBER OF THE SERVICE

8. Attempt to serve the order of protection.

IF ORDER OF PROTECTION IS SERVED

UNIFORMED MEMBER OF THE SERVICE

9. Prepare **STATEMENT OF PERSONAL SERVICE (PD260-152)** and prepare a photocopy.
   a. Examine and account for all documents served by insuring that appropriate box is checked.
10. Make a digital **Activity Log** entry.
11. Deliver form to desk officer.
12. Forward photocopy of the **STATEMENT OF PERSONAL SERVICE** to domestic violence prevention officer.

NOTE *When preparing **STATEMENT OF PERSONAL SERVICE** forms for orders issued by Supreme Court, strike out the heading reading "Family Court" and write in "Supreme Court."*

DESK OFFICER

13. Enter into the Order of Protection Log that the order of protection was served.

DOMESTIC VIOLENCE INVESTIGATOR

14. Coordinate all tasks relating to the service and recording of orders of protection including filing, forwarding, etc.
15. Enter applicable information for any order of protection served by the Department, into the State Order of Protection Registry, via the FINEST system, upon receipt of each photocopy of a **STATEMENT OF PERSONAL SERVICE**.
16. Enter the date and time entry into the Registry was made under the appropriate caption in the Order of Protection Log.
   a. Place initials inside same caption.

NOTE

The Domestic Violence Unit will be responsible for ensuring that all domestic violence investigators are trained in the use of the NYSPIN/FINEST system in regard to the entry of service information.

A copy of the order of protection denoting service does not need to be faxed and confirmed to the NYC Sheriff's Office since the Registry is regularly monitored by them.

DOMESTIC VIOLENCE INVESTIGATOR (continued)

17. Forward **STATEMENT OF PERSONAL SERVICE** to Family Court or Supreme Court clerk for any order of protection served by the Department.

IF UNABLE TO SERVE ORDER OF PROTECTION

UNIFORMED MEMBER OF THE SERVICE

18. Make a digital **Activity Log** entry of each attempt to serve the order of protection.
19. Return the order of protection and related forms at end of tour to the desk officer.

DESK OFFICER

20. Repeat steps "6" and "7" at least once each consecutive tour until the NYC Sheriff's Office reopens or the order is served.
    a. Indicate name under caption "2nd Tour UMOS Assigned/Desk Officer."
21. Repeat steps "3" and "4" for further processing when assigned member of the service is unable to serve the order of protection and the NYC Sheriff's Office has reopened.
22. Enter into the Order of Protection Log that the order of protection was forwarded to NYC Sheriff.

ADDITIONAL DATA

*Each attempt made to serve the order of protection shall be documented in the member's digital **Activity Log**. The digital **Activity Log** entry will include the respondent's name, the docket number of the order and any other pertinent information. Service must be attempted at least once each tour until service is effected or the order is forwarded to the NYC Sheriff.*

The assigned uniformed member of the service will inquire of neighbors, superintendent, etc., as to respondent's whereabouts. If respondent has moved, attempt to obtain the new address. If the new address is within the precinct, service of the order of protection will be attempted at the new location. A new entry in the Order of Protection Log will be required.

*If the new address is outside the precinct concerned, indicate such in a digital **Activity Log** entry. The order of protection will be returned to the desk officer, along with any relevant information obtained during the service attempt, for forwarding to the appropriate command if the NYC Sheriff's Office is not yet open.*

When an exclusionary order of protection has been served, (an order that prohibits contact between the petitioner and respondent and/or excludes the respondent from being present at said location) uniformed members of the service may not assist respondents who wish to remove clothing/property (commonly known as "clothes jobs"). Instead, the respondent should be advised to return to court to have the order of protection amended, so that he/she may remove

ADDITIONAL DATA (continued)

clothing/personal property from the location, or, so that the items may be delivered to the respondent or a third party. This does NOT prevent a member from accompanying the PETITIONER for whom the order was issued when the petitioner has safety concerns about returning to a shared location for the purposes of retrieving clothing/personal property.

NYPD

PURPOSE To protect life and property, and facilitate fire operations.

PROCEDURE Upon receiving a report of a fire (10-59) through 911 or as a pick-up:

RADIO DISPATCHER

1. Immediately assign available unit to respond and notify patrol supervisor.
2. Broadcast any new information received via ICAD or from members on the scene. Notify the patrol supervisor and any other responding supervisor(s) of all available information (e.g., numerous calls received, affected floor, persons trapped, injuries, etc.).
3. If members of the service at scene are in immediate danger at any time from smoke, heat, or fire, notify the FDNY dispatcher for transmittal to FDNY units on the scene.

UNIFORMED MEMBER OF THE SERVICE

4. Park Department vehicles to prevent interference with firefighting operations.
5. Transmit signal 10-84 upon arrival on-scene of fire. Ensure FDNY is responding if not on-scene and inform dispatcher of any pertinent details.
6. Ensure area in front of building is secured for responding FDNY personnel and all fire hydrants are free of vehicles.
7. Direct responsible person to remain in front of location to direct fire apparatus if fire is not in view.
8. Warn occupants and assist evacuated persons if appropriate.
9. Prevent persons from reentering the building and secure lobby.

NOTE *Uniformed members of the service should be aware that some modern buildings are fire-proof and may not exhibit conditions that are commonly believed to be observable from outside a building on fire (i.e., flames or smoke).* ***Uniformed members are not trained in, or equipped for, fire suppression or fire rescue operations and should avoid entering any building that is on fire****. In most circumstances, members should await the arrival of FDNY personnel and assist in evacuation, pedestrian/traffic control and establishing a secure perimeter around firefighting operations. Given the fluid nature of the circumstances encountered at a fire scene, members of the service are reminded to use common sense judgment.*

10. If there is imminent danger to life and member(s) determine that entering the building is necessary and prudent, notify radio dispatcher of all observations made in connection with fire prior to entry.
11. Communicate to FDNY personnel at the scene the number of members of the service who entered the building, including last known location, if possible.
12. Proceed with caution at all times and maintain communication with radio dispatcher.
    a. Frequently relay location and ascertain estimated time of FDNY arrival.

UNIFORMED MEMBER OF THE SERVICE (continued)

13. Use stairs to reach reported fire location. (DO NOT use elevator.)
    a. Members should ascend in teams of two.
14. Advise radio dispatcher of labeled staircase being used or of any other identifying characteristics of staircase, if not labeled.
15. Conduct a visual inspection of stairwell for smoke or flames prior to ascending staircase.
    a. While ascending, inspect each floor below reported fire floor for smoke and/or fire and note location and distance of other stairways, exits and/or potential areas of refuge.
16. DO NOT hold elevator cars on any floor as FDNY units will seek to recall elevators to move personnel and firefighting equipment into position.
17. Conduct a visual inspection of hallway of reported fire floor through the stairwell/hallway door window, if available.
    a. Place back of hand on door that separates stairwell from affected floor to detect the presence of heat.
        (1) An unusually warm door or the presence of smoke are indicators that there is a fire in the hallway or in an apartment where a door has been left open. This can be an extremely dangerous condition requiring personal protective equipment to enter and is considered "immediately dangerous to life and health." In these cases, members should not open the door or enter the hallway as such action can draw smoke/fire toward the stairwell.

PATROL SUPERVISOR

18. Respond to ALL building/structure fires in command.
19. Confer with FDNY supervisor and advise members of the service to evacuate/tactically retreat (e.g., assume a prone position and crawl or stay as low to the ground as dictated by the situation, moving close to the wall so that the wall may be used as a guide, etc.) to predetermined exit, if smoke and heat are suddenly present.
20. Notify desk officer if fire is suspicious and request precinct detective squad.
21. Immediately assign uniformed members of the service to direct and control responding emergency vehicles to allow free access to affected area.
    a. Confirm that fire hydrants remain accessible for use.
    b. Ensure a clear path of access and egress is established and maintained for ambulances.

FIRST SUPERVISOR AT SCENE

22. Proceed immediately to the FDNY Incident Command Post once established and remain at Incident Command Post until relieved or the Command Post is demobilized.
23. Advise the FDNY Incident Commander of the number of members of the service inside the affected building, including unit designation and last known location.

UNIFORMED MEMBER OF THE SERVICE

24. Establish police lines beyond the fire apparatus and hydrants in use.
    a. Establish police lines behind the building beyond fire operations, if necessary.
25. Permit only the following persons and vehicles to enter fire lines:
    a. Ambulances
    b. Police and FDNY vehicles
    c. The Mayor and vehicle
    d. Members of governmental agencies and their vehicles, in performance of duty
    e. Employees of public service corporations and their vehicles in the performance of emergency duties
    f. Persons holding valid unexpired press credentials
    g. Red Cross personnel in performance of duty.
26. Record following information in digital **Activity Log**:
    a. Relevant details surrounding the fire including the location, time and persons displaced or injured
    b. Cause of fire, extent of damage and any suspicion of arson (obtained from fire officer in charge), if available
    c. Any dangerous condition resulting from the fire.
27. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** if the fire is suspicious.
28. Prepare **AIDED REPORT** for each injured person.
29. Ensure premises are secure once firefighting operations have concluded.

DESK OFFICER

30. Notify Operations Unit and borough command if:
    a. Injury or death occurs
    b. Three alarms or more
    c. Unusual type of fire
    d. Cause of fire is suspicious
    e. Forced entry by FDNY
    f. Relocation of tenants required.
31. Review **COMPLAINT REPORT WORKSHEET/AIDED REPORT**, if prepared.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Fires can spread rapidly and expand to other rooms, floors or buildings. In addition, smoke created by fire contains poisons and carcinogens including carbon monoxide. Members of the service should be aware, given the circumstances, that a high level of exertion (e.g., stair climbing, etc.) prior to or while entering a fire location could be problematic; the rapid respiration associated with a high level of physical exertion may result in an increased intake of dangerous and harmful smoke into the lungs. ABSENT EXIGENT CIRCUMSTANCES UNIFORMED MEMBERS OF THE SERVICE SHOULD NOT OPERATE ON ANY FLOOR ABOVE THE FIRE AND NOT ATTEMPT TO NAVIGATE THROUGH A SMOKE-FILLED OR FIERY ENVIRONMENT.

ADDITIONAL DATA (continued)

In fire suppression incidents, according to the CIMS Primary Agency Matrix, the ranking FDNY officer is the Incident Commander and the NYPD will co-locate its command post with the FDNY's. The highest ranking NYPD uniformed supervisor shall remain with the on-scene Incident Commander and work and coordinate with the Primary Agency. The highest ranking uniformed supervisor is responsible for site management and accountable for the inner perimeter and crowd / traffic control.

RESPONSE TO TWO ALARM FIRES

A second alarm occurs when the Fire Department dispatches additional engine companies, additional ladder companies and other necessary resources beyond the deployment of a full-scale first alarm response. While it is recognized that, in most instances, members of the NYPD are already at the scene of such fires and are aware of the second alarm, the Fire Department will notify the Operations Unit directly, when a fire reaches a second alarm. Upon notification of a two alarm fire, the Operations Unit will direct the duty captain to the scene.

The duty captain will respond to the scene to ensure that all appropriate coordination and police services are being provided. In addition, the duty captain will give particular attention to ensuring that traffic control is maintained and perimeters are established. When appropriate, the duty captain may direct that a ranking member be designated as the NYPD communications liaison.

The ranking member of the New York City Police Department on the scene will confer with the ranking fire officer to determine if additional police resources are required, e.g. Aviation Unit, Harbor Unit, etc. Supervisory members should be aware that, when conditions warrant, the Fire Department may request that a fire officer be assigned to an Aviation Unit in order to survey the fire and affected structures. Such requests should be facilitated by promptly notifying the Operations Unit and arranging for the flight, as appropriate.

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT WORKSHEET (PD313-152A)

PURPOSE To assist the New York City Housing Authority (NYCHA) in enforcing its rules, limiting criminal activity, providing a safe and secure environment and ensuring the habitability of its residential buildings by performing interior patrols in a manner that respects the rights of Housing Authority residents and guests.

SCOPE Members of the service shall conduct all inquiries, interactions and enforcement activities in and around NYCHA buildings with the courtesy, professionalism, and respect to which all persons are entitled in their own homes. This procedure must be applied consistent with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops"* and the corresponding training materials establish the parameters for all investigative encounters irrespective of location of occurrence.

PROCEDURE To conduct interior patrols in NYCHA buildings. Uniformed members of the service shall frequently inspect the interior of Housing Authority buildings on assigned posts as follows:

UNIFORMED MEMBER OF THE SERVICE

1. Notify Communications Section radio dispatcher, utilizing radio code 10-75I, and make a digital **Activity Log** entry of the time and street address upon entering the building.
2. Notify applicable Police Service Area or 120 Precinct, by radio, if Video Interactive Patrol Enhanced Response (VIPER) cameras are present.

POLICE SERVICE AREA/120 PRECINCT MEMBER

3. Advise uniformed member of conditions that:
   a. Require attention
   b. Significantly affect safety.
4. Provide ongoing assistance to uniformed member of the service performing interior patrol.

UNIFORMED MEMBER OF THE SERVICE

5. Inspect front, rear and other exterior doors and door locks, intercom system, and the interior of the lobby.
6. Inspect elevators and ascertain if they are operable.
   a. Notify Housing Authority Emergency Service Department maintenance personnel of inoperable elevators.
7. Document in digital **Activity Log** whether signs prohibiting trespassing are legible and prominently displayed in areas where persons entering the building can readily see them.
   a. If signs are missing, illegible or defaced, prepare a **FIELD REPORT**, using the Finest Online Records Management System (FORMS).
      (1) A legible handwritten copy must be completed if a uniformed member of the service does not have the ability to complete a **FIELD REPORT** electronically.

UNIFORMED MEMBER OF THE SERVICE (continued)

8. Proceed to top floor of building by elevator, if operable, otherwise by using the stairs.
   a. Patrol the roof, roof landing, elevator rooms, and any other accessible installations.
   b. Patrol each floor, staircase and hallway within the building from the top floor to the ground floor.
   c. Patrol all accessible basement areas.
9. Inspect elevator doors on each floor, taking immediate action when necessary.
   a. Notify Housing Authority Emergency Service Department or NYPD Emergency Service Unit personnel immediately and remain at scene and secure location until unsafe condition has been corrected if:
      (1) Elevator door glass is missing
      (2) Outer elevator door opens when elevator is not present
      (3) Any other dangerous condition concerning elevators exists.
10. Notify the Housing Authority in accordance with the procedure set forth in *P.G. 207-26, "Field Reports,"* by preparing a **FIELD REPORT** regarding:
   a. Any damage or defect related to the intercom system, lobby door or lobby door lock
   b. Any missing or defective signs, including signs that designate restricted areas and prohibit entry in those restricted areas, and/or any missing alarms to restricted areas
   c. Any other condition that potentially compromises the safety or security of the building, its residents or authorized visitors
   d. Violations of NYCHA "House Rules" and regulations.
11. Be alert for persons who may be violating Housing Authority rules and regulations within NYCHA property.
   a. Upon encountering persons who are violating a Housing Authority rule, take appropriate police action pursuant to *P.G. 207-26, "Field Reports,"* unless there is a basis for criminal enforcement.
   b. Observation of a violation of any Housing Authority rule, regardless of whether it is also a criminal offense, may, at a minimum, provide an officer with an objective credible reason to approach the person to inquire further.
   c. Do not stop a person in accordance with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* for a violation of Housing Authority rules unless the rule violation is also a criminal offense. Mere lingering in a common area, without more, is not a criminal offense for which a person may be stopped or arrested.
   d. Do not take police action pursuant to *P.G. 208-01, "Law of Arrest,"* for a violation of Housing Authority rules unless the rule violation is also a criminal offense.
12. Be alert for persons who may be engaged in criminal activity.

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Conduct all investigative encounters in accordance with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* and, if applicable, with the procedures for trespass investigations as set forth in step "13" below.

b. If a person is stopped, a **STOP REPORT (PD383-151)** shall be prepared pursuant to *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* and a digital **Activity Log** entry shall be made to document the encounter.

(1) Check the appropriate box indicating the stop is related to a NYCHA building.

c. Take police action pursuant to *P.G. 208-01, "Law of Arrest"* or *P.G. Series 209, "Summonses,"* only if there is probable cause to believe that a person committed a felony or misdemeanor or the person committed a violation in the officer's presence.

NOTE *Mere presence in or near a NYCHA building does not provide a basis to approach and conduct an investigative encounter, nor does it establish reasonable suspicion for a stop. When approaching a person based only on an objective credible reason (Level 1 Request for Information), members are prohibited from requesting consent to search the person.*

13. Trespass Investigations: Be alert for persons who may be engaged in criminal trespass.

a. Level 1 Request for Information: If there is an objective credible reason to approach such a person based on observed behavior or other credible information, a member of the service may approach and ask in a non – threatening and non – accusatory manner:

(1) If he or she lives in the building

(2) If he or she is visiting someone in the building

(3) If he or she has business in the building.

b. Level 2 Common Law Right of Inquiry: If, based on the answers to questions in the initial encounter and/or observed behavior, there is a founded suspicion of criminal trespass, take reasonable measures to verify the person's authorization to be in the building.

NOTE *Do not use a tone or take steps that would create a situation where a reasonable person would not feel free to leave when there is less than reasonable suspicion that the person is a trespasser.*

c. Level 3 Terry Stop: Stop a person in accordance with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* and take reasonable measures to investigate only if there is reasonable suspicion to believe that the person has committed, is committing, or is about to commit criminal trespass. Such measures include, but are not limited to, the following:

UNIFORMED MEMBER OF THE SERVICE (continued)

(1) Temporarily detaining the person while another uniformed member visits the building resident whom the person claims to be visiting; and/or

(2) Requiring the person to accompany uniformed member to the apartment of the building resident whom the person claims to be visiting.

NOTE *Merely passing through a door that has a broken lock or that has been propped open does not, alone, constitute reasonable suspicion of criminal activity.*

d. Take police action pursuant to *P.G. 208-01, "Law of Arrest"* or *Patrol Guide Series 209, "Summonses,"* only if there is probable cause that the person committed trespass. A reasonable investigation is ordinarily necessary to determine whether probable cause exists.

(1) Make digital **Activity Log** entry describing the details of arrest/summons.

(2) Document investigative steps taken prior to making the arrest or issuing the summons including the factors used to determine that the person knowingly entered or remained unlawfully, particularly if signs are not present or visible.

(3) Utilize Department-issued smartphone to photograph sign(s) prohibiting trespassing or document the warning and the location in digital **Activity Log**.

NOTE *Even if there is probable cause to arrest a person for trespassing, officers may exercise their discretion to refrain from arresting that person, and instead instruct that person to leave under appropriate circumstances.*

e. In all cases when an arrest is made for criminal trespass, the arresting officer must:

(1) Prepare **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION (PD351-145)** and submit to the desk officer for review

(2) Prepare **STOP REPORT**, if appropriate

(3) Prepare **COMPLAINT REPORT (PD313-152)**.

14. Restricted Areas:

a. Restricted areas are limited to those areas specifically designated as restricted by Housing Authority rules and regulations

b. In the absence of conspicuously posted rules, do not arrest a person for trespassing in a restricted area of a building (including the roof, roof landing or boiler room), unless probable cause is established that the person knows that their presence in the restricted area is prohibited (e.g., the member of the service knows that the person has been previously found in that same type of restricted area of a Housing Authority development, notwithstanding the fact it may have been a different Housing Authority development, based on the officer's prior experiences with the person or information communicated to the officer)

UNIFORMED MEMBER OF THE SERVICE (continued)

c. In the absence of such conspicuously posted rules or regulations, a person found on a roof or roof landing or in a boiler room, or any other restricted area, should be:
   (1) Instructed to leave such area if he or she is a resident or authorized visitor and there is no other basis to arrest such person, or
   (2) Instructed to leave the building if he or she is an unauthorized visitor and there is no other basis to arrest such person.

d. Prepare a **FIELD REPORT** anytime a person is observed in a restricted area and there are no conspicuously posted rules

e. Any person may be arrested for trespassing on a roof or roof landing or in a boiler room or in any other restricted area if he or she refuses to leave after instructed.

15. Notify Communications Section radio dispatcher upon exiting the building and make a digital **Activity Log** entry indicating the time the interior patrol was completed and any condition noted.

16. Alternate between outside area patrol and interior patrol of Housing Authority grounds and buildings, unless otherwise directed.

17. Patrol each building on assigned post.

MEMBERS ASSIGNED TO RMP DUTIES

18. Comply with above requirements, if not on an assignment, when available to perform interior patrol.

PLATOON COMMANDER/ PATROL SUPERVISOR/ ASSIGNED SUPERVISOR

19. Instruct uniformed members performing interior patrol that, absent exigent circumstances, two or more uniformed members must remain together at all times.

20. Ensure all interior patrols are performed in an appropriate manner with special attention to:
   a. Proper tactics
   b. Required equipment (e.g., serviceable flashlight, O.C. spray, etc.)
   c. Radio transmissions
   d. Proper documentation (e.g., digital **Activity Log** entry, **STOP REPORT**, **RIGHT TO KNOW BUSINESS CARD (PD142-012)** or **RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)**, **FIELD REPORT**, etc.).

DESK OFFICER

21. Ensure that completed **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION** is included in arrest package for all arrests that include a charge of criminal trespass in a NYCHA building.

22. Review **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION** for accuracy and completeness, and endorse, as appropriate.
   a. Have **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION** photocopied.

DESK OFFICER (continued)

b. Return original **NYCHA TRESPASS CRIMES -FACT SHEET AND SUPPORTING DEPOSITION** to arresting officer for inclusion in arrest package.

23. Have photocopies of **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION(S)** placed in chronological order in a binder maintained at the desk.

PSA/PRECINCT COMMANDING OFFICER

24. Review available sources and identify buildings that are in need of increased interior patrols.
25. Assign and direct members to perform patrols at directed locations.

ADDITIONAL DATA

During the course of an interior patrol, members of the service are likely to encounter other persons in the building. While detecting trespassers inside NYCHA buildings is an important public safety function, it is equally critical that members of the service treat residents and their guests with courtesy, professionalism, and respect at all times.

If a member of the service has reason to seek to determine if a person is authorized to be in the building, the member may ask for the person's voluntary cooperation. When feasible and consistent with safety, advise the person that the purpose of the interior patrol is to keep the building safe and ensure that only tenants and their invited guests are within the building, and advise the person that he or she is free to leave (unless the person is under arrest or detained in a Level 3 stop). A person's refusal or inability to produce identification or provide information does not elevate the level of the encounter. However, if the individual refuses or is unable to explain his or her presence in the building, the member may instruct the person that he or she must leave the building or be subject to arrest for trespass.

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Field Reports (P.G. 207-26)
Law of Arrest (P.G. 208-01)
Arrests – General Processing (P.G. 208-03)
Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)
Summonses (P.G. 209 Series)

FORMS AND REPORTS

RIGHT TO KNOW BUSINESS CARD (PD142-012)
RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)
COMPLAINT REPORT (PD313-152)
FIELD REPORT (313-1511)
STOP REPORT (PD383-151)
NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION (PD351-145)

PURPOSE To reduce the occurrence of burglaries/robberies by identifying and apprehending those individuals committing burglaries/robberies.

SCOPE The Precinct Detective Squad/Burglary/Robbery Apprehension Module (PDS/BRAM) will maintain a dedicated focus on burglary/robbery investigations and shall be under the direct organizational control and supervision of the Precinct Detective Squad Commander.

PROCEDURE When a uniformed member of the service receives a complaint of a burglary or robbery:

UNIFORMED MEMBER OF THE SERVICE

1. Determine whether a burglary or robbery in fact has been committed by conducting preliminary investigation.
2. Broadcast description of perpetrators if available and appropriate, and conduct search for suspects, if appropriate.
3. Safeguard evidence and when necessary, follow crime scene procedures as per *P.G. 212-04, "Crime Scene."*
4. Interview complainant and initiate investigation.
   a. If perpetrator(s) can be identified, transport complainant to station house to view photos.
5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** for robbery.
   a. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** for burglary if Burglary Apprehension Team member is not working.
   b. Comply with *P.G. 207-01, "Complaint Reporting System."*
6. Notify Detective Borough for Evidence Collection Team (ECT) to respond to all burglary incidents, including situations where an arrest is made at the scene.
7. Make notification to Precinct Detective Squad who will immediately notify the designated PDS/BRAM investigator, when available.
   a. Provide all available information necessary to continue investigation.
   b. Notify Detective Borough Night Watch if PDS/BRAM office is closed (0100-0800 hours).

NOTE *Copies of robbery/burglary complaints recorded on* ***COMPLAINT REPORTS (PD313-152)*** *in the precinct on late tours will be picked up at 0800 hours by a PDS/BRAM member.*

DESK OFFICER

8. Review and finalize the completed **COMPLAINT REPORT** in OMNIFORM System.
9. Have a copy of **COMPLAINT REPORT** forwarded to the Precinct Detective Squad/BRAM.
10. Ensure that additional copies of **COMPLAINT REPORT** are sent to other units/agencies, as required.

NOTE *Pattern identification is crucial to a burglary strategy. As part of this strategy, the Detective Bureau will establish burglary patterns in the same manner used to deal with robbery patterns. Where two or more incidents have common traits the Precinct Detective Squad Commander will establish a pattern. Items that should be considered in order to declare a pattern are: similar methods of entry, items stolen, proximity of crimes to each other, time/day of occurrence as well as any other distinguishable common characteristics. The Precinct Detective Squad, in which a pattern has been established, will have the primary responsibility in compiling a pattern folder and documenting their investigative steps to apprehend the perpetrator unless the pattern crosses precinct boundary lines. All information must be disseminated to members of the service in the local and surrounding precincts, detective squads and investigative units. The Borough Robbery Squad will assume responsibility for investigation of patterns affecting more than one precinct. The Patrol Borough Commander will oversee the coordination of the plan to address the pattern between Patrol Services, Detective Bureau (i.e., detective squad, warrants, gang unit etc.) and Intelligence Division personnel.*

PDS/BRAM INVESTIGATOR

11. Review burglary and robbery complaint reports and assist in identifying any Burglary/Robbery patterns or trends that may arise.
12. Confer with the Precinct Field Intelligence Officer, when assigned, prior to and following the issuance of a pattern.
13. Compile a pattern case folder for all identified patterns, documenting all investigative steps taken.
14. Maintain photo books in accordance with established Legal Bureau guidelines, containing pictures of persons previously arrested for burglary and related crimes.
15. Confer with precinct and borough patrol and investigative units and disseminate all information regarding burglary and robbery trends, patterns and wanted perpetrators.
16. Update and maintain the Precinct Crime Information Center with active **INVESTIGATION CARD (PD373-163)**, Field Information posters, serial burglar lists and photos.
17. Conduct an investigation when the subject of a "Home Visit" cannot be located by the Precinct Burglary Apprehension Team (BAT).
18. Cultivate and maintain sources of information within command (e.g., confidential informants, building superintendents, landlords, block watchers, etc).
19. Debrief all suspects arrested for crimes of burglary/robbery. Seek to:
    a. Identify accomplices
    b. Identify fencing locations
    c. Identify other victims.
20. Be responsible for reviewing the list of persons selling items to pawnshops or secondhand dealers.
    a. Conduct appropriate investigation, i.e. **INVESTIGATION CARD** check, warrant investigation, criminal record check.
21. Assist the Burglary Apprehension Team with "Fencing Sting Operations."
22. Take major case prints for every person arrested for the crime of burglary.

PDS/BRAM SUPERVISOR

23. Be responsible for the review of all burglary/robbery complaints received at the office to determine case status.
24. Review all **COMPLAINT REPORTS (PD313-152)**, **Omniform Complaint Revisions** and associated Enterprise Case Management (ECMS) entries to determine whether the cases should remain ACTIVE or CLOSED, and to ensure that all necessary investigative steps have been taken.
25. Assign robbery and burglary cases amongst all detectives in the unit.
26. Ensure the crime information centers are updated accordingly.
27. Ensure pawnshop/secondhand dealer inspections are properly investigated.
28. Verify major case prints are taken for every person arrested for burglary.

ADDITIONAL DATA

Assignment to a Precinct Detective Squad/Burglary Robbery Apprehension Module (PDS/BRAM) will be viewed solely as a Detective Bureau assignment, and not as an "investigative assignment" available to police officers under the "Police Officers Career Program."

Precinct Detective Squad/Burglary Robbery Apprehension Module (PDS/BRAM) team members will be assigned to the Detective Duty Chart. The squad commander, however, will have sufficient flexibility to modify scheduled tours to accommodate the needs of the command and/or for particular investigations.

Key elements which contribute to the success of the BRAM program:

a. The creation of a specialized BRAM unit within <u>every</u> Precinct Detective Squad. These units are commanded by, and are accountable to, a Precinct Detective Squad Commander who is responsible for the investigation of <u>all</u> robbery/burglary complaints committed within that precinct (unless another unit has responsibility as per Department directives).

b. The allocation of Precinct Detective Squad personnel to the BRAM unit, commensurate with the number of reported burglary/robbery cases. Precinct Detective Squad Commanders will determine the exact complement of personnel (supervisors/detectives), in concurrence with the respective Detective Borough Commanding Officer.

c. One member of each PDS/BRAM will be designated as liaison with the Borough Robbery Squad and the Intelligence Division for the purpose of identifying emerging patterns and suspects. The Pattern Identification Module will be responsible for identifying, tracking and disseminating information between the precincts and boroughs affected and creating the pattern sheet upon conferral with both the Precinct Squad Commanders and Precinct Commanders involved.

d. Detective Bureau must notify the appropriate Patrol Borough Pattern Identification Module when a pattern is established and provide all relevant details. Patrol Borough Pattern Identification Modules will notify the appropriate Detective Bureau on all alerts. Detective Bureau will prepare an apprehension plan on all patterns and submit it to the Chief of Detectives and forward a copy to the appropriate Patrol Borough Commander.

e. The development and utilization of precinct <u>Photo Books</u> that contain photographs of persons previously arrested for burglary, robbery and grand larceny from the person, as well as <u>all</u> other photographable offenses within the same geographical area. <u>Each</u> PDS/BRAM must regularly review the precinct's arrest records and

ADDITIONAL DATA (continued)

obtain all such prisoner photographs, including photos listing parolees with robbery/burglary convictions.

f. Uniformed members of the service on patrol are required to bring victims of robberies to the precinct in order to view the Photo Books.

g. An innovative Case Management System which ensures prompt, thorough and flexible investigation of burglary/ robbery complaints. Every burglary/ robbery complaint, after assignment of a precinct complaint number, will be reviewed and finalized in the OMNIFORM System by the desk officer. Desk officers will closely scrutinize robbery complaints to ensure that procedures were properly followed. An additional copy of the ***COMPLAINT REPORT (PD313-152)*** *will be forwarded to the Precinct Detective Squad. A thorough investigation will be conducted on all burglary/robbery cases and the case status (open or closed) will be determined by the PDS/BRAM supervisor.*

If a uniformed member of the service apprehends a person wanted by the Precinct Detective Squad, as a result of a photograph placed on the Crime Identification Center's bulletin board, the uniformed officer will deliver the prisoner to any member of that detective unit performing duty at the time of the apprehension. The detective, who assumes responsibility for the prisoner, is required to take all of the follow-up steps, including arranging for and conducting a lineup, as per Patrol Guide 208-24, "Identification Lineups/Showups," booking and arraigning the prisoner.

A uniformed member of the service who apprehends two PDS/BRAM wanted persons may be recommended for Departmental recognition in the appropriate grade by the Precinct Commanding Officer. (If after the first arrest the individual apprehended is of significant value, Departmental Recognition may be recommended).

RELATED PROCEDURES

Departmental Recognition – Uniformed Members of the Service (A.G. 329-03)
Complaint Reporting System (P.G. 207-01)
Identification Lineups/Showups (P.G. 208-24)
Crime Scene (P.G. 212-04)

ARCHIVED

PURPOSE To inform members of the service of the procedures to be followed when performing bicycle patrol.

SCOPE All precincts, police service areas, Strategic Response Groups and the Chief of Transportation are authorized to establish a bicycle patrol. ALL Patrol Boroughs, the Chief of Transportation, and the Housing Bureau will designate a Bicycle Coordinator.

PROCEDURE To perform bicycle patrol:

COMMANDING OFFICER

1. Select volunteer members of the service within the command to perform bicycle patrol.
2. Ensure that bicycles and related equipment usage are maximized.
3. Select a supervisor to act as the bicycle coordinator.

MEMBER ASSIGNED TO BICYCLE PATROL

4. Perform bicycle patrol, with the approval of an immediate supervisor.
5. Prior to performing bicycle patrol, all bicycles will be inspected using the following ABC-QUICK CHECK:
   a. **A**ir pressure
   b. **B**rakes
   c. **C**rank
   d. **QUICK** release levers
   e. **CHECK** with brief ride
6. Notify immediate supervisor, or if not available, the desk officer/counterpart if bicycle requires repair or should not be utilized (i.e., unsafe, damaged, etc.).

NOTE *A digital **Activity Log** entry regarding the condition of the bicycle will be made at the start of the tour.*

7. Bicycle helmet, luminous vest and shatter-proof protective eye gear will be worn at all times while operating a Department bicycle in uniform.
8. Except in emergency situations, the Vehicle and Traffic Laws will be obeyed at all times.

BICYCLE COORDINATING SUPERVISOR

9. Deploy members of the service on bicycle patrol except when the following conditions exist:
   a. Rain, snow, sleet, heavy fog or any precipitation causes the ground to become slippery
   b. Patches of snow or ice remain from previous storms
   c. High winds interfere with the control of the bicycle
   d. Temperature is above 95 degrees or below 32 degrees Fahrenheit.

NOTE *If bicycle coordinating supervisor is unavailable, the desk officer/counterpart will deploy bicycles to members of the service.*

BICYCLE COORDINATING SUPERVISOR (continued)

10. Perform supervisory duty on bicycle, if practical.
11 Ensure that bicycles are clearly marked with the command number followed by the bicycle number (e.g., 103 PCT, 1).
    a. Bicycle number is to be affixed on both sides of the fork (facing downward) below the front brake cantilever.
    b. Command designation is to be affixed at the top of the down tube on both sides.
    c. Numerals are one and one quarter inch block numbers, white in color.
    d. Requests for these stickers will be made to the respective patrol borough/bureau bicycle coordinator concerned.
12. Establish and maintain a Bicycle/Equipment Log Book divided into four sections as follows:
    a. List of trained members of the service
    b. Equipment and distribution including serial numbers of all bicycles, date the bicycles were received, and the date condemned. Indicate next to each bicycle number whether community donated or Department purchased.
    c. Bicycles needing repairs, person contacted, date sent out for servicing and date returned.
    d. A sign-in/sign-out of equipment and bicycles for use by authorized bicycle patrol personnel.
13. Attach original copy of Auxiliary Roll Call to desk copy of Centralized Personnel Resource (CPR) System Roll Call printout.
14. Designate a member of the service to perform minor repairs and adjustments, not to exceed one hour per day, on bicycles assigned to the command.

NOTE *Only members of the service that have received the advanced one day repair training course given by the Police Academy Driver Education and Training Unit are to be assigned.*

15. Inspect members of the service and their bicycles for proper uniform and equipment, prior to leaving the command facility.
    a. If not available, the inspection will be done by the desk officer or counterpart.
16. Prepare monthly **Bicycle Patrol Activity Reports** and forward to the special operations lieutenant/counterpart for review by the seventh day of each month.
17. Schedule repair dates with the appropriate designated repair facility.
18. Report damaged, lost or stolen Department bicycles and equipment to the operations coordinator/counterpart and comply with *P.G. 219-20 "Loss Or Theft Of Department Property."*

NOTE *A copy of the equipment distribution and serial numbers for all bicycles will be forwarded to the Patrol Borough, the Chief of Transportation, or Housing Bureau Bicycle Coordinator. Lost/stolen bicycles and equipment will be reported as per P.G.219-20, "Loss Or Theft Of Department Property." A member of the service who is involved in a collision and/or is injured shall comply with the applicable Patrol Guide procedures. A bicycle involved in a collision will not be put into service until it is inspected by the Police Academy Driver Education and Training Unit and returned to service. Copies of all information regarding bicycle collisions will be forwarded to the Police Academy Driver Education and Training Unit. An additional copy will be forwarded to the Bureau concerned (Patrol Services or Housing).*

SPECIAL OPERATIONS LIEUTENANT/ COUNTERPART

19. Oversee operation of the bicycle patrol for auxiliary police.
20. Confer with the commanding officer to maximize utilization of equipment (e.g., search for missing persons, quality of life conditions, robbery patterns, traffic enforcement operations, etc.).
21. Review **Bicycle Patrol Activity Report**, confer with the commanding officer, and forward **Bicycle Patrol Activity Report** to the Patrol Borough by the tenth day of each month.
    a. Police Service Areas will forward their activity reports to the Housing Bureau.
22. Coordinate, through the Patrol Borough or the Housing Bureau Bicycle Coordinator (as appropriate), bicycle training for uniformed members of the command, as needed.

NOTE *Chief of Transportation will coordinate bicycle training through the Chief of Patrol's Resource Management Section, Professional Development Unit.*

PATROL BOROUGH/ BUREAU BICYCLE COORDINATOR

23. Notify subordinate commands regarding pertinent matters relating to bicycle patrol.
24. Establish and maintain a current listing of the bicycle coordinators within subordinate commands.
25. Collect and consolidate **Bicycle Patrol Activity Reports** and forward reports to the commanding officer for review.
26. Maintain, order, receive and distribute equipment for subordinate commands.
27. Ensure that, on a yearly basis, all Department bicycles within the command have been inspected by conferring with the bicycle coordinators of subordinate commands.
    a. Scheduling for repairs and inspections should not deplete a commands' fleet of bicycles.

NOTE *Patrol boroughs and Chief of Transportation will forward a consolidated **Bicycle Patrol Activity Report** to the Operational Development Unit, Chief of Patrol, by the fifteenth day of each month. Police Services Areas will forward consolidated **Bicycle Patrol Activity Reports** to the Housing Bureau Coordinator.*

ADDITIONAL DATA

Once a year, all Department bicycles will be fully inspected by the Police Academy's Driver Education and Training Unit. The repair personnel will also conduct these inspections during any period of repair and make a notification to the command concerned when such an inspection is conducted. Records of inspections and repairs will be kept by the Police Academy's Driver Education and Training Unit and at the command concerned. When repairs are needed, the coordinating supervisor will contact the Police Academy's Driver Education and Training Unit.

ALL commands will have their bicycles repaired at:

Police Academy's Driver Education and Training Unit
Floyd Bennett Field
Bldg #4
Brooklyn, NY, 11234

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)
Vehicle Collisions - General Procedure (P.G. 217-01)
Lost Or Theft of Department Property (P.G. 219-20)
Department Property - Disposal Of Non-Expendable (A.G. 325-03)
Use Of Property (Other Than Vehicles) Held By Property Clerk (A.G. 313-04)

FORMS AND REPORTS

Bicycle Patrol Activity Report

NYPD

CITY POLICY CONCERNING IDENTIFYING INFORMATION AND ACCESS TO CITY SERVICES

PURPOSE To ensure members of the service provide essential services to all residents, regardless of immigration status, and that members of the service not inquire about the immigration status of crime victims, witnesses, or others who require police assistance.

DEFINITIONS IDENTIFYING INFORMATION - Any information obtained and maintained by, or on behalf of, New York City, which may be used on its own, or with other information, to identify or locate an individual, including, but not limited to: name, sexual orientation, gender identity, race, marital or partnership status, status as a victim of domestic violence or sexual assault, status as a crime victim or witness, citizenship or immigration status, eligibility for, or receipt of, public assistance or City services, all information obtained from an individual's income tax records, information obtained from any surveillance system operated by, for the benefit of, or at the direction of the Police Department, motor vehicle information or license plate number, biometrics (e.g., fingerprints, photographs, etc.), languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employment status, employer information, current and previous home and work addresses, contact information (e.g., phone number, email address, etc.), information concerning social media accounts, date and/or time of release from custody of the Administration for Children's Services, Department of Correction, or Police Department, any scheduled court appearances, or any scheduled appointments with any employee, contractor, or subcontractor.

FOREIGN NATIONAL - Any person who is not a citizen or national of the United States, regardless of immigration status or length of residency.

PROCEDURE When providing services to any individual, regardless of actual or perceived immigration status:

MEMBER OF THE SERVICE

1. Provide services to all individuals when necessary, regardless of actual or perceived immigration status.

INQUIRIES REGARDING IMMIGRATION STATUS

MEMBER OF THE SERVICE

2. Do not inquire about immigration status for the purpose of establishing immigration status as an undocumented foreign national.
   a. Inquire about an individual's immigration status only in order to investigate criminal activity.
3. Inquire about an individual's immigration status, if one of the exceptions permitting collection applies (see below listing under heading, "COLLECTION OF INFORMATION"), and such person's immigration status is necessary for determining a program, service, or benefit eligibility, or for the provision of City services, or such officer or employee is required by law to inquire about such person's immigration status.

COLLECTION OF INFORMATION

MEMBER OF THE SERVICE

4. Collect identifying information only, as follows:
   a. Such collection is in connection with the investigation of a crime that has been committed, or credible information about an attempted or impending crime (i.e., information necessary for preparing required Department forms/reports, etc.); or
   b. Such collection is in connection with an open investigation by a City agency concerning the welfare of a minor or an individual who is otherwise not legally competent; or
   c. Such collection has been pre-approved as routine by the Agency Privacy Officer assigned to the Legal Bureau; or
   d. Such collection has been pre-approved as in the best interests of the City by the City Chief Privacy Officer; or
   e. Such collection is required by law or treaty and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau; or
   f. Such collection furthers the purpose or mission of the Department and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau.

NOTE

It is incumbent upon the Department to maintain the trust and confidence of all who depend on the services of the Department for their safety. It continues to be the policy of the Department not to inquire about the immigration status of crime victims, witnesses, or others who call or approach seeking assistance.

DISCLOSURE OF INFORMATION

MEMBER OF THE SERVICE

5. Disclose identifying information only, as follows:
   a. Such disclosure has been authorized in writing by the individual to whom such information pertains to, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau; or
   b. Such disclosure is required by law and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau or
   c. Such disclosure furthers the purpose or mission of the Department and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau; or
   d. Such disclosure has been pre-approved as in the best interests of the City by the City Chief Privacy Officer; or
   e. Such disclosure has been designated as routine by the Agency Privacy Officer assigned to the Legal Bureau; or
   f. Such disclosure is in connection with an investigation of a crime that has been committed or credible information about an attempted or impending crime; or

MEMBER OF THE SERVICE (continued)

g. Such disclosure is in connection with an open investigation by a City agency concerning the welfare of a minor or an individual who is otherwise not legally competent.

ADDITIONAL DATA

Members of the service are reminded that the steps found in P.G. 208-56, "Foreign Nationals" are mandatory and required by United States treaty obligations. Nothing in this procedure should limit or restrict the completion of the required inquiries regarding the nationality of arrestees and notifications to their country's embassy or consulate.

Any member of the service with a question related to the disclosure of identifying information under this section shall consult with the Legal Bureau.

RELATED PROCEDURES

Bias Motivated Incidents (P.G. 207-10)
Foreign Nationals (P.G. 208-56)
Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)
Requests to Provide City Resources for Immigration Enforcement (P.G. 122-126)

NYPD

PURPOSE To formalize police/clergy cooperation; provide instruction and direction to both police and clergy; and to aid the Department in its effort to advance the concept of Community Policing.

DEFINITIONS POLICE/CLERGY LIAISONS - designated members will be available to assist the Department in:

(1) Maintaining calm.
(2) Seeking cooperation from the community during and after emergencies such as bias incidents, hostage cases, and emotionally disturbed person situations.
(3) Acting as unofficial recruiters, urging young people in their congregations to seek careers with the Police Department.
(4) Attending appropriate events (e.g., Precinct Community Council meetings, Youth Councils, etc.).

POLICE/CLERGY VOLUNTEERS - will be selected by precinct commanders, in numbers based upon the individual precinct needs. These volunteers will function within precinct boundaries and will perform duties as recruiters, advisers and as a bridge between the community and the precinct.

PROCEDURE When a vacancy occurs in the Police/Clergy Program:

PRECINCT COMMANDER

1. Notify Deputy Commissioner, Community Affairs Bureau, in writing, as to cause of vacancy, i.e., retirement, transfer, inactivity of member, etc.
2. Nominate a member of the clergy to fill vacancy utilizing nomination form (see "*ADDITIONAL DATA*").
3. Forward nomination to Deputy Commissioner, Community Affairs Bureau, through channels.

NOTE *Nominations should not exceed more than five per precinct. Deputy commissioners and bureau chiefs may also make nominations direct to the Deputy Commissioner, Community Affairs Bureau.*

4. Direct the maintenance of a log, in appropriate Department record book, listing all recruited and selected clergy, both liaisons and volunteers, captioned as follows:

TITLE	FIELD NAME/ ADDRESS	TELEPHONE NUMBERS	RELIGIOUS INSTITUTIONS	TIMES AVAILABLE	LANGUAGES SPOKEN	OTHER SPECIAL QUALIFICATIONS

NOTE *A list of the clergy participating in the program will be forwarded to the Community Outreach Division.*

POLICE/CLERGY REVIEW COMMITTEE

5. Review nominations.
6. Forward recommendations to the Police Commissioner.

DEPUTY COMMISSIONER, COMMUNITY AFFAIRS BUREAU

7. Arrange for issuance of identification card to nominee after approval of Police Commissioner.

PRECINCT COMMANDER

8. Inform holder of Police/Clergy Liaison Identification Card to follow applicable guidelines outlined in *A.G. 321-26, "Non-Employee Temporary Identification Card.*"
9. Ensure that when a clergy liaison retires, or is otherwise inactive, all Department property, including their Police/Clergy Liaison Identification Card, is returned.
10. Forward returned Police/Clergy Liaison Identification Card to Chief of Personnel.

NOTE

The mere possession of a Police/Clergy Liaison Identification Card does not allow the bearer access to police lines without authorization of the ranking officer in charge.

ADDITIONAL DATA

In accordance with P.G. 212-74, "Community Notification Protocol," designated clergy liaisons will be notified in the event of an incident of unusual, newsworthy, or sensitive nature that has the potential for community concern and/or unrest. Clergy liaisons may be requested to respond to incidents at the discretion of the incident commander/ranking officer if their presence is deemed appropriate for possible assistance.

Uniformed members of the service in the ranks of captain and above will be cognizant of the provisions of the Clergy Liaison Guidelines.

NYPD

ADDITIONAL DATA (continued)

SAMPLE NOMINATION FOR POLICE/CLERGY PROGRAM

POLICE DEPARTMENT
CITY OF NEW YORK

Date

From: *Commanding Officer,* _____

To: *Deputy Commissioner, Community Affairs Bureau, (through channels)*

Subject: *POLICE/CLERGY LIAISON PROGRAM NOMINATION*

The undersigned hereby nominates the below named individual for the Police/Clergy Liaison Program:

Full Name: _____ ***Title:*** _____

Religious Affiliation: _____ ***Denomination:*** _____

Address of Institution: _____

City: _____ ***State:*** _____ ***Zip Code:*** _____

Home Address: _____

City: _____ ***State:*** _____ ***Zip Code:*** _____

Mailing Address *(if different from above)****:*** _____

City: _____ ***State:*** _____ ***Zip Code:*** _____

Home Phone: (____)_____-_____ ***Religious Institution Phone: (_____)_____-_____***

Alternate Phone (beeper, cell phone, work, etc.): _____

Date of Birth _____/_____/_____ ***Social Security Number: _____-_____-_____***

Reason for nomination: _____

_____

_____

_____

For your CONSIDERATION.

_____
Rank/Signature

NYPD

Section: Command Operations		Procedure No: 212-69	
INVOLUNTARY PROTECTION SERVICE			
DATE ISSUED: 06/01/16	DATE EFFECTIVE: 06/01/16	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To assist Social Services representatives in the execution of court orders to gain access to premises to determine the need for protective services.

PROCEDURE When presented with a court order by Social Services representative to enter premises to conduct an assessment of an adult individual to determine the need for protective services:

UNIFORMED MEMBER OF THE SERVICE

1. Direct Social Services representative presenting order to deliver the order to the Office of the Deputy Commissioner - Legal Matters during regular business hours.

MEMBER CONCERNED, OFFICE OF THE DEPUTY COMMISSIONER LEGAL MATTERS

2. Examine order for appropriateness and return to Social Services official:
   a. Forward copy to Operations Unit.
   b. Return original to Social Services representative.

MEMBER CONCERNED, OPERATIONS UNIT

3. Number order and record in appropriate log.
4. Identify the address as a precinct or housing (PSA) location.
5. Notify:
   a. Patrol Services Bureau or Housing Bureau, as appropriate
   b. Patrol borough or Housing borough office concerned.

NOTE *The Chief of Department's Investigation Review Section will serve as the repository for such orders and their dispositions.*

MEMBER CONCERNED, PATROL OR HOUSING BOROUGH

6. Notify desk officer, precinct or PSA concerned, of order.

DESK OFFICER, PRECINCT OR PSA CONCERNED

7. Enter notification in the Telephone Record listing the particulars of the order.

NOTE *Upon the arrival at the stationhouse of the Social Services representative with the order, the Telephone Record entry will serve to verify that the order was reviewed by the Legal Bureau and authorization has been given to have a police officer accompany the representative during the execution of the order.*

DESK OFFICER, PRECINCT OR PSA CONCERNED (continued)

8. Direct patrol supervisor and a uniformed member of the service to accompany the representative to the specific location mentioned in the order.

NOTE

The function of the uniformed members of the service is to preserve the peace. They are not to personally assist in forcing entry to the premises, securing it afterward or protecting property thereat. The Social Services representatives, if necessary, will perform those duties.

PATROL SUPERVISOR

9. Prepare report, on typed letterhead, upon completion of assignment.
10. Forward to Chief of Department, Investigation Review Section:
    a. Original - DIRECT
    b. Copy - through channels

ADDITIONAL DATA

Additional guidance concerning these orders can be obtained from the Legal Bureau.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

PURPOSE To recognize civilians other than members of the service for valuable assistance rendered to the Police Department or the community in the area of public safety, quality of life, and/or police-community relations.

PROCEDURE Whenever a member of the service (uniformed or civilian) recommends a civilian non-member of the service for an act worthy of a civilian commendation.

MEMBER OF THE SERVICE

1. Prepare request, utilizing the **CIVILIAN COMMENDATION APPLICATION (PD127-016)**.

NOTE *Members of the service preparing a **CIVILIAN COMMENDATION APPLICATION (PD127-016)** must ensure that the facts reported in the **APPLICATION** are accurate, not embellished upon, and consistent with other arrest and investigatory paperwork. The **CIVILIAN COMMENDATION APPLICATION** has the potential of becoming "Rosario" material in a criminal prosecution. The arresting officer should advise the Assistant District Attorney assigned to a pending case of the existence of the **CIVILIAN COMMENDATION APPLICATION**, as well as any other recorded statements of witnesses.*

2. Forward **APPLICATION** to Operations Coordinator/Designated Supervisor.

NOTE *Endorsements or nominations from outside the Department will not be considered.*

OPERATIONS COORDINATOR/ DESIGNATED SUPERVISOR

3. Have command serial number assigned.
4. Forward **APPLICATION** to commanding officer.

COMMANDING OFFICER

5. Review **APPLICATION**.
6. Make determination if Civilian Commendation is appropriate.
7. Have warrant check conducted of individual concerned and attach to **APPLICATION**. (Disapprovals based upon warrant checks will be filed at local command).
8. Indicate approval by endorsing **APPLICATION** to respective Borough/Bureau Commanding Officer.

BOROUGH/ BUREAU COMMANDING OFFICER

9. Have **CIVILIAN COMMENDATION APPLICATION** recorded.
10. Review request.
11. Make a determination if request for Civilian Commendation is warranted.
12. Indicate disapproval by endorsing **APPLICATION** to commanding officer concerned.
13. Indicate approval by endorsing **APPLICATION** to the Chief, Community Affairs.
14. Forward copy of approved **APPLICATION** to Bureau Chief concerned for information only.

CHIEF, COMMUNITY AFFAIRS

15. Have all requests for Civilian Commendations recorded.
16. Review approved **APPLICATION** endorsed by Borough/Bureau Commanding Officer.
17. Make final determination of approval.
18. Indicate disapproval by endorsing request to Borough/Bureau Commander.
19. Prepare and forward a signed Certificate of Civilian Commendation to commanding officer of originating command, along with a copy of fully endorsed **APPLICATION**.
20. File approved requests.

COMMANDING OFFICER

21. Sign Certificate of Civilian Commendation and coordinate presentation of civilian commendation to recipient with Borough/Bureau Commanding Officer, if applicable.

COMMANDING OFFICER, CEREMONIAL UNIT

22. Schedule and make all arrangements and notifications for a city-wide award ceremony when requested by the Chief, Community Affairs.

FORMS AND REPORTS

CIVILIAN COMMENDATION APPLICATION (PD127-016)

Section: Command Operations		Procedure No: 212-71
GUIDELINES FOR THE USE OF VIDEO/PHOTOGRAPHIC EQUIPMENT BY TECHNICAL ASSISTANCE RESPONSE UNIT (TARU) PERSONNEL AT DEMONSTRATIONS		
DATE EFFECTIVE: 06/23/25	LAST REVISION: R.O. 46	PAGE: 1 of 2

PURPOSE To describe those limited circumstances when Technical Assistance Response Unit (TARU) personnel may use video and/or photographic equipment at demonstrations and to establish procedures for the use of such equipment, when permitted.

SCOPE Use of video and/or photographic equipment by TARU personnel at demonstrations is appropriate only if a permissible operational objective exists. The following constitute permissible operational objectives:

a. A bona fide need exists to prepare training materials on proper crowd control techniques; or
b. When it reasonably appears that unlawful conduct is about to occur, is occurring or has occurred during the demonstration; or
c. A bona fide need exists to continuously assess crowd conditions, through the use of live video transmissions, for the proper deployment of police resources.

PROCEDURE When ranking personnel of this Department contemplate the use of video and/or photographic equipment at a demonstration for a permissible operational objective:

RANKING OFFICER

1. Submit a report, on **Typed Letterhead**, to the Deputy Commissioner, Legal Matters, through channels
2. Include in the request the following information:
   a. Date, time and location of demonstration (if known)
   b. Specific permissible operational objective to be achieved

NOTE *In the event of exigent circumstances precluding Legal Bureau pre-authorization, the incident commander, Commanding Officer, TARU, or TARU designee, will provide Legal Bureau with a report on **Typed Letterhead** detailing the purpose for TARU deployment within 7 calendar days.*

DEPUTY COMMISSIONER, LEGAL MATTERS

3. Review request for use of video and/or photographic equipment to determine whether video recording/photography is for a permissible purpose and should be approved.
4. If approved, forward copy of approved request to Chief of Department, Bureau or Borough Commander of Ranking Officer making request and Commanding Officer, Technical Assistance Response Unit.

NOTE *Every approved request for the use of video/photographic equipment will be entered into a serially numbered log, maintained solely for this purpose, at the Technical Assistance Response Unit.*

COMMANDING OFFICER, TECHNICAL ASSISTANCE RESPONSE UNIT

5. Ensure that appropriate entries are made in log upon receipt of request.
6. Assign members of TARU to the demonstration to operate video/photographic equipment.

UPON COMPLETION OF VIDEORECORDING/PHOTOGRAPHING:

COMMANDING OFFICER, TECHNICAL ASSISTANCE RESPONSE UNIT

7. Ensure that all video recordings/photographs taken by TARU personnel are maintained indefinitely.

ADDITIONAL DATA

Uniformed members of the service assigned to TARU assigned a Body-Worn Camera are reminded to comply with P.G. 212-123, "Use of Body-Worn Cameras," as required.

Video recordings/photographs should be consistent with the permissible operational objective. For example, video recordings/photographs taken for training purposes or to assess crowd conditions should generally not contain close-ups of participants in the demonstration, but should focus on crowd size, police tactics and/or behavior. When the permissible objective is to record unlawful activity and/or arrest activity, video recording /photography should commence only when there is a reasonable belief that criminal or unlawful activity is about to occur or when spontaneous criminal or unlawful activity actually occurs or has occurred.

Video and/or photographic equipment authorized to be used pursuant to this procedure may only be operated by TARU personnel. Personnel assigned to other commands, e.g., Strategic Response Groups, the Crowd Management Unit, shall not utilize video or photographic equipment at demonstrations pursuant to this procedure, and will comply with P.G. 212-123, "Use of Body-worn Cameras," as required..

With the exception of members of the service assigned to or working under the supervision of the Intelligence Division, all personnel who operate video and/or photographic equipment pursuant to this procedure must be clearly identifiable as police personnel. They must wear either a police uniform or a jacket that is clearly marked "POLICE." Displaying a shield on a chain is not sufficient identification.

All video recordings and photographs pertaining to this procedure, except materials invoiced as evidence, or used in connection with the preparation of training materials, will be stored at TARU. All requests to obtain or view such video recordings or photographs will be made in writing to the Deputy Commissioner, Legal Matters, detailing the reason for the request. Commanding Officer, TARU shall maintain a record of all such requests and whether any copies were provided.

PURPOSE To provide guidelines for investigations of possible unlawful or terrorist related activity that involve political activity, including the collection, analysis, processing, retention, and dissemination of information concerning persons, groups, or organizations involved in political activity.

DEFINITIONS POLITICAL ACTIVITY – The exercise of a right of expression or association for the purpose of maintaining or changing governmental policies or social conditions.

INVESTIGATION – A police activity undertaken to obtain information or evidence.

LEAD – Information submitted to or obtained or developed by the Intelligence Division concerning an ongoing investigation, or, that may be used to initiate a new investigation.

INVESTIGATIVE STATEMENT – A detailed written request submitted under this procedure to obtain approval for the initiation of a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation.

AUTHORIZING OFFICIAL – The Intelligence Division official (specifically, the Chief of Intelligence, Executive Officer of the Intelligence Division, or Commanding Officer of the Criminal Intelligence Section) authorized to approve requests to initiate or extend a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation.

PROCEDURE When a Lead involving possible unlawful or terrorist related activity is received from any source involving an individual, group, or organization that is engaged in political activity which requires some follow up or further investigation:

NOTE *The Handschu Consent Decree (Appendix A) and the Guidelines for Investigations Involving Political Activity (Appendix B) (together, "the Revised Handschu Guidelines," or, "the Guidelines") require that any investigation by the New York City Police Department involving political activity shall be initiated by and conducted only under the supervision of the Intelligence Division. Accordingly, members of the service shall not conduct investigations involving political activity without the express written approval of the Intelligence and Counterterrorism Bureau.*

MOS RECEIVING INFORMATION SUGGESTING NEED FOR INVESTIGATION INVOLVING POLITICAL ACTIVITY

1. Report information or observations concerning possible unlawful or terrorist activity involving political activity to the Criminal Intelligence Section, Operations Unit (twenty-four hours a day, seven days a week).
   a. Include details of Lead, including information suggesting need for investigation of individual, group, or organization involved in political activity.
   b. Comply with directions of Supervisor, Criminal Intelligence Section, Operations Unit, including preparation of more detailed report, if necessary.

INTELLIGENCE DIVISION CRIMINAL INTELLIGENCE SECTION, OPERATIONS UNIT

2. Accept and record Leads received.
   a. Contact reporter and conduct telephone interview to obtain additional details, if necessary.
3. Confer with Criminal Intelligence Section supervisor concerning assignment and disposition of Lead; if appropriate, refer for review as required by Lead processing procedures.

CRIMINAL INTELLIGENCE SECTION SUPERVISOR

4. Assign Lead requiring follow up by Intelligence Division to appropriate unit for Checking of Lead or other investigation.

SUPERVISOR, INTELLIGENCE DIVISION UNIT ASSIGNED

5. Supervise performance of Checking of Lead, if appropriate.
6. Submit Investigative Statement to Authorizing Official requesting approval to conduct either a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation, if the original Lead, the results of a Checking of Lead, or other information suggests the need for further investigation that involves political activity.
   a. Specify request and justification for use of undercover or confidential informant, (or other investigative technique requiring approval) as appropriate.

NOTE *The Investigative Statement will be clear and precise. The subject group, organization, or individual whose political activity is to be investigated will be clearly identified. The Investigative Statement will specify the information that forms the basis for the request for a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation. In exigent circumstances, an investigation may be undertaken before an Investigative Statement has been submitted and approved. In such case, the Investigative Statement must be submitted as soon as practicable.*

AUTHORIZING OFFICIAL

7. Review request; determine whether requested investigation is warranted and in compliance with the Revised *Handschu* Guidelines.
   a. Indicate approval or denial of investigation and investigative technique(s) in written endorsement.
   b. Forward endorsement to Intelligence and Counterterrorism Bureau for final approval, if approved.

INTELLIGENCE AND COUNTER-TERRORISM BUREAU	8.	Review request, determine whether requested investigation is warranted and in compliance with the Guidelines. a. Indicate final approval or denial of investigation and investigative technique(s) in written endorsement.
INVESTIGATIVE UNIT ASSIGNED	9.	Conduct approved investigation involving political activity according to the Constitution, the Revised *Handschu* Guidelines, this procedure, and other applicable law and Department procedures.
ASSIGNED INVESTIGATOR	10. 11.	Confer with supervisor and prepare report of investigative activity. Submit completed report to supervisor.
SUPERVISOR, INVESTIGATIVE UNIT ASSIGNED	12. 13.	Review report to verify that only approved investigative activity has been undertaken. Forward completed investigator's report to Commanding Officer of Investigative Unit assigned.
COMMANDING OFFICER, INVESTIGATIVE UNIT ASSIGNED	14.	Review all reports prepared by assigned investigator and verify that the investigation was conducted in compliance with the *Guidelines*.
INTELLIGENCE AND COUNTER-TERRORISM BUREAU	15. 16. 17.	At regular intervals, review the progress of approved investigations to ensure that investigations are conducted in compliance with the *Guidelines*. Facilitate participation of court appointed civilian representatives to *Handschu* Committee. Periodically advise the Police Commissioner concerning the status and outcome of investigations conducted under the *Guidelines*.

ADDITIONAL DATA *See attached Appendix A, Handschu Consent Decree, and Appendix B, Guidelines for Investigations Involving Political Activity.*

RTYPED

ADDITIONAL DATA (continued)

APPENDIX A

HANDSCHU CONSENT DECREE; DECISION AND GUIDELINES

1. ***PURPOSE***

Pursuant to the settlement entered into by the Police Department in the case of Handschu, et al. v. Special Services Division, et al., the Department is required to comply with certain guidelines in investigative matters as set forth herein.

2. ***BACKGROUND OF HANDSCHU, et al. v. SPECIAL SERVICES DIVISION, et al.***

Handschu was commenced in 1971. The complaint alleged that certain intelligence gathering practice and conduct of the Department infringed upon the plaintiffs' constitutional rights. Such conduct included infiltration, electronic surveillance, dossier collection, and improper dissemination of collected information. In order to resolve the issues raised in Handschu, the parties agreed to the implementation of certain guidelines which were commonly referred to as the Handschu Guidelines and which have been incorporated in the Patrol Guide since that time. Pursuant to a recent court order granting the Department's request to modify those guidelines, the following "Revised Handschu Guidelines" (including the following "Guidelines for Investigations Involving Political Activity") hereby replace the old guidelines, and are now in effect.

3. ***GUIDELINES***

I. GENERAL STATEMENT OF POLICY

Activities of the New York City Police Department in the investigation of political activity will conform to constitutionally guaranteed rights and privileges.

II. DEFINITIONS

A. Political Activity - The exercise of a right of expression or association for the purpose of maintaining or changing governmental policies or social conditions.

B. Authority - A board established pursuant to Section III of these guidelines.

C. Investigation - A police activity undertaken to obtain information or evidence.

III. AUTHORITY ESTABLISHED

There is hereby established an Authority to conduct the review of records described in paragraph IV. It shall consist of three members who shall act as a body, to wit, the Deputy Commissioner - Legal Matters of the Police Department, the Chief of Internal Affairs of the Police Department, and a civilian member appointed by the Mayor upon consultation with the Police Commissioner for a term revocable at will. The decisions of the Authority as set forth herein shall be by majority vote.

ADDITIONAL DATA (continued)

IV. REVIEW OF RECORDS TO DETERMINE COMPLIANCE

A. At any time a person or member of a group or organization, having reason to believe that such person, group, or organization has been the subject of investigation of political activity which violates constitutionally guaranteed rights and privileges, may request in writing which sufficiently identifies the requesting party that the Authority make inquiry of the appropriate investigative officer of the NYPD. If the Authority's inquiry reflects that the investigation was conducted in conformity with the Constitution, the Authority shall notify the requesting party that if an investigation was made, it was made in accordance with the Constitution.

B. If the inquiry reveals or if the Authority otherwise becomes aware that an investigation was not conducted in conformity with the Constitution with respect to the requesting party, the Authority shall proceed as follows:

(1) The Authority shall obtain all information and documents pertaining to the requesting party developed in the course of such investigation.

(2) The Authority shall conduct or cause to be conducted an inquiry into the circumstances of such investigation with respect to the requesting party.

(3) In the event the inquiry determines that such investigation with respect to the requesting party was not conducted in accordance with the Constitution, the Authority shall so notify the requesting party and submit a report to the Police Commissioner.

4. DATE OF EFFECT

Effective immediately, no members of the service shall engage in an investigation of political activity except through the Intelligence Division. Requests for such investigations should be on ***Typed Letterhead*** *addressed to the Commanding Officer, Intelligence Division. Where time is of the essence the request may be by telephone (646) 805-6400 to the Criminal Intelligence Section of the Intelligence Division. In all cases, members of the service concerned shall abide by the direction of the Intelligence Division. Such investigations shall be conducted pursuant to the "Guidelines for Investigations Involving Political Activity" set forth below.*

5. INTERPRETATION

Any member of the service who is uncertain whether a particular investigation constitutes an "investigation involving political activity" shall consult with the Legal Division.

ADDITIONAL DATA (continued)

APPENDIX B
GUIDELINES FOR INVESTIGATIONS INVOLVING POLITICAL ACTIVITY

PREAMBLE

Subsequent to the terrorist attacks on the City of New York on September 11, 2001 which resulted in the loss of thousands of lives and the total destruction of the World Trade Center complex, it became apparent that the City faces unprecedented threats to its continued safety and security. In the view of federal, state and local law enforcement agencies, the prevention of future attacks requires the development of intelligence and the investigation of potential terrorist activity before an unlawful act occurs.

As a result of a federal court order entered in 1985, the New York City Police Department was bound by guidelines, known as the Handschu Guidelines, which governed the investigation of political activity. The Handschu Guidelines (i) limited the investigation of political activity to those circumstances when there was specific information of criminal activity and (ii) established the Handschu Authority to oversee compliance. After evaluating the impact of the Handschu Guidelines on the need to investigate terrorism in a changed world, the City made an application to modify the order so as to eliminate the restrictions contained in the Handschu Guidelines and the oversight of the Handschu Authority with respect to those restrictions. The City did not seek to eliminate the Handschu Authority's role to investigate an individual's complaint that the NYPD had engaged in unconstitutional conduct in the investigation of political activity.

The Court granted the City's application to modify the decree provided the City adopt the internal guidelines set forth below and distribute the guidelines to supervisory personnel who, in turn, were to make them known to those under their command. These guidelines were subsequently incorporated into an order of the Court in 288 F.Supp.2d 411, 420 (S.D.N.Y. 2003) and are enforceable as set out in 679 F.Supp.2d 488, 497 (S.D.N.Y. 2010). They shall remain in effect unless otherwise ordered by the Court. These guidelines are binding on all members of the service who are engaged in the investigation of political activity. It is the purpose of these guidelines to enable officers to perform their duties with greater certainty, confidence and effectiveness while at the same time protecting the guarantees of the Constitution.

I. STATEMENT OF POLICY

It is the policy of the New York City Police Department that investigations involving political activity conform to the guarantees of the Constitution, including the guarantee of equal protection. It is the policy of the New York City Police Department that care be exercised in the conduct of those investigations so as to protect constitutional rights, including the right to be free from investigation in which race, religion, or ethnicity is a substantial or motivating factor. It is the policy of the New York City Police Department that matters investigated be confined to those supported by a legitimate law enforcement purpose.

ADDITIONAL DATA (continued)

II. GENERAL PRINCIPLES

(1) In its effort to anticipate or prevent unlawful activity, including terrorist acts, the NYPD must, at times, initiate investigations in advance of unlawful conduct. It is important that such investigations not be based solely on activities protected by the First Amendment. It is also important that investigations not intrude upon rights of expression or association in a manner that discriminates on the basis of race, religion or ethnicity, where such discrimination is a substantial or motivating factor for the investigation. When, however, statements advocate unlawful activity, or indicate an apparent intent to engage in unlawful conduct, particularly acts of violence, an investigation under these guidelines may be warranted, unless it is apparent, from the circumstances or the context in which the statements are made, that there is no prospect of harm.

(2) Based upon the circumstances of a given case, investigative action may be required under exigent circumstances. Exigent circumstances are circumstances requiring action before authorization otherwise necessary under these guidelines can reasonably be obtained, in order to protect life or substantial property interests; to apprehend or identify a fleeing offender; to prevent the hiding, destruction or alteration of evidence; or to avoid other serious impairment or hindrance of an investigation.

When any investigative action, taken under exigent circumstances, would require an approval under ordinary conditions, such approval shall be obtained as soon as practicable in accordance with the provisions of these guidelines. Where a regular approval or request is required to be in writing, the approval or request following exigent circumstances shall also be in writing.

(3) Investigations shall be terminated when all logical leads have been exhausted and no legitimate law enforcement purpose justifies their continuance.

III. APPLICABILITY

These guidelines apply only to investigations which involve political activity. They do not apply to, or limit, other activities of the NYPD in the investigation or detection of unlawful conduct, the preservation of the peace and public safety or other legitimate law enforcement activities which do not involve political activity.

IV. ROLE OF THE INTELLIGENCE DIVISION

(1) Investigation of political activity shall be initiated by, and conducted under the supervision of the Intelligence Division. Nothing in this paragraph, however, is intended to prevent any member of the service from reporting his or her observations of suspicious conduct which involves political activity to his or her commanding officer or to the Intelligence Division.

(2) The Intelligence and Counterterrorism Bureau shall periodically inform and advise the Police Commissioner concerning the status of any investigations conducted pursuant to these guidelines.

ADDITIONAL DATA (continued)

V. LEVELS OF INVESTIGATION

These guidelines provide for three levels of investigative activity. They are intended to provide the NYPD with the necessary flexibility to act well in advance of the commission of planned terrorist acts or other unlawful activity. However, if the available information shows at the outset that the threshold standard for a Preliminary Inquiry or Full Investigation is satisfied, then the appropriate investigative activity may be initiated immediately, without progressing through more limited investigative stages.

A. Checking of Leads

The lowest level of investigative activity is the "prompt and extremely limited checking out of initial leads," which should be undertaken whenever information is received of such a nature that some follow-up as to the possibility of unlawful activity is warranted. This limited activity should be conducted with an eye toward promptly determining whether further investigation (either a Preliminary Inquiry or a Full Investigation) should be conducted.

Example: If the NYPD receives an allegation that an individual or group has advocated the commission of violence, and no other facts are available, an appropriate first step would be Checking of Leads to determine whether the individual, group, or members of the audience have the apparent ability or intent to carry out the advocated unlawful act.

B. Preliminary Inquiries

(1) In cases where the NYPD receives information or an allegation not warranting a Full Investigation - because there is not yet a "reasonable indication" of unlawful activity – but whose responsible handling requires some further scrutiny beyond the prompt and extremely limited checking out of initial leads, the NYPD may initiate an "inquiry" in response to the allegation or information indicating the possibility of unlawful activity. The possibility of unlawful activity to initiate a Preliminary Inquiry requires an allegation or information that is articulable and factual. However, such allegation or information need not have been verified as true or accurate. Whether it is appropriate to open a Preliminary Inquiry immediately, or instead to engage first in a limited Checking of Leads, depends on the circumstances presented.

(2) The authority to conduct inquiries short of a Full Investigation allows the NYPD to respond in a measured way to ambiguous or incomplete information, with as little intrusion as the needs of the situation permit. This is especially important in such areas as where there is no complainant involved or when an allegation or information is received from a source of unknown reliability. Such inquiries are subject to the limitations on duration under paragraph (4) below and are carried out to obtain the information necessary to make an informed judgment as to whether a Full Investigation is warranted.

ADDITIONAL DATA (continued)

Example: Officers are not required to possess information relating to an Individual's intended unlawful use of dangerous biological agents or toxins prior to initiating investigative activity. If an individual or group has attempted to obtain such materials, or has indicated a desire to acquire them, and the reason is not apparent, investigative action, such as conducting a Checking of Leads or initiating a Preliminary Inquiry, may be appropriate to determine whether there is a legitimate purpose for the possession of the materials by the individual or group. A Preliminary Inquiry is not a required step when facts or circumstances reasonably indicating unlawful activity are already available. In such cases, a Full Investigation can be immediately opened.

(3) A Preliminary Inquiry may be authorized by the Chief of Intelligence or Executive Officer of the Intelligence Division, or the Commanding Officer of the Criminal Intelligence Section ("the Authorizing Officials"). The Authorizing Official must assure that the allegation or other information which warranted the inquiry has been recorded in writing. Upon such authorization a notification must be made for final approval by the Intelligence and Counterterrorism Bureau.

(4) Inquiries shall be completed within 180 days after initiation of the first investigative step. The date of the first investigative step is not necessarily the same date as the date on which the first incoming information or allegation was received. An extension of time in an inquiry for succeeding 90 day periods may be granted by the Intelligence and Counterterrorism Bureau. Any such request for extension shall be in writing and shall include a statement of the reasons why further investigative steps are warranted when there is no reasonable indication of unlawful activity. The action taken on any such request for extension shall also be recorded in writing.

(5) A Preliminary Inquiry shall be subject to a review every 6 months by the Chief of Intelligence, or an appropriate executive of the Intelligence Division designated by him, to discuss the status of the Preliminary Inquiry, including, what operational steps should be taken.

(6) A Preliminary Inquiry shall be presumptively limited to a total duration of 18 months. This presumptive period of duration may be exceeded in the sole discretion of the Intelligence and Counterterrorism Bureau, in consultation with the Handschu Committee, where the allegations or information continue to indicate the possibility of unlawful activity and either that some further leads should be lawfully investigated or that there is a legitimate law enforcement purpose to be pursued further. When the presumptive period of duration is exceeded all other provisions regarding a Preliminary Inquiry continue to apply.

(7) All lawful investigative techniques, including the use of undercover operations and the development of sources and informants may be used in a Preliminary Inquiry except:

(a) Mail openings; and,

(b) Eavesdropping and Video Surveillance as those terms are defined in Article 700 of the New York State Criminal Procedure Law.

ADDITIONAL DATA (continued)

(8) The following investigative techniques may be used in a Preliminary Inquiry without any prior authorization from a supervisor:

(a) Examination of NYPD indices and files;

(b) Examination of records available to the public and other public sources of information;

(c) Examination of available federal, state and local government records;

(d) Interview of complainant, previously established informants, and other sources of information;

(e) Interview of the potential subject;

(f) Interview of persons who should readily be able to corroborate or deny the truth of the allegation, except this does not include pretext interviews or interviews of a potential subject's employer or coworkers unless the interviewee was the complainant; and

(g) Physical, photographic or video surveillance of any person, provided that such surveillance does not require a warrant.

The use of any other lawful investigative technique that is permitted in a Preliminary Inquiry shall meet the requirements and limitations of Part VII and, except in exigent circumstances, requires prior approval by a supervisor.

(9) Where a Preliminary Inquiry fails to disclose sufficient information to justify an investigation, the NYPD shall terminate the inquiry and make a record of the closing.

(10) All requirements regarding inquiries shall apply to reopened inquiries.

C. <u>Full Investigation</u>

A Full Investigation may be initiated when facts or circumstances reasonably indicate that an unlawful act has been, is being, or will be committed. A Full Investigation may be conducted to prevent, solve or prosecute such unlawful activity.

(1) The standard of "reasonable indication" is substantially lower than probable cause. In determining whether there is reasonable indication of an unlawful act an investigator may take into account any facts or circumstances that a prudent investigator would consider. However, the standard does require specific facts or circumstances indicating a past, current, or future violation of law. There must be an objective, factual basis for initiating the investigation; a mere hunch is insufficient.

(2) Where an unlawful act may be committed in the future, preparation for that act can be a current violation of the conspiracy or attempt provisions of state law. The standard for opening an investigation is satisfied where there is not yet a current substantive or preparatory unlawful act, but facts or circumstances reasonably indicate that such unlawful conduct will occur in the future.

(3) Any lawful investigative technique may be used in a Full Investigation, subject to the requirements and limitations of Part VII hereof.

ADDITIONAL DATA (continued)

(4) Authorization and Renewal

a. A Full Investigation may be authorized by the Chief of Intelligence or Executive Officer of the Intelligence Division or the Commanding Officer of the Criminal Intelligence Section ("the Authorizing Officials") upon a written recommendation setting forth the facts or circumstances reasonably indicating that an unlawful act has been, is being or will be committed. Upon such authorization a notification must be made for final approval by the Intelligence and Counterterrorism Bureau.

b. A Full Investigation may be initially authorized for a period of up to a year. An investigation may be continued upon renewed authorization for additional periods each not to exceed a year. Renewal authorization shall be obtained from the Intelligence and Counterterrorism Bureau. All requests for renewal authorization, and action thereon, shall be in writing.

c. Authorizations shall be reviewed by an Authorizing Official before the expiration of the period for which the investigation and each renewal thereof is authorized.

d. A Full Investigation shall be subject to a review every 6 months by the Chief of Intelligence, or an appropriate executive of the Intelligence Division designated by him, to discuss the status of the Full Investigation, including, what operational steps should be taken.

e. A Full Investigation shall be presumptively limited to a total duration of 3 years. This presumptive period of duration may be exceeded in the sole discretion of the Intelligence and Counterterrorism Bureau, in consultation with the Handschu Committee, where facts and circumstances continue to reasonably indicate that an unlawful act has been, is being, or will be committed and either that some further leads should be lawfully investigated or that there is a legitimate law enforcement purpose to be pursued further. When the presumptive period of duration is exceeded all other provisions regarding a Full Investigation continue to apply.

(5) An investigation which has been terminated may be reopened upon a showing of the same standard and pursuant to the same procedures as required for initiation of an investigation. All requirements regarding investigations shall apply to reopened investigations.

D. <u>Terrorism Enterprise Investigation</u>

A Terrorism Enterprise Investigation is a Full Investigation but differs from a general investigation of unlawful conduct in several important respects. As a general rule, an investigation of a completed unlawful act is normally confined to determining who committed that act and securing evidence to establish the elements of the particular offense. It is, in this respect, self-defining. A Terrorism Enterprise Investigation must determine the identity and nature of the individual, group, or organization involved, its geographic dimensions, its past acts and intended goals, including unlawful goals, and its capacity for harm, among other factors. While a standard investigation of unlawful conduct terminates with the decision to prosecute or not to prosecute, a Terrorism Enterprise Investigation does not necessarily end, even though one or more of the participants may have been prosecuted. In addition, groups and organizations exhibit a life and continuity of operation not normally found in other types of unlawful activity. As a consequence, these investigations may continue for several years. Furthermore, the focus of such investigations may be less precise than that directed against more

ADDITIONAL DATA (continued)

conventional types of unlawful conduct. Unlike the usual case involving unlawful conduct, there may be no completed offense to provide a framework for the investigation. A Terrorism Enterprise Investigation often requires the fitting together of bits and pieces of information, many meaningless by themselves, to determine whether a pattern of unlawful activity exists. For this reason, such investigations are broader and less discriminate than usual, involving the interrelation of various sources and types of information. This section focuses on investigations of enterprises that seek to further political or social goals through activities that involve force or violence, or that otherwise aim to engage in terrorism or terrorism-related crimes. It authorizes investigations to determine the structure and scope of the enterprise as well as the relationship of the members.

1. General Authority

a. A Terrorism Enterprise Investigation may be initiated when facts or circumstances reasonably indicate that two or more persons are engaged in an enterprise for the purpose of:

(i) furthering political or social goals wholly or in part through activities that involve force, violence or other unlawful acts;

(ii) engaging in terrorism as defined in N.Y. Penal Law § 490.05, or

(iii) committing any offense described in N.Y. Penal Law §§ 490.10, 490.15, 490.20, 490.25, 490.30, or 490.35, or other related statutes currently in effect or subsequently enacted.

The standard of "reasonable indication" is identical to that governing Full Investigations generally. In determining whether an investigation should be conducted, the NYPD shall consider all of the circumstances including:

(i) the magnitude of the threatened harm;

(ii) the likelihood that it will occur;

(iii) the immediacy of the threat; and

(iv) any danger to privacy or free expression posed by an investigation.

In practical terms, the "reasonable indication" standard for opening a Terrorism Enterprise Investigation could be satisfied in a number of ways.

Example: Direct information about statements made in furtherance of an enterprise's objectives which show a purpose of committing crimes described in N.Y. Penal Law §§ 490.10, 490.15, 490.20, 490.25, 490.30, 490.35 or other related statutes currently in effect or subsequently enacted, would satisfy the threshold.

Example: Activities such as attempting to obtain dangerous biological agents, toxic chemicals, or nuclear materials, or stockpiling explosives or weapons, with no discernible lawful purpose, may be sufficient to reasonably indicate that an enterprise aims to engage in terrorism.

ADDITIONAL DATA (continued)

b. While no particular factor or combination of factors is required, considerations that will generally be relevant to the determination as to whether the threshold standard for a Terrorism Enterprise Investigation is satisfied include, as noted, a group's statements, its activities, and the nature of potential unlawful acts suggested by the statements or activities. Thus, where there are grounds for inquiry concerning a group, it may be helpful to gather information about these matters, and then to consider whether these factors, either individually or in combination, reasonably indicate that the group is pursuing terrorist activities or objectives as defined in the threshold standard. Findings that would weigh in favor of such a conclusion include, for example, the following:

(1) Threats or advocacy of violence or other covered unlawful acts. Statements are made in relation to or in furtherance of an enterprise's political or social objectives that threaten or advocate the use of force or violence, or statements are made in furtherance of an enterprise that otherwise threaten or advocate unlawful conduct within the scope of N.Y. Penal Law §§ 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, or other related statutes currently in effect or subsequently enacted which may concern such matters as, for example:

(i) engaging in attacks involving or threatening massive loss of life or injury, mass destruction, or endangerment of the national security;

(ii) killing or injuring public officials, or destroying public facilities, or defying lawful authority;

(iii) killing, injuring or intimidating individuals because of their status as United States nationals or persons, or because of their national origin, race, color, religion or sex; or

(iv) depriving individuals of any rights secured by the Constitution or laws of the United States or the State of New York.

(2) Apparent ability or intent to carry out violence or other covered activities. The enterprise manifests an apparent ability or intent to carry out violence or other activities within the scope of N.Y. Penal Law §§ 490.10, 490.15, 490.20, 490.25, 490.30, 490.35 or other related statutes currently in effect or subsequently enacted, for example:

(i) by acquiring or taking steps towards acquiring, biological agents or toxins, toxic chemicals or their precursors, radiological or nuclear materials, explosives or other destructive or dangerous material (or plans or formulas for such materials), or weapons, under circumstances where, by reason of the quantity or character of the items, the lawful purpose of the acquisition is not apparent;

(ii) by the creation, maintenance, or support of an armed paramilitary organization;

(iii) by paramilitary training; or

(iv) by other conduct demonstrating an apparent ability or intent to injure or intimidate individuals, or to interfere with the exercise of their constitutional or statutory rights.

(3) Potential Unlawful Act. The group's statements or activities suggest potential unlawful acts that may be relevant in applying the standard for initiating a Terrorism Enterprise Investigation - such as crimes under the provisions of the N.Y.

ADDITIONAL DATA (continued)

Penal Law that set forth specially defined terrorism or support of terrorism offenses, or that relate to such matters as aircraft hijacking or destruction, attacks on transportation, communications, or energy facilities or systems, biological or chemical weapons, nuclear or radiological materials, assassinations or other violence against public officials or facilities, or explosives.

c. Mere speculation that force or violence might occur during the course of an otherwise peaceable demonstration is not sufficient grounds for initiation of an investigation under this subpart. But where facts or circumstances reasonably indicate that an individual or group has engaged or aims to engage in conduct described in paragraph 1.a. above in a demonstration, an investigation may be initiated in conformity with the standards of that paragraph. This does not limit the collection of information about public demonstrations by individuals or groups that are under active investigation pursuant to paragraph 1.a. above or any other provisions of these guidelines.

2. Purpose

The immediate purpose of a Terrorism Enterprise Investigation is to obtain information concerning the nature and structure of the enterprise as specifically delineated in paragraph (3) below, with a view to the longer range objectives of detection, prevention, and prosecution of the unlawful activities of the enterprise.

3. Scope

a. A Terrorism Enterprise Investigation initiated under these guidelines may collect such information as:

(i) the identity and nature of an individual or group and its members, their associates, and other persons likely to be acting in furtherance of its unlawful objectives, provided that the information concerns such persons' activities on behalf of or in furtherance of the suspected unlawful activity of the individual, group, or organization;

(ii) the finances of the individual, group, or organization;

(iii) the geographical dimensions of the individual, group, or organization; and

(iv) past and future activities and goals of the individual, group, or organization.

b. In obtaining the foregoing information, any lawful investigative technique may be used in accordance with the requirements of these guidelines.

4. Authorization and Renewal

a. A Terrorism Enterprise Investigation may be authorized by the Chief of Intelligence or Executive Officer of the Intelligence Division or the Commanding Officer of the Criminal Intelligence Section ("the Authorizing Officials"), upon a written recommendation setting forth the facts or circumstances reasonably indicating the existence of an enterprise as described in paragraph 1.a. above. Upon such authorization a notification must be made for final approval by the Intelligence and Counterterrorism Bureau. When exigent circumstances exist, as described in these guidelines, a Terrorism Enterprise Investigation may be commenced upon the verbal

ADDITIONAL DATA (continued)

authorization of an Authorizing Official. However, in such cases, the required written recommendation must be submitted as soon as practicable.

b. A Terrorism Enterprise Investigation may be initially authorized for a period of up to a year. An investigation may be continued upon renewed authorization for additional periods each not to exceed a year. Renewal authorization shall be obtained from the Intelligence and Counterterrorism Bureau. The request for renewal and action thereon shall be in writing.

c. Authorizations shall be reviewed by an Authorizing Official before the expiration of the period for which the investigation and each renewal thereof is authorized. In some cases, the enterprise may meet the threshold standard but be temporarily inactive in the sense that it has not engaged in recent acts of violence or other unlawful activities as described in 1.a., nor is there any immediate threat of harm - yet the composition, goals and prior history of the group suggest the need for continuing law enforcement interest. The investigation may be continued in such cases with whatever scope is warranted in light of these considerations.

d. All Terrorism Enterprise Investigations shall be subject to a review every 6 months by the Chief of Intelligence, or an appropriate executive of the Intelligence Division designated by him, to discuss the status of the Terrorism Enterprise Investigation, including, what operational steps should be taken.

e. A Terrorism Enterprise Investigation shall be presumptively limited to a total duration of 5 years, except where the subject of a Terrorism Enterprise Investigation is a designated foreign terrorist organization. This presumptive period of duration may be exceeded in the sole discretion of the Intelligence and Counterterrorism Bureau, in consultation with the Handschu Committee, where facts and circumstances continue to reasonably indicate that two or more persons are engaged in an enterprise for the purposes stated above and either that some further leads should be lawfully investigated or that there is a legitimate law enforcement purpose to be pursued further. When the presumptive period of duration is exceeded all other provisions regarding a Terrorism Enterprise Investigation continue to apply.

f. An investigation which has been terminated may be reopened upon a showing of the same standard and pursuant to the same procedures as required for initiation of an investigation.

VI. <u>HANDSCHU COMMITTEE</u>

(1) There is hereby established a committee (the "Handschu Committee") whose members are expected and authorized to attend and participate in monthly meetings at which investigations are presented for opening, extension or closure by the Intelligence and Counterterrorism Bureau. For each monthly meeting, all attending members will be provided with the investigative statement pertaining to each proposed opening, extension or closing and any corresponding requests to use or extend the use of undercover officers or confidential informants. At the monthly meeting, any member of the Handschu Committee may ask questions and offer opinions regarding the opening, extension or closure of an investigation presented.

ADDITIONAL DATA (continued)

(2) Any member of the Handschu Committee may further inquire into the status and conduct of any investigation presented at the meeting, including the use of undercover operations pursuant to section VII herein, provided however that information pertaining to the identity of participants in undercover operations, including confidential informants, shall not be disclosed. A member of the Intelligence Division with detailed knowledge of operational steps taken in each investigation presented shall be present at the meeting to help address any questions that arise.

(3) Members of the Handschu Committee from the NYPD will include the Intelligence and Counterterrorism Bureau, the Chief of Intelligence, the Executive Officer of the Intelligence Division, the Commanding Officer of IOAS (Intelligence Operations and Analysis Section), the Executive Officer of IOAS, the Commanding Officer (or the Executive Officer) of the Criminal Intelligence Section, the Assistant Commissioner for Intelligence Analysis, the Deputy Commissioner of Legal Matters, Assistant Deputy Commissioner of Legal Matters, Special Counsel for Intelligence Affairs, and/or their successors or persons who occupy similar positions of authority or expertise.

(4) The Special Counsel for Intelligence Affairs shall lead a quarterly discussion for the Handschu Committee related to the NYPD's compliance during that period in (i) obtaining timely approval in extending or closing investigations, (ii) obtaining timely approval of human source authorizations, and (iii) conducting reviews of Preliminary Inquiries, Full Investigations, and Terrorism Enterprise Investigations every 6 months, as provided in sections V(B)(5), V(C)(4)(d) and V(D)(4)(d) hereof. As part of this quarterly discussion, any member of the Handschu Committee may raise concerns regarding any other aspect of compliance with the Handschu Guidelines. The substance of these quarterly discussions shall be recorded in the minutes of the Handschu Committee meeting.

(5) There shall also be a Civilian Representative on the Handschu Committee who shall, unless unable to do so for good cause, attend and participate in all of the monthly meetings for opening, extension, or closure of investigations and in all of the quarterly discussions led by the Special Counsel for Intelligence Affairs on the same terms and conditions as set forth in paragraphs (1), (2) and (4) above. The Civilian Representative shall be a lawyer who has never previously been an employee of the NYPD. The Civilian Representative shall be appointed by the Mayor upon consultation with the Police Commissioner. The Civilian Representative may be replaced by the Mayor for good cause, with 14 days' advance notice to Class Counsel prior to such replacement. In the event that the Civilian Representative resigns, the Mayor in consultation with the Police Commissioner will appoint a replacement. The position of Civilian Representative will exist for a minimum of five years from the appointment of the first person to fill that role. After that initial five year period, the position of Civilian Representative will continue unless the Mayor applies to the Court for an amendment to the Revised Handschu Guidelines abolishing the position, upon 30 days' advance notice to Class Counsel prior to such application. The amendment to the Revised Handschu Guidelines abolishing the position shall be granted by the Court if the Court finds there have not been systematic and repeated violations of the Guidelines to a degree sufficient to show an NYPD policy to act in such a fashion for a period of three years immediately prior to the application, as shown in the reports submitted to the Court by the Civilian Representative.

ADDITIONAL DATA (continued)

(a) The Civilian Representative shall submit to a background investigation conducted by the Department of Investigation.

(b) The NYPD will facilitate an application for a federal security clearance for the Civilian Representative.

(c) The Civilian Representative shall execute a Non-Disclosure Agreement with the NYPD setting forth his or her undertaking that the proceedings of the Handschu Committee, as well as all materials reviewed by the Civilian Representative for or at the meetings of the Committee, shall be kept confidential and shall not be disclosed to any person except as set forth therein.

(d) The Civilian Representative shall be required to familiarize himself or herself with the Revised Handschu Guidelines governing the investigation of political activity by the NYPD.

(e) If the Civilian Representative concludes that an investigation is being opened, extended, or conducted in violation of the Revised Handschu Guidelines, or that the NYPD is otherwise violating the Revised Handschu Guidelines, the Civilian Representative shall record his or her concerns regarding the purported violation and/or his or her objection to the investigation and the grounds for the objection in the minutes of the Handschu Committee meeting.

(f) If the Civilian Representative concludes that an investigation is being opened, extended, or conducted in violation of the Revised Handschu Guidelines, the Civilian Representative shall bring such investigation to the attention of the Police Commissioner. The Civilian Representative shall be provided with means to present his or her conclusion to the Police Commissioner directly (hereafter, "a VI(5)(f) communication"). The Police Commissioner shall inquire into the investigation and report the findings of the inquiry to the Civilian Representative within seven (7) days after receipt of the VI(5)(f) communication.

(g) If the Civilian Representative has concerns about the NYPD's compliance with the Revised Handschu Guidelines, and the Police Commissioner has not provided a timely response to the Civilian Representative's VI(5)(f) communication regarding such concerns, or the Civilian Representative is not satisfied with the Police Commissioner's response, the Civilian Representative may communicate those concerns to the Judge assigned to the Handschu case in the Southern District of New York at any time. In the event the Civilian Representative decides to communicate such concerns to the Court, a copy of the communication shall first be served confidentially upon the Police Commissioner, the Intelligence and Counterterrorism Bureau, and the Deputy Commissioner of Legal Matters seven

ADDITIONAL DATA (continued)

(7) days prior to its submission to the Court. The Civilian Representative shall retain final authority over and responsibility for the content of the communication. Submission to the Court shall be effectuated in compliance with Section VI(5)(k) below.

(h) After complying with provision VI(5)(f) hereof, if the Civilian Representative concludes at any time that the NYPD is systematically and repeatedly violating the Revised Handschu Guidelines to a degree sufficient to show a NYPD policy to act in such a fashion, the Civilian Representative shall report the alleged systematic violation to the Judge assigned to the Handschu case in the Southern District of New York. In the event the Civilian Representative decides to communicate such concerns to the Court, a copy of the communication shall first be served confidentially upon the Police Commissioner, the Intelligence and Counterterrorism Bureau, and the Deputy Commissioner of Legal Matters seven (7) days prior to its submission to the Court, provided that the Civilian Representative shall retain final authority over and responsibility for the content of the communication. Submission to the Court shall be effectuated in compliance with Section VI(5)(k) below.

(i) In addition, the Civilian Representative shall file an annual report with the Court related to his or her actions and observations as a member of the Handschu Committee. The annual report will (A) indicate whether the Civilian Representative has objected to any investigations over that period and the basis for that objection; (B) state whether the NYPD has (i) substantially obtained timely approval for extending and closing investigations, (ii) substantially obtained timely approval for the use of human sources, and (iii) substantially fulfilled its obligation to review Preliminary Inquiries, Full Investigations, and Terrorism Enterprise Investigations every 6 months, as provided in sections V(B)(5), V(C)(4)(d) and V(D)(4)(d) hereof; and (C) address any communication during the annual period by the Civilian Representative to the Court under VI(5)(g) or (h). Prior to submission of the annual report to the Court, the Civilian Representative shall first serve copies confidentially to the Police Commissioner, Intelligence and Counterterrorism Bureau, and Deputy Commissioner of Legal Matters 21 days prior to submission to the Court, provided that the Civilian Representative shall retain final authority over and responsibility for the content of the report.

ADDITIONAL DATA (continued)

(j) The report and communications permitted under VI(5)(g), (h) and (i) will not include the number of investigations reviewed over the term, information deemed classified by the federal government, information obtained from other law enforcement or government agencies, information that reveals the identity of an individual or organization, information subject to the law enforcement privilege or other applicable privileges, or information that is otherwise protected by state or federal law.

(k) At the time that the Civilian Representative submits a communication or report to the Court pursuant to VI(5)(g), (h) or (i), notice of the Court's receipt of a communication or report from the Civilian Representative shall be entered on the Court's docket. The content of the communication or report to the Court shall, in the first instance, be maintained by the Court confidentially and under seal. The NYPD shall have 21 days from the filing of the communication or report to notify the Court (i) whether it contains privileged information or information that is prohibited from disclosure as set forth in VI(5)(j); (ii) if it believes such information can be protected through redaction of the document; or (iii) if it asserts the need to maintain the entire document confidentially and under seal. The Court shall adjudicate the propriety and scope of any such invocation. If the NYPD does not assert any such concerns about the information contained in the document, or if the Court determines that the document should be made public without redactions despite such objections by the NYPD, a copy of the report or communication shall be filed in the public docket and served on class counsel. If the Court determines that redactions can cure the need for the sealing of the entire document, a copy of the report or communication with the redactions shall be filed in the public docket and served on Class Counsel while the original submission by the Civilian Representative shall be maintained under seal. If the Court determines that the communication or report contains privileged information or information that is prohibited from disclosure as set forth in VI(5)(j) and that redaction cannot cure the need for the sealing of the entire document, the communication or report shall be maintained under seal and there shall be an entry on the Court's docket that the communication or report is being maintained under seal.

(6) Nothing herein shall effect, limit, or diminish the authorization and approval provisions for investigations, which grant exclusive approval authority to the Authorizing Officials or the Intelligence and Counterterrorism Bureau.

ADDITIONAL DATA (continued)

VII. INVESTIGATIVE TECHNIQUES

(1) When conducting investigations under these guidelines, the NYPD may use any lawful investigative technique permitted by these guidelines. The choice of investigative techniques is a matter of judgment, which should take account of:

(i) the objectives of the investigation and available investigative resources;

(ii) the intrusiveness of a technique, considering such factors as the effect on the privacy of individuals and potential damage to reputation;

(iii) the potential effect on the political or religious activity of individuals, groups or organizations and the potential effect on persons who, although not a target of the investigation are affected by or subject to the technique;

(iv) the seriousness of the unlawful act; and

(v) the strength of the information indicating its existence or future commission of the unlawful act.

(2) Where the conduct of an investigation presents a choice between the use of more or less intrusive methods, the NYPD should consider whether the information could be obtained in a timely and effective way by the less intrusive means. The NYPD should not hesitate to use any lawful techniques consistent with these guidelines in an investigation, even if intrusive, where the intrusiveness is warranted in light of the seriousness of the crime or the strength of the information indicating its existence or future commission. This point is to be particularly observed in investigations relating to terrorist activities.

(3) Authorized methods in investigations include, among others, use of confidential informants, undercover activities and operations, eavesdropping and video surveillance (as defined in Article 700 of the NY Criminal Procedure Law), pen registers and trap and trace devices, consensual electronic monitoring, and searches and seizures.

a. Undercover Operations

(i) Undercover operations, including confidential informants, may be used when taking into account all the circumstances of the investigation, including the need for the information and the seriousness of the threat, it has been determined that the information sought in the investigation could not be reasonably obtained in a timely and effective way by a less intrusive means. The use of undercovers and confidential informants must be authorized by the Intelligence and Counterterrorism Bureau prior to commencement of the undercover operation. The request to use undercovers or confidential informants and action taken on the request must be in writing and must include a description of the facts on which the investigation is based and the role of the undercover.

ADDITIONAL DATA (continued)

(ii) The use of an undercover or confidential informant will be approved for a period of 90 days and may be extended for additional periods of 90 days with the approval of the Intelligence and Counterterrorism Bureau. Such extensions may be approved for as long as the investigation continues when it has been determined that the information sought in the investigation could not reasonably be obtained in a timely and effective manner by less intrusive means. The request to extend the use of undercovers and action taken on the request must be in writing and must include the reason for the extension.

(iii) Undercovers are strictly prohibited from engaging in any conduct the sole purpose of which is to disrupt the lawful exercise of political activity, from instigating unlawful acts or engaging in unlawful or unauthorized investigative activities.

b. Eavesdropping and Video Surveillance (as defined in Article 700 of the NY Criminal Procedure Law), Pen Registers and Trap and Trace Devices, and Consensual Electronic Monitoring

(i) All requirements for the use of such methods under the Constitution, applicable statutes, and NYPD regulations or policies must be observed.

(4) Whenever an individual is known to be represented by counsel in a particular matter, the NYPD shall follow applicable law and Department procedure concerning contact with represented individuals in the absence of prior notice to their counsel.

VIII. <u>DISSEMINATION AND MAINTENANCE OF INFORMATION</u>

A. <u>Dissemination</u>

The NYPD may disseminate information obtained during the Checking of Leads, Preliminary Inquiries and investigations conducted pursuant to these guidelines to federal, state or local law enforcement agencies, or local criminal justice agencies when such information:

(i) falls within the investigative or protective jurisdiction or litigative responsibility of the agency;

(ii) may assist in preventing an unlawful act or the use of violence or any other conduct dangerous to human life;

(iii) is required to be disseminated by interagency agreement, statute, or other law.

B. <u>Maintenance</u>

All documentation required under these Guidelines shall be maintained by the Intelligence Division in accordance with general police department practice and applicable municipal record retention and destruction rules, regulations and procedures. Under these rules and practices documents are retained for no less than five years.

ADDITIONAL DATA (continued)

IX. COUNTERTERRORISM ACTIVITIES AND OTHER AUTHORIZATIONS

In order to carry out its mission of preventing the commission of terrorist acts in or affecting the City of New York and the United States and its people, the NYPD must proactively draw on available sources of information to identify terrorist threats and activities. It cannot be content to wait for leads to come in through the actions of others, but rather must be vigilant in detecting terrorist activities to the full extent permitted by law, with an eye towards early intervention and prevention of acts of terrorism before they occur. This Part accordingly identifies a number of authorized activities which further this end, and which can be carried out even in the absence of a checking of leads, Preliminary Inquiry, or Full Investigation as described in these guidelines. The authorizations include both activities that are specifically focused on terrorism and activities that are useful for law enforcement purposes in both terrorism and non-terrorism contexts. The authorized law enforcement activities of the NYPD include carrying out and retaining information resulting from the following activities.

A. COUNTERTERRORISM ACTIVITIES

1. Information Systems

The NYPD is authorized to operate and participate in identification, tracking, and information systems for the purpose of identifying and locating potential terrorists and supporters of terrorist activity, assessing and responding to terrorist risks and threats, or otherwise detecting, prosecuting, or preventing terrorist activities. Systems within the scope of this paragraph may draw on and retain pertinent information from any source permitted by law, including information derived from past or ongoing investigative activities; other information collected or provided by governmental entities, such as foreign intelligence information and lookout list information; publicly available information, whether obtained directly or through services or resources (whether nonprofit or commercial) that compile or analyze such information; and information voluntarily provided by private entities. Any such system operated by the NYPD shall be reviewed periodically for compliance with all applicable statutory provisions and Department regulations and policies.

2. Visiting Public Places and Events

For the purpose of detecting or preventing terrorist activities, the NYPD is authorized to visit any place and attend any event that is open to the public, on the same terms and conditions as members of the public generally. No information obtained from such visits shall be retained unless it relates to potential unlawful or terrorist activity.

B. OTHER AUTHORIZATIONS

1. General Topical Research

The NYPD is authorized to carry out general topical research, including conducting online searches and accessing online sites and forums as part of such research on the same terms and conditions as members of the public generally. "General topical research" under this paragraph means research concerning subject areas that are relevant for the purpose of facilitating or supporting the discharge of

ADDITIONAL DATA (continued)

investigative responsibilities. It does not include online searches for information by individuals' names or other individual identifiers, except where such searches are incidental to topical research, such as searching to locate writings on a topic by searching under the names of authors who write on the topic, or searching by the name of a party to a case in conducting legal research.

2. Use of Online Resources Generally

For the purpose of developing intelligence information to detect or prevent terrorism or other unlawful activities, the NYPD is authorized to conduct online search activity and to access online sites and forums on the same terms and conditions as members of the public generally.

3. Reports and Assessments

The NYPD is authorized to prepare general reports and assessments concerning terrorism or other unlawful activities for purposes of strategic or operational planning or in support of other legitimate law enforcement activities.

X. PROTECTION OF PRIVACY AND OTHER LIMITATIONS

A. General Limitations

The law enforcement activities authorized by this Part do not include maintaining files on individuals solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of any other rights secured by the Constitution or laws of the United States. Rather, all such law enforcement activities must have a valid law enforcement purpose and must be carried out in conformity with all applicable statutes and Department regulations and policies.

B. Construction of Part

This Part does not limit any activities authorized by or carried out under other Parts of these guidelines. The specification of authorized law enforcement activities under this Part is not exhaustive, and does not limit other authorized law enforcement activities of the NYPD.

XI. RESERVATION

Nothing in these guidelines shall limit the general reviews or audits of papers, files, contracts, or other records in the possession of the NYPD or City of New York, or the performance of similar services at the specific request of another government agency. Such reviews, audits, or similar services must be for the purpose of detecting or preventing violations of law which are within the investigative responsibility of the NYPD.

Nothing in these guidelines is intended to limit the NYPD's responsibilities to investigate certain applicants and employees, or to pursue efforts to satisfy any other of its legal rights, privileges, or obligations. These guidelines are set forth solely for the purpose of internal NYPD guidance. They are not intended to, do not, and may not be

relied upon to create any rights, substantive or procedural; enforceable at law by any party in any matter, civil or criminal, nor do they place any limitation on otherwise lawful investigative and litigative prerogatives of the NYPD or City of New York.

RELATED PROCEDURES

Citywide Intelligence Reporting System (P.G 212-12)
Communications Between the Intelligence Division and Units in the Field Regarding Suspected Terrorist Activity (P.G. 212-110)
Guidelines for the Use of Video/Photographic Equipment by Technical Assistance Response Unit (TARU) Personnel at Demonstrations (P.G. 212-71)

NYPD

PURPOSE To enroll bicycles in the Bicycle Registration Program which has been established in each patrol precinct.

SCOPE A precinct crime prevention officer or counterpart is responsible for coordinating the Department's Bicycle Registration Program. Bicycle owners, both private and commercial (messenger services, etc.), are encouraged to enroll in the registration program. In addition, all New York City Police Department bicycles will be enrolled in this program.

PROCEDURE Whenever a member of the service registers a bicycle:

MEMBER OF THE SERVICE CONCERNED

1. Mark with engraving tools.
   a. Use a three digit number indicating precinct designation followed by a four digit number, in numerical sequence of enrollment (e.g., 103-0001).
   b. Place registration number on underside of frame, or other main component.
2. Establish a Bicycle Registration Log, utilizing a Department record book, or computerized data base with the following information:

REGISTRATION NUMBER	DATE	OWNER'S NAME	ADDRESS	APARTMENT NUMBER	TELEPHONE NUMBER

MAKE	MODEL	MANUFACTURER'S SERIAL NO. (if any)	COLOR	REMARKS

AT TIME OF REGISTRATION

MEMBER OF THE SERVICE CONCERNED

3. Inform owner to notify the precinct of registration when bicycle is sold, transferred or discarded.
4. Enter this fact in "remarks" column of the log.

SALE OR TRANSFER OF A REGISTERED BICYCLE TO A NEW OWNER

MEMBER OF THE SERVICE CONCERNED

5. Engrave the letter "A", after the previously issued registration, if bicycle is being registered in the same precinct, OR
6. Etch out old registration number and engrave new number, if being registered in other than original precinct of registration.

NOTE *In either instance, the crime prevention officer, counterpart will cross-reference the old registration number in the "remarks" column when making required entries in the log.*

7. Prepare **COMPLAINT REPORT (PD313-152)** for lost or stolen bicycle.
   a. Determine whether bicycle was previously registered in Bicycle Registration Program.

IF REGISTERED LOST/STOLEN BICYCLE IS INVOLVED

MEMBER OF THE SERVICE CONCERNED

8. Comply with the following:
   a. Contact the desk officer, precinct of registration, to obtain the registration serial number and verify the description.
   b. Enter the complete Bicycle Registration Number in the "Details" section of the **COMPLAINT REPORT**.
   c. Ensure **COMPLAINT REPORT** indicates duplicate copy to the Stolen Property Inquiry Unit (S.P.I.U.) so that an alarm can be transmitted for the lost/stolen registered bicycle.
   d. Notify desk officer, precinct of registration, to make an entry in the "Remarks" section of the Bicycle Registration Log or computerized database, indicating the loss/theft of the bicycle and the precinct **COMPLAINT REPORT** number.

UPON RECOVERY OF REGISTERED BICYCLE

MEMBER OF THE SERVICE CONCERNED

9. Do the following:
   a. Make an "article inquiry" via FINEST by using the NYSPIN Information Function, as follows:
      (1) Enter I before AINQ
      (2) Enter BICYCL after Type____
      (3) Enter MAKE OF BICYCLE after Brand____
      (4) Enter SERIAL NUMBER after SER____.
   b. Ensure duplicate copy of **Omniform Complaint Revision** is forwarded to Stolen Property Inquiry Unit, if alarm was transmitted for the recovered bicycle.
   c. Determine owner of recovered bicycle from precinct where bicycle was registered.
   d. Have owner notified.
   e. Notify desk officer, precinct of registration, to make entry in "Remarks" section of the Bicycle Registration Log, indicating precinct voucher number.

REMOVAL OF DERELICT BICYCLE

MEMBER OF THE SERVICE CONCERNED

10. Maintain a Derelict Bicycle Removal Log, utilizing a separate section of the Department record book containing the Bicycle Registration Log or computerized database with the following information:

LOCATION	COMMAND SERIAL #	BICYCLE DESCRIPTION	DATE NOTICE AFFIXED	DATE REMOVED
REMOVED BY	REMARKS			

11. Record details of derelict bicycle removal in Log when notified by New York City Department of Sanitation (DSNY).
    a. Inform appropriate members of command of bicycle removal.

MEMBER OF THE SERVICE CONCERNED (continued)

12. Check Log when receiving complaint of stolen bicycle to ensure bicycle was not removed and disposed of by DSNY.

ADDITIONAL DATA

Once DSNY makes the determination that a bicycle is derelict, a notice shall be affixed to the bicycle advising the owner that such bicycle must be removed within seven days from the date of the notice. This notice shall also state that the failure to remove such bicycle within the designated time period will result in the removal and disposal of the derelict bicycle by the DSNY. Once the derelict bicycle has been removed, DSNY will notify the precinct concerned of the removal.

DSNY is not authorized to remove for disposal from public property any "ghost bike" (i.e., a bicycle that has been placed on public property and apparently intended as a memorial for someone who is deceased) or bicycles that do not meet the derelict bicycle criteria. A bicycle is considered derelict when it meets two of the following four criteria:

1. *Appears to be crushed or not usable;*
2. *Missing parts essential to its operation, other than the seat and front wheel, including, but not limited to handlebars, pedal or pedals, rear wheel or chain;*
3. *Handlebars or pedals are damaged, or the existing forks, frames or rims are bent;*
4. *Fifty percent or more of the bicycle, which includes the handlebars, pedals and frames are rusted, along with any chain affixing such bicycle to public property.*

Additionally, nothing in this rule shall be interpreted to preclude the immediate removal of any bicycle, including, but not limited to, a derelict bicycle or ghost bike, or the taking of any other action by any City agency, if the presence of such bicycle creates a dangerous condition by restricting vehicular or pedestrian traffic or is otherwise in violation of the law.

<u>ALL</u> Police Department issued bicycles must be enrolled in this program. The bicycles will be engraved with the prefix NYPD followed by the three digit precinct designation and four digit precinct sequential number (e.g., NYPD 103-0001, indicates first bicycle registered in the 103rd Precinct is a Department issued bicycle assigned to the 103rd Precinct). Bicycles assigned to non-precinct units will be engraved with the prefix NYPD and their three digit command code followed by the registering precincts four digit sequential number.

Commanding officers of all Housing Bureau patrol service areas equipped with bicycles, and other non-patrol service area units, shall establish Bicycle Registration Programs, internally, for all Department owned bicycles. Housing Bureau bicycles will have "HB" and registry number engraved on the bottom of the bicycle.

Precinct commanding officers shall conduct bicycle registration drives during the months of May and September, each year. Uniformed members of the service assigned to bicycle patrol duties, auxiliary police and police explorers, may be utilized to assist in the Bicycle Registration Program drives. The precinct crime prevention officer/counterpart shall register bicycles upon request on a year-round basis. In addition, the precinct crime prevention officer/counterpart will ensure that the Bicycle Registration Log (Department record book or computerized database) is available to the desk officer at all times.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
Omniform Complaint Revision

Section: Command Operations		Procedure No: 212-74	
COMMUNITY NOTIFICATION PROTOCOL			
DATE ISSUED: 01/21/16	DATE EFFECTIVE: 01/21/16	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To inform community leaders and organizations in the event of an incident of an unusual, newsworthy, or sensitive nature that has the potential for community concern and/or unrest.

SCOPE Precinct/police service area/district commanding officers are responsible for keeping community organizations and leaders informed of local conditions and occurrences. The commanding officer or designee will be required to notify community leaders of an event as described above, and the police reaction to the event. Said community leaders should include, but not be limited to, local elected officials, community board chairpersons, district managers, precinct community council board members, civic leaders, members of the clergy, superintendents and principals of local schools or school districts, local business leaders or merchant groups, tenant groups, block association leaders, City or State agencies headquartered within the precinct boundaries, etc. The primary responsibility for notifying the community leaders rests with the precinct/police service area/district commanding officer concerned. Although certain incidents may require the involvement of the borough/bureau command, this will not relieve the precinct/police service area/district commander from keeping local community leaders informed.

PROCEDURE To create a list of community leaders to be notified in the event of an incident of an unusual, newsworthy, or sensitive nature that has the potential for community concern and/or unrest and to perform said notifications, if necessary.

COMMANDING OFFICER

1. Direct the preparation of a roster of community leaders and organizations to be notified in conjunction with this procedure.
   a. Roster should include the following captions:
      (1) Name
      (2) Organization
      (3) Contact person (if other than "[1]" above)
      (4) Telephone number (office/home)
      (5) Pager/beeper/cell phone number
      (6) Address

NOTE *Copies of the community notification roster should be maintained at the desk and the community affairs office, for immediate access. In addition, the commanding officer must have a copy at all times. Copies of the rosters should be forwarded to the borough concerned and the Operations Unit, as well as to the Office of the Chief, Community Affairs, through channels.*

<u>IN THE EVENT THAT COMMUNITY NOTIFICATIONS ARE REQUIRED</u>

MEMBER OF THE SERVICE

2. Notify community leaders/organizations concerned of event and pertinent background information, as directed by the commanding officer/duty captain.

NOTE

Not all community leaders or organizations need to be notified in all situations. The nature of the event will dictate who is to be notified. In addition, commanding officers concerned will determine the method of notification, e.g., telephone call, page, fax, face-to-face notification, etc., as well as which member of the service will make the notifications. Information that is considered to be confidential will not be divulged.

MEMBER OF THE SERVICE (continued)

3. Document time of notification on the community notification roster.
   a. Utilize the roster prepared as per step 1, above, to document notifications. In addition, note the time notified and the member of the service making the notification on the roster concerned.

ADDITIONAL DATA

Command and borough executives should share information regarding the operation of the precinct/police service area/district. The assignment of new commanding officers, supervisors, and police officers should be publicized to local community leaders.

Commanding officers should encourage community leaders and organizations to share information, such as unscheduled events and demonstrations that are unusual, newsworthy or sensitive in nature, that have the potential for community concern/unrest, and incidents which have occurred in the past without prior knowledge of the local command.

The use of e-mail newsletters, discussion lists, and the Department's web site is encouraged. Their use should also be explored for the dissemination of information and non-emergency notifications to community members. THIS SHOULD NOT TAKE THE PLACE OF PERSONAL CONTACT IN MORE SERIOUS MATTERS.

Commanding officers will ensure that information contained on the community notification roster is updated as needed and updated information is forwarded to the borough concerned, the Operations Unit and the Office of the Chief, Community Affairs.

It is important to maintain regular contact with community leaders regardless of the occurrence of a major event. In the absence of major events, opportunities should be created to interact with community leaders. Non-Department related incidents or minor police incidents can present excellent opportunities to create such interactions and maintain a dialogue with the community.

Community council presidents may be requested to respond to incidents at the discretion of the incident commander/ranking officer if their presence is deemed appropriate for possible assistance.

Uniformed members of the service in the ranks of captain and above will be cognizant of the provisions of the Clergy Liaison Guidelines and Community Council Guidelines.

NYPD

Section: Command Operations		Procedure No: 212-76
INFORMATION CONCERNING OFFICIAL BUSINESS OF DEPARTMENT		
DATE EFFECTIVE: 02/09/22	LAST REVISION: I.O. 11	PAGE: 1 of 3

PURPOSE To facilitate the proper release of information concerning official Department business.

PROCEDURE Upon receiving request for information about Department business:

1. Treat official business of the Department as confidential.
2. Understand clearly the right of the public to be informed on matters of public interest.
3. Exercise discretion when divulging authorized information.
4. Release information to a properly identified representative of:

AGENCY	INFORMATION CONCERNING
Department of Citywide Administrative Services	➢ Official business of that agency
U.S. Civil Service Commission	➢ Applicant for a federal position
New York State Department of Corrections and Community Supervision (DOCCS) (request from the area director)	➢ Persons arrested
State Liquor Authority	➢ Persons arrested or summonsed who are applicants for or holders of state liquor licenses. ➢ Persons arrested or summonsed in premises licensed by the State Liquor Authority or in the vicinity of the premises when the cause of the arrest or summons originated there. ➢ Premises licensed, or for which an application has been made under the Alcoholic Beverage Control Law.
Waterfront Commission of New York Harbor	➢ Person licensed or registered by Commission
Crime Victims Compensation Board	➢ Official business of that agency
N.Y.C. Department or agency	➢ An employee of that department or agency only if the City is not likely to become a party to an action arising out of the incident. In such cases, the investigator will be referred to the Corporation Counsel.

NOTE *When information is given to other than a representative of the press, an entry identifying the person and the subject will be made in the Command Log. A text reference to the entry will be made in the margin of the record concerned.*

ADDITIONAL DATA *Requests from government agencies, private organizations, institutions of higher education, etc., for statistics, surveys, samples and other types of information concerning the Department will be forwarded to the Office of Management Analysis and Planning for preparation of a Department response.*

ROUTINE INQUIRIES:

Many requests, particularly those coming to Patrol Services Bureau commands, are of a routine nature. Local commanders are expected to respond to such requests as directed by this procedure, ensuring that responses are accurate and in accord with Department policy.

UNUSUAL OR TIME CONSUMING REQUESTS:

Some requests involve surveys or samples and may be time consuming; others may be related to business of the entire Department or involve broad policy questions. Local commanders should not ordinarily undertake data gathering research to answer a request from outside the Department when it will impair their ability to perform their primary function. Time consuming requests, those involving the business of the entire Department and those which raise policy questions, should be forwarded to the Office of Management Analysis and Planning for preparation of an appropriate response. Office of Management Analysis and Planning will confer with Deputy Commissioner - Public Information on matters regarding Department policy on release of information.

Where additional guidance is deemed necessary to classify a particular request as routine or unusual, a commanding officer may contact the Office of Management Analysis and Planning.

A member of the service, active or retired, may obtain information relative to his/her medical record upon written request to the Commanding Officer, Medical Division. No fee will be charged for such information. A person or organization outside the Department may obtain such information, for a fee of $5.00, if the request is made in writing and is accompanied by a notarized authorization from the member concerned or in the event of his death, from the next of kin or representative of his estate. Requests for such information from other governmental agencies do not require notarized authorization or fee. Requests for payroll records will be directed to Director, Payroll Section for processing in a similar manner.

When advised that an audit of records, procedures, or operations of a command is to be conducted by any city, state or federal agency, the desk officer/supervisory head concerned will notify the Deputy Commissioner, Management and Budget, furnishing the time, date, subject of audit, identity of personnel who will conduct the audit and agency to which assigned. Auditors must possess identification cards issued by the auditing agency and/or a letter of introduction from the Deputy Commissioner, Management and Budget. All members of the service will cooperate with properly identified auditors; questions concerning identity of auditing personnel will be directed to the Deputy Commissioner, Management and Budget, those concerning confidentiality of records/information requested will be directed to the Legal Bureau. The Deputy Commissioner, Management and Budget will notify the Office of Management Analysis and Planning upon receiving notifications of audits.

ADDITIONAL DATA (continued)

When a request for sensitive information regarding the policies of the Department is received from an elected official or candidate for elective office or a member of their staffs, the requestor will be instructed to submit the request in writing to the Police Commissioner. The Police Commissioner's Office shall forward such request to the appropriate command for further attention.

Inquiries of a routine nature including publicly released crime statistics, constituent problems or complaints may be handled by the command concerned.

OFFERS OF GRANTS, EQUIPMENT OR OTHER FUNDING BY ELECTED OFFICIALS, OTHER GOVERNMENT AGENCIES OR PRIVATE ENTITIES:

Members of the service may not accept offers of grants, equipment or other funding from elected officials or their staffs, other government agencies or private entities. A member of the service approached with the offer of such funding or solicited for suggestions regarding how such funding could be utilized by the Department shall direct the individual or entity offering such funding to make a written proposal to the Police Commissioner.

RELATED PROCEDURES

Release of Information To News Media (P.G. 212-77)
Incidents Involving Media Representatives (P.G. 212-49)
Grant Applications, Accountability, Responsibility and Reporting Procedures (A.G. 320-38)

NYPD

PURPOSE To facilitate the accurate, timely and proper dissemination of information to the public through the news media.

SCOPE It is the policy of the Department to keep the public informed on matters of public interest. To this end, inquiries received from members of the news media should be directed to the Office of the Deputy Commissioner, Public Information. Members of the service should only provide assistance when:

a. Doing so does not pose a threat to the personal safety of members of the service, the public, or the news media;
b. Doing so does not interfere with police operations, including crime scene investigations, or with other emergency service providers; and
c. Doing so does not infringe upon the rights of an accused or upon the privacy or security of crime victims.

Because it is not uncommon for local investigations, arrests, operations, etc., to overlap into other agencies, bureaus or jurisdictions it is essential that ALL media requests be channeled through the Office of the Deputy Commissioner, Public Information. Unauthorized communication with the news media, without conferral with the Office of the Deputy Commissioner, Public Information is prohibited.

NOTE *Access to incident scenes does not extend to interior crime scenes or areas frozen for security reasons.*

PROCEDURE Upon receiving a request for information from representatives of the media:

HIGHEST RANKING UNIFORMED MEMBER OF THE SERVICE

1. Confer with the Office of the Deputy Commissioner, Public Information, regarding the information to be released, prior to addressing the media.
2. Briefly describe the incident (i.e., how police were called to the scene, type of job, location of occurrence, number of aided persons, etc.).
3. Do not release the following:
   a. Identity of a juvenile under 18 years of age taken into custody, unless juvenile is a juvenile offender or adolescent offender

NOTE *Once a juvenile offender or adolescent offender has their case removed from criminal court to family court, then confidentiality protections will apply. Information should not be released to the public after this point.*

   b. Identity of a complainant under 18 years of age
   c. Identity of a neglected or abused child
   d. Identity of a victim of a sex crime
   e. Information which indicates that a person has a communicable disease

HIGHEST RANKING UNIFORMED MEMBER OF THE SERVICE (continued)

f. Information which indicates that a person is a confidential informant/witness
g. The location of occurrence where a sexual assault occurred if that location is the victim's residence or the residence of the perpetrator, if not apprehended
h. The address or telephone number of a member of the service
i. Address or telephone number of a complainant
j. Address or telephone number of a witness to a crime
k. Information that may hinder the prosecution of the crime, jeopardize the safety of a member of the service, complainant, or witness
l. Arrest or booking photographs of an individual unless the photo would serve a law enforcement purpose.

4. Release the following information after an arrest is made, if requested:
   a. Name, age, residence, employment, marital status and similar background information of the arrested person(s) after identity is confirmed
   b. Substance or text of the charge(s) such as a complaint, indictment, information, and, only when appropriate, the identity of the complainant
   c. Identity of the investigating and arresting agency and the length of the investigation
   d. Circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons and a general description of items seized at the time of arrest.

NOTE

With the prior permission of the Deputy Commissioner, Public Information, certain information may be withheld if there is a legitimate concern for the safety of a witness in the "interests of justice" (i.e., release of information may compromise an ongoing investigation).

The Office of the Deputy Commissioner, Public Information, is available 24 hours a day, 7 days a week, for consultation and/or response to incidents involving the media. Members of the service are required to immediately notify the Deputy Commissioner, Public Information of any interaction with the media.

ADDITIONAL DATA

Because pre-trial disclosure of the following information may adversely impact the prosecution of a criminal defendant, members of the service must consult with the Office of the Deputy Commissioner, Public Information prior to providing information to the news media. Information of the types listed below may only be released after conferral with the Offices of the Deputy Commissioner, Public Information and Chief of Detectives. Pretrial disclosure of the following information may have an adverse impact on a court case:

a. Statements concerning the reputation or character of an accused person or prospective witness
b. Performance of, or results of, tests or the refusal by the accused to take a test
c. Statements concerning the credibility or anticipated testimony of prospective witnesses
d. Opinions or speculation concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial
e. Photographs, films, videotapes, and/or mug shots.

ADDITIONAL DATA (continued)

CONFIDENTIALITY OF THE VICTIM OF A SEX CRIME

The Civil Rights Law, Section 50-B, was amended in 1991 to protect the identity of the victim of a sex crime. The law provides that the identity of a victim of a sex crime be provided to a defendant charged with the crime and their counsel or guardian. It also permits disclosure to public officers and employees investigating, prosecuting and keeping records relating to the offense. A new Section 50-C was also added to the law which allows victims of a sex offense to bring private action to recover for any damage suffered by the disclosure of their identities. Therefore, those members of the service (uniformed and civilian) assigned to units (Public Information Division, Identification Section, Communications Division, etc.) which may, at times, be called upon to provide information from Department records, files, tapes, etc., must ensure that the identity of a victim of a sex offense is not divulged when this information is released.

IDENTITY OF PERSONS WITH COMMUNICABLE DISEASE

It is the responsibility of this Department to protect the civil rights of persons we come in contact with. This includes prisoners, crime victims, aided cases, etc. In keeping with this obligation, any information regarding a person's status in connection with any communicable disease (HIV, AIDS, Tuberculosis, Hepatitis B, etc.) is to be treated as confidential.

Accordingly, members of the service should be made aware of the following guidelines:

Information concerning a prisoner's or a victim's affliction with a communicable disease must be kept confidential. This information generally should not be released to the public, the media, the person's family and friends or to other prisoners. There may be unusual circumstances under which release of this information is warranted. Any such release, however, may only be made with the written consent of the Deputy Commissioner - Legal Matters.

In some cases, prisoners may volunteer their positive medical status regarding a communicable disease indicating the need to be segregated from general prisoner population or the need for medical treatment. In such cases, isolation cells should be used, if available. This information may be recorded on a Prisoner Movement Slip or on form ***MEDICAL TREATMENT OF PRISONER (PD244-150)*** *in order to alert personnel assigned to Corrections, District Attorney's offices or courts.*

Members of the service who are exposed to a communicable disease should follow the provisions of A.G. 330-09, "Exposure of Members of the Service to Infectious Diseases."

RELATED PROCEDURES

Exposure of Members of the Service to Infectious Diseases (A.G. 330-09)
Incidents Involving Media Representatives (P.G. 212-49)
Information Concerning Official Business of the Department (P.G. 212-76)

FORMS AND REPORTS

MEDICAL TREATMENT OF PRISONER (PD244-150)

Section: Command Operations		Procedure No: 212-78	
UTILIZATION OF THE REAL TIME CRIME CENTER			
DATE ISSUED: 03/29/17	DATE EFFECTIVE: 03/29/17	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide twenty-four hour, seven day a week investigative support to the Detective Bureau and other Department investigative units conducting criminal investigations.

PROCEDURE When an investigator seeks the assistance of the Real Time Crime Center (RTCC) during the course of investigating any crime:

INVESTIGATOR

1. Telephone the Real Time Crime Center to initiate "real time" crime scene support.
   a. Cases not requiring crime scene support, contact may be made either by telephone, e-mail, or facsimile.

RTCC INVESTIGATOR

2. Verify the identity of the investigator requesting information.
3. Record the request for investigative assistance in the intake database.
4. Confer with the RTCC Supervisor on duty.
5. Conduct comprehensive computer inquiries of related incidents, suspects, victims, locations and any other relevant information.
6. Forward results of computer investigation to the investigator concerned via wireless laptop, email, telephone or facsimile.

RTCC SUPERVISOR

7. Oversee and ensure thorough computer investigations and monitor ongoing priority incidents citywide.
   a. Prioritize case assignments.
   b. Review investigative results.
   c. Provide investigative direction.

RTCC INVESTIGATOR

8. Maintain contact with investigator concerned and determine if additional investigative steps are necessary.

ADDITIONAL DATA *The RTCC applications have been created and organized to support the investigative process in the following areas:*

a. Incident Analysis
b. Location Analysis
c. Victim/Suspect Analysis
d. Pattern Analysis

To conduct these analyses, the RTCC Investigators can access data from the NYPD, other NYC Agencies and New York State systems. Additionally, investigators can access a wide variety of investigative tools as well as public and governmental information sources. The RTCC Investigators have direct access to Department data previously unavailable for efficient searching and reporting, including advanced mapping, 311 and 911 information.

ADDITIONAL DATA (continued)

Among the many non-NYPD databases available to RTCC analysts are the following (this list is not all-inclusive):

PUBLIC RECORDS DATABASES *– Databases built from public records, commercial records and data provided by various government agencies. These databases offer a variety of searches nationwide which include: persons, addresses (past and present), phone numbers (including unlisted and cell), motor vehicles, real property, civil and criminal searches. Also available is a visual link analysis tool, to discover connections between individuals and their associates that are otherwise easy to miss. The databases are frequently updated with over twelve billion real investigative records.*

CJA INTERVIEW REPORT *– Through an Arrest Number, RTCC investigators can access the Criminal Justice Agency's Interview Report. This report contains information on the arrestee to determine bail eligibility. Information includes name, address, prior address, contact names and phone numbers, employment data and other pertinent information related to the arrested person.*

DOC *– Federal/NY State/NYC Department of Corrections Inmate lookup service (online databases).*

E-JUSTICE *– NYS Criminal Justice information which is linked to the National Crime Information Center (NCIC).*

PHOTO SYSTEM *– A consolidated law enforcement photo/mug shot system. Includes perpetrators arrested by other agencies such as ATF, FBI, DEA, Eastern District of New York, INS, IRS, Nassau County Police, Newark PD (NJ), NY State Police, Essex County Sheriff (NJ), Hudson County Sheriff (NJ), Passaic County (NJ), New York State Department of Corrections and Community Supervision (DOCCS), Suffolk County, Union County (NJ), US Postal Inspector, US Customs Service, US Marshals Service, US Secret Service, Westchester County Department of Corrections.*

IDS *– NYPD Intelligence Database System.*

JUSTICE EXCHANGE *– National near-real time "who's in jail" database covering twenty-nine states across the country.*

STARS *– The Summons Tracking and Accounts Receivable System allows an investigator to search for NYC parking summons issued to a vehicle.*

ISO CLAIMSEARCH *– Is an all-claims database incorporating over 380 million claims including property claims, bodily injury claims and automobile records. Searches can be done by name (individual or business), address, phone number, Social Security number, driver's license number, license plate number, Vehicle Identification Number (VIN), professional medical license or Tax Identification Number (TIN). Reports are returned on any matches regarding the claim(s) filed. An added feature includes VIN Decoding. This utility allows you to decode and decipher a Vehicle Identification Number (VIN) to properly identify vehicles.*

Section: Command Operations		Procedure No: 212-79	
SUBPOENA FEES AND ACCOUNTING PROCEDURES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To inform members of the service (uniformed and civilian) of the appropriate fees to be tendered by persons making service of subpoenas upon the New York City Police Department.

SCOPE In many cases where a subpoena is served upon the Police Department, a check, money order or cash for the statutorily mandated witness fee may also be tendered. In order to promote greater efficiency and uniformity in the processing of and accounting for subpoena fees, the following procedure will be complied with.

PROCEDURE Upon receipt of a subpoena (by personal service or other means of delivery):

MEMBER OF THE SERVICE RECEIVING SUBPOENA

1. Ascertain if fee (cash, check, or money order) is tendered with subpoena.
   a. If check or money order is made payable to an individual member of the service (uniformed or civilian), the member concerned will endorse check or money order as follows:
      "PAY TO THE ORDER OF NEW YORK CITY POLICE DEPARTMENT"
   b. If fee is tendered in connection with a subpoena which <u>does not</u> involve the Police Department or actions taken by the member concerned on behalf of the Department, the fee will be given to the member concerned and is properly payable to him/her. In such case, no fee receipt will be issued by this Department.
2. Issue **FEE RECEIPT (PD122-017)** and comply with applicable provisions of *P.G. 212-82, "Forwarding Of Fees To The Audits And Accounts Section,"* if fee is tendered.
   a. Enter title of case (e.g., Smith v. Jones, People v. Rosario) at caption entitled "FOR" of **FEE RECEIPT**.
   b. If subpoena and fee (if tendered) have been received by other than personal service, forward **FEE RECEIPT** to attorney issuing subpoena by U. S. Mail.
3. Note **FEE RECEIPT** number and dollar amount of fee tendered on rear of subpoena.
4. Forward subpoena to command liaison officer.

COMMAND LIAISON OFFICER

5. Comply with pertinent provisions of *P.G. 211-15, "Processing Subpoenas For Police Department Records And Testimony By Members Of The Service."*

ADDITIONAL DATA

Members of the service (uniformed and civilian) are advised that the following is a schedule of appropriate fees to be tendered with the corresponding type of subpoena:

TYPE OF SUBPOENA	***FEE***
♦ ***CIVIL CASES***	
Subpoena issued by courts of New York State	*$15.00*
Subpoena issued by Federal Courts	*$40.00*
♦ ***FAMILY COURT CASES***	
Subpoena issued in a Juvenile Delinquency Proceeding	*NO FEE REQUIRED*
➢ *All other Family Court Cases* *As per CIVIL CASE FEE SCHEDULE, above*	
♦ ***CRIMINAL CASES***	
Subpoena issued by State and Federal Courts	*NO FEE REQUIRED*

NOTE

If a subpoena requires a specific member of the service to appear AND bring certain documents with him/her, a single fee is all that is required.

In certain cases, travel expenses may be included with the tendered subpoena fee. Members are advised that for travel wholly within New York City, no travel fees are required.

If the fee tendered is not in conformity with the above listed fee schedule, a supervisor must be notified. The supervisor will ensure that the subpoena is still processed and that a notation is made on the reverse side of the subpoena of the amount actually tendered.

For cases involving subpoenas issued by courts outside of New York City, consult P.G. 211-16, "Processing Subpoenas Issued by Courts Outside New York City."

RELATED PROCEDURES

Forwarding Of Fees To Audits And Accounts Section (P.G. 212-82)
Processing Subpoenas For Police Department Records And Testimony By Members Of The Service (P.G. 211-15)
Processing Subpoenas Issued By Courts Outside New York City (P.G. 211-16)
Processing Legal Bureau Requests For Department Records Including Requests Under The Freedom Of Information Law (P.G. 211-17)
Processing Requests For Police Department Documents Received From Assistant Corporation Counsels And Assistant District Attorneys (P.G. 211-18)

FORMS AND REPORTS

FEE RECEIPT (PD122-017)

PURPOSE To process Suspension and Revocation Orders received from the Department of Motor Vehicles.

PROCEDURE Upon receipt of Suspension and Revocation Orders:

DESK OFFICER

1. Record receipt of Orders in Command Log.
2. Forward to the quality of life sergeant/administrative officer.

ADMINISTRATIVE QUALITY OF LIFE OFFICER

3. Prepare **SUSPENSION/REVOCATION REPORT (PD634-151)** and attach to each Order.
4. Distribute Suspension and Revocation Orders with attached **SUSPENSION/REVOCATION REPORT** to sectors/posts concerned.
5. Forward Orders to precinct concerned for service if information indicates that Order must be executed in that precinct.

SECTOR/POST CONCERNED

6. Record Suspension and Revocation Orders in digital **Activity Log**.
7. Execute as follows:
   a. Obtain all items listed on Suspension and Revocation Order, or
   b. Obtain signed affirmation on back of Suspension and Revocation Order for items not picked up, or
   c. Issue summons for violation of Section 510, subdivision 7 of the Vehicle and Traffic Law, returnable to the Traffic Violations Bureau, if the licensee does not turn over the required items and refuses to sign affirmation, or
   d. Enter Department of Motor Vehicles case number and date on back of Order if licensee has Notice of Restoration (Form FS34) or Notice of Compliance (Form FS112).
8. Leave lower half of **SUSPENSION/REVOCATION REPORT** with a responsible member of licensee's household, for delivery to licensee, if he cannot be located.
9. Record attempts at service on **SUSPENSION/REVOCATION REPORT** if licensee cannot be located.
10. Indicate reason for noncompliance in captioned box if Order is not executed for reasons other than temporary absence of license.
11. Report results of efforts and deliver all surrendered items along with executed and unexecuted Orders to patrol supervisor.
12. Enter facts in digital **Activity Log**.

PATROL SUPERVISOR

13. Reassign Orders not served because of temporary absence of licensee to next member of the service assigned to post or sector concerned on 2nd or 3rd platoons, as appropriate.
14. Deliver all surrendered items and Suspension and Revocation Orders to administrative quality of life officer.

ADMINISTRATIVE QUALITY OF LIFE OFFICER

15. File **SUSPENSION/REVOCATION REPORTS**.
16. Note reason for non-service on back of each Order not executed.
17. Note service of summons on back of Orders where applicable.
18. Process returned Suspension and Revocation Orders as follows:
    a. Unexecuted Orders - placed in one envelope.
    b. Executed Orders - placed one to an envelope, with surrendered items.
19. Deliver to desk officer.
20. Enter Orders in Command Log:
    a. Unexecuted Orders by statement of total number only
    b. Executed Order individually by serial number.
21. Forward envelopes to Mail and Distribution Unit for return to Department of Motor Vehicles.

NOTE *An Order is considered executed only when all items listed are received, or an affirmation is obtained from the licensee.*

NYPD

PATROL GUIDE

Section: Command Operations		Procedure No: 212-81
UNAUTHORIZED DISPLAY OF BADGES, PLATES, CARDS, ETC.		
DATE EFFECTIVE: 02/09/22	LAST REVISION: I.O. 12	PAGE: 1 of 1

PURPOSE To prescribe proper police action in the following situations.

PROCEDURE Upon observing the unauthorized display of any badge, plate, card, etc.:

UNIFORMED MEMBER OF THE SERVICE

1. Take the following police action, as appropriate:

UNAUTHORIZED DISPLAY OF	POLICE ACTION
♦ **Badge, and person displaying purports to be a public servant.**	➢ **Arrest, Section 190.25 (3), Penal Law.** ➢ **Seize badge as evidence.**
♦ **Plate, sign, insignia of Police or Fire Department displayed on a vehicle.**	➢ **Summons, Section 396, V.T.L.** ➢ **Seize article as evidence.**
♦ **Official police cards, e.g., special vehicle identification, etc.**	➢ **Confiscate, ascertain how obtained, and deliver article and report of circumstances to desk officer.**
♦ **Forged police card.**	➢ **Arrest, Administrative Code Section 14-107.** ➢ **Seize card as evidence.**

DESK OFFICER

2. Process arrests and summonses in the usual manner.
3. Invoice evidence seized and forward confiscated article to Property Clerk in the usual manner.
4. Notify commanding officer of all facts.
5. Prepare two copies of report on **Typed Letterhead** addressed to Chief of Department, including all facts when a police card is confiscated.

FORMS AND REPORTS ***Typed Letterhead***

PURPOSE To safeguard fees being forwarded to Audits and Accounts Unit.

PROCEDURE When fees (cash and checks) that have been collected for forwarding to the Audits and Accounts Unit:

COMMAND CLERK

1. Affix the imprint of the command rubber stamp on the back of each certified, personal or bank teller's check, and bank or United States Postal money order and write the application serial #, the fee transmittal sheet # and the fee receipt # in the space provided prior to delivery to the Operations Coordinator.

NOTE *When a fee is collected by a member of the service (uniformed or civilian), a **FEE RECEIPT (PD122-017)** will be prepared and issued. All fees must be safeguarded pending forwarding to patrol borough office. Fees collected for rifle/shotgun permits are exempt from this procedure.*

2. Prepare **FEE TRANSMITTAL SHEET (PD122-150)**.
3. Assign a separate command serial number to <u>each</u> **FEE TRANSMITTAL SHEET** beginning with number one <u>each</u> calendar year.
4. Enter the **FEE TRANSMITTAL SHEET** serial number in the margin of the Fee Receipt book next to the corresponding file copy of each **FEE RECEIPT**.
5. Request pre-numbered Plastic Security Envelope(s) from desk officer.

NOTE *Utilize one Plastic Security Envelope for all fees collected, whenever possible.*

6. Enter Plastic Security Envelope serial number(s) on **FEE TRANSMITTAL SHEET** above the command serial number.
7. Close out unused portion of **FEE TRANSMITTAL SHEET** by:
   a. Drawing horizontal line across width of page on next unused line, <u>and</u>
   b. Drawing a diagonal line from left side of horizontal line, extending to bottom right of space allotted for "sub-total."
8. Sign <u>all</u> copies of the completed **FEE TRANSMITTAL SHEET** and deliver to the Operations Coordinator as soon as possible after 1600 hours, daily, with command copies of **FEE RECEIPTS**, Plastic Security Envelope(s) and all fees.

NOTE *The New York City Administrative Code requires that fees be forwarded "on next business day." Fees received at commands <u>after</u> 1600 hours or on days when the Audits and Accounts Unit is closed will be safeguarded and processed the next business day. The Audits and Accounts Unit is closed for business on weekends and all civilian holidays.*

OPERATIONS COORDINATOR

9. Check accuracy of fees received against entries on **FEE TRANSMITTAL SHEET** and **FEE RECEIPT** book.
   a. Ensure that all the rubber stamp captions on certified, personal or bank teller's checks, and bank or United States Postal money orders have been completed as required in Step 1 above.

OPERATIONS COORDINATOR (continued)

10. Sign all copies of **FEE TRANSMITTAL SHEET**.
11. Make entry in **FEE RECEIPT** book in margin of last numbered receipt used, listing receipt numbers for fees forwarded, i.e., fees for receipt numbers 1057 through 1064, forwarded 3/21/98, Sgt. Petri.
12. Place all fees in pre-numbered Plastic Security Envelope(s) and seal in accordance with instructions on the envelope.
13. Attach all copies of **FEE TRANSMITTAL SHEET** to outside of Plastic Security Envelope(s).
14. Place all copies of **FEE TRANSMITTAL SHEET**, and Plastic Security Envelope(s) in a 10" x 12" envelope, addressed to the Borough Fiscal Coordinator and arrange for messenger delivery with the A.M. mail on the next business day.

NOTE *If no fees were received at the command, a negative report, on **Typed Letterhead**, addressed to commanding officer of borough concerned, will be sent to the borough command with the A.M. mail.*

COMMAND MESSENGER

15. Sign all copies of **FEE TRANSMITTAL SHEET** and return originating command copy (buff) to operations coordinator as receipt for fees received.
16. Deliver Plastic Security Envelope(s), with remaining four copies of **FEE TRANSMITTAL SHEET** to the borough office.

OPERATIONS COORDINATOR

17. Have command clerk file originating command copy (buff) of **FEE TRANSMITTAL SHEET** serially in a binder.

BOROUGH FISCAL COORDINATOR

18. Receipt for Plastic Security Envelope(s) received by signing date, rank and name on all copies of **FEE TRANSMITTAL SHEET**, adjacent to "Total Forwarded," and return (green) copy to command messenger.

NOTE *DO NOT OPEN Plastic Security Envelope(s).*

COMMAND MESSENGER

19. Permanently retain (green) copy of **FEE TRANSMITTAL SHEET** as personal receipt.

BOROUGH FISCAL COORDINATOR

20. Place borough office copy (pink) of the **FEE TRANSMITTAL SHEET** chronologically in binder maintained in borough office. (DO NOT separate and file by command).
21. Prepare pre-serialized **CONSOLIDATED FEE RECEIPT (PD122-011)** listing every command in the borough command.
    a. Enter information required by captions, for each command, utilizing data from **FEE TRANSMITTAL SHEET**.
    b. If no fees were forwarded by command ascertain that a negative report, on **Typed Letterhead**, was delivered to the borough office and write "NONE" next to command concerned under column "FEE TRANSMITTAL SHEET SERIAL NUMBER." All commands must be listed.
    c. Sign completed **CONSOLIDATED FEE RECEIPT** and submit, together with all related **FEE TRANSMITTAL SHEETS**, Plastic Security Envelope(s), and negative reports, to borough supervisor for review.

NOTE *If a pre-serialized **CONSOLIDATED FEE RECEIPT** is voided, file all copies in same manner outlined in step 20.*

BOROUGH SUPERVISOR

22. Review items submitted for accuracy and completeness, sign **CONSOLIDATED FEE RECEIPT** and return all items to Borough Fiscal Coordinator.

BOROUGH FISCAL COORDINATOR

23. Give plastic security envelope, all copies of **CONSOLIDATED FEE RECEIPT** and remaining copies (white and blue) of the **FEE TRANSMITTAL SHEETS** to the borough messenger in an envelope addressed to the Audits and Accounts Unit <u>for delivery with the A.M. mail on the same day received</u>.

BOROUGH MESSENGER

24. Compare **FEE TRANSMITTAL SHEETS** and Plastic Security Envelopes against related **CONSOLIDATED FEE RECEIPT**.
25. Sign <u>all</u> copies of **CONSOLIDATED FEE RECEIPT** and return "blue" copy to Borough Fiscal Coordinator as receipt for Plastic Security Envelope(s) received.

BOROUGH FISCAL COORDINATOR

26. File blue copy of **CONSOLIDATED FEE RECEIPT** together with negative reports, where applicable, and related copies of **FEE TRANSMITTAL SHEETS** in same manner outlined in step 20.

BOROUGH MESSENGER

27. Deliver fees contained in sealed Plastic Security Envelopes, two copies of **CONSOLIDATED FEE RECEIPT** (pink and white) and two copies of each **FEE TRANSMITTAL SHEET** (white and blue) to the Audits and Accounts Unit with the A.M. mail.

NOTE *Fees and related forms <u>must</u> be delivered before 1200 hours.*

AUDITS AND ACCOUNTS UNIT MEMBER

28. Compare Plastic Security Envelope number(s) to corresponding **FEE TRANSMITTAL SHEETS** and **CONSOLIDATED FEE RECEIPTS**.
    a. Ensure each command is accounted for and listed on the consolidated **FEE TRANSMITTAL SHEET**.
29. Open Plastic Security Envelope(s), total fees received and compare with **CONSOLIDATED FEE RECEIPT** and related **FEE TRANSMITTAL SHEETS** for accuracy.
30. Prepare **RECEIPT FOR FEES COLLECTED (PD122-170)** in duplicate.
31. Machine stamp **FEE TRANSMITTAL SHEETS** and both copies of **CONSOLIDATED FEE RECEIPT**.
32. Give original **RECEIPT FOR FEES COLLECTED** and one copy of **CONSOLIDATED FEE RECEIPT** (white) to borough messenger.
33. Retain original **FEE TRANSMITTAL SHEET** (white), and one copy of **CONSOLIDATED FEE RECEIPT** (pink) and forward **FEE TRANSMITTAL SHEET** (blue) to command of record through Department mail.

BOROUGH MESSENGER

34. Return stamped copy of **CONSOLIDATED FEE RECEIPT** and **RECEIPT FOR FEES COLLECTED** to Borough Fiscal Coordinator.

BOROUGH FISCAL COORDINATOR

35. Compare stamped copy of **CONSOLIDATED FEE RECEIPT** (white) and **RECEIPT FOR FEES COLLECTED** with file copy of **CONSOLIDATED FEE RECEIPT** (blue).
    a. Notify borough supervisor of any discrepancies.
    b. File all copies of related receipts with copies of **FEE TRANSMITTAL SHEETS** and negative reports as outlined in step 20.

OPERATIONS COORDINATOR

36. Compare **FEE TRANSMITTAL SHEET** copy (blue) received through Department mail from Audits and Accounts Unit with command file copy (buff).
    a. Notify Audits and Accounts Unit of any discrepancies, or if **FEE TRANSMITTAL SHEET** copy (blue) has not been received within ten days.
    b. File **FEE TRANSMITTAL SHEET** copy (blue) with command file copy (buff) in binder.

COMMANDING OFFICER

37. Conduct monthly inspection to ensure that all fees are being forwarded daily and have been received at the Audits and Accounts Unit.

ADDITIONAL DATA

Non-patrol commands requesting an exemption from any of the aforementioned steps must submit a request, in writing, to the Director, Audits and Accounts Unit. Written approval of any such exemption must be maintained on file at the requesting command and available for review by authorized auditors from other agencies.

*Requisition of additional pre-serialized **CONSOLIDATED FEE RECEIPTS** will be made direct to Audits and Accounts Unit.*

If the command clerk, and/or operations coordinator are absent the commanding officer will designate another member of the service to assume their duties.

FORMS AND REPORTS

CONSOLIDATED FEE RECEIPT (PD122-011)
FEE RECEIPT (PD122-017)
FEE TRANSMITTAL SHEET (PD122-150)
RECEIPT FOR FEES COLLECTED (PD122-170)
TYPED LETTERHEAD

PURPOSE To obtain permission and funds to leave the city on police business.

PROCEDURE When required to leave the city on police business:

UNIFORMED MEMBER OF THE SERVICE

1. Submit three copies of request on **Typed Letterhead** to Police Commissioner or Chief of Department, including:
   a. Rank, name, shield number and command
   b. Destination
   c. Purpose, including **COMPLAINT REPORT (PD313-152)** number, crime and warrant (including issuing agency)
   d. Identity of prisoner, if any
   e. Identity of escorting officer(s)
   f. Date and time of departure
   g. Estimated date of return
   h. Means of travel
   i. Estimate of expenses and who will pay them
   j. Statement indicating necessity to carry firearms, when appropriate
   k. Tour performed while out of city
   l. Overtime anticipated
   m. Next scheduled tour after return to city.

NOTE *When a vehicle is to be utilized as the primary means of transportation to and from the destination (rather than by airline, railroad or bus) the member must ascertain the availability of a Department vehicle by inquiring in the following order:*

a. At their respective command
b. If none is available at the command level, inquire at the member's respective bureau or overhead command
c. If a vehicle is not available at the bureau/overhead command, the member should contact the Confidential Rental and Lease Office (CRALO), Fleet Services Division.

*If there is a vehicle available at Fleet Services Division, the member must submit a request on **Typed Letterhead** to the Commanding Officer, Support Services Bureau requesting approval for the assignment of a Department vehicle, by CRALO, for the pending travel.*

This protocol does not apply to the rental of a vehicle upon arrival at a destination by airline or railroad where the vehicle is to be used only for local transportation at that site.

Any questions regarding this procedure should be addressed to the Director, Audits and Accounts Unit.

Members under the jurisdiction of the Patrol Services Bureau, Detective Bureau, Housing Bureau and Transportation Bureau will address request to Chief of Department. Other members will address request to Police Commissioner.

2. Deliver request to commanding officer.

COMMANDING OFFICER

3. Endorse indicating approval/disapproval.

NOTE

When applicable, include the following statement in endorsement:

"In compliance with Federal Aviation Authority Regulation, it is necessary that the officer retain possession of and accessibility to his weapon during flight."

4. Forward request to next higher command.

COMMANDING OFFICER, NEXT HIGHER COMMAND

5. Endorse indicating approval/disapproval.
6. Forward original and first copy to Police Commissioner or Chief of Department through channels.

NOTE

The original copy of a disapproved request will be returned to the originating command through channels, and an immediate telephone notification made to the commanding officer of the requesting member.

COMMANDING OFFICER, P.C.O. OR CHIEF OF DEPARTMENT'S OFFICE

7. Forward approved request to originating command.

COMMANDING OFFICER

8. Give requesting officer(s) copy of approval.

IF TRIP IS TO BE MADE BY AIRLINE:

COMMANDING OFFICER

9. Instruct member(s) concerned to notify security director of airline being used and supervisor in charge, Port Authority Police, of trip and fact that firearm will be carried.

UNIFORMED MEMBER OF THE SERVICE

10. Show authorization, shield and **IDENTIFICATION CARD (PD416-091)** to airline official prior to boarding plane.
11. Use alternate airline if permission to board aircraft while armed is refused.
12. Do not surrender firearm for storage to anyone.
13. Request permission to pre-board flight if guarding prisoner.
14. Do not permit prisoner to sit adjacent to normal or emergency exit nor next to aisle.
15. Do not carry Oleoresin Capsicum (O.C.) pepper spray, tear gas or similar devices aboard aircraft.
16. Do not consume intoxicants at any time while aboard aircraft or allow prisoner to do so.
17. Remain with prisoner at all times.

UNIFORMED MEMBER OF THE SERVICE (continued)

18. Do not identify self or prisoner to anyone except designated airline employee or police official having jurisdiction over any phase of flight.
19. Do not take police action which might endanger aircraft or passengers.
20. Do not display firearm or other authorized equipment.
21. Leave aircraft at the direction of the flight captain or after all passengers have debarked.
22. Keep prisoner handcuffed with hands to rear when practical.

NOTE *Each prisoner transported by commercial flight must be escorted by at least two officers.*

23. Obtain travel expense funds from Audits and Accounts Unit. If closed, funds may be obtained at Office of Chief of Detectives.
    a. Submit itemized account of expenditures within ten days after return to city.

ADDITIONAL DATA

When emergency circumstances require an immediate trip outside the city via department vehicle, a request may be made by telephone, through channels. Standard written request, including reference to telephone message, will be forwarded as soon as possible.

When a trip outside the city on police business does not require any expenditure of funds, permission may be granted by:

- *Police Commissioner*
- *Deputy Commissioners*
- *Chief of Department*
- *Chief of Patrol*
- *Chief of Housing*
- *Chief of Transportation*
- *Chief of Detectives*
- *Chief of Personnel*

RELATED PROCEDURE *Official Trips by Department Representatives (A.G. 332-16)*

FORMS AND REPORTS ***COMPLAINT REPORT (PD313-152)***
Typed Letterhead

PATROL GUIDE

Section: Command Operations		Procedure No: 212-84	
VERIFICATION OF PISTOL LICENSE			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To verify validity of a pistol license issued by this Department.

PROCEDURE Uniformed members of the service inspecting pistol licenses shall:

UNIFORMED MEMBER OF THE SERVICE

1. Request licensee to produce documentary identification in addition to the pistol license.

NOTE *A validated license has an embossed seal of the Police Department impressed thereon, is valid for a two year period, and expires on the licensee's birth date.*

2. Verify validity of pistol license, if questionable, by telephoning License Division, during business hours, 0900 to 1700, Monday through Friday or by an inquiry into the Automated License and Permit System (ALPS).

NOTE *If License Division is closed or the ALPS System cannot be accessed, the desk officer on duty at 0900 hours the next business day will make the verification and make entry in appropriate records.*

3. Make entry in digital **Activity Log** of licensee's name, address, date of birth, license number and expiration date.
4. Notify desk officer of verification.

DESK OFFICER

5. Enter details of verification in Command Log.

WHEN VALIDITY OF PISTOL LICENSE IS QUESTIONABLE:

UNIFORMED MEMBER OF THE SERVICE

6. Retain pistol license and firearm(s), if available.

DESK OFFICER

7. Have **COMPLAINT REPORT (PD313-152)** prepared, marked for investigation.
8. Prepare report of pertinent facts on **Typed Letterhead** and forward to Commanding Officer, License Division, in next Department mail.

RELATED PROCEDURES
Complaint Reporting System (P.G. 207-01)
Processing Firearms and Firearm-Related Evidence (P.G. 218-23)
Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits (P.G. 212-118)

FORMS AND REPORTS
COMPLAINT REPORT (PD313-152)
Typed Letterhead

PURPOSE To facilitate the surrender of rifles, shotguns, permits and/or certificate of registration when application for a permit and registration has been denied or previously issued permits and registrations have been suspended, revoked, or will not be renewed.

PROCEDURE Upon receipt of **RIFLE/SHOTGUN SURRENDER NOTICE (PD641-120)** from the License Division, Rifle and Shotgun Section:

PRECINCT COMMANDING OFFICER

1. Assign uniformed member of the service, preferably a sergeant, to conduct immediate investigation.

NOTE *Investigations must be completed and all related forms returned to the Rifle and Shotgun Section, within sixty days.*

UNIFORMED MEMBER OF THE SERVICE

2. Respond to licensee's address and request surrender of firearm(s), permit and registration (if applicable) as indicated on **RIFLE/SHOTGUN SURRENDER NOTICE**.
3. Complete and sign three copies of **SURRENDER NOTICE** and distribute as follows:
   a. ORIGINAL – Rifle/Shotgun Section
   b. COPY 1 – Precinct concerned
   c. COPY 2 – Receipt to permitee.
4. Prepare **COMPLAINT REPORT (PD313-152)** if:
   a. Permit holder refuses or fails to surrender firearm after **SURRENDER NOTICE** is served and officer believes holder is violating Administrative Code by continued possession of firearm OR,
   b. Officer believes permit holder is purposely avoiding service of **SURRENDER NOTICE**.
5. Enter under "Details" on **COMPLAINT REPORT**:
   a. Identity, address and permit number of violator as it appears on original of **SURRENDER NOTICE**.
   b. Summons number, if summons served.
   c. Description and disposition of firearms, if surrendered.
   d. Disposition as related by the permit holder, if firearms are not surrendered.
6. Voucher firearms and forward to Firearms Analysis Section only if member concerned believes that weapon might have been used in commission of a crime or permit holder has been accused or convicted of a serious crime. Otherwise, forward firearm to Property Clerk.

WHEN PERMIT HOLDER FAILS TO COMPLY WITH **SURRENDER NOTICE** RE: REVOKED, SUSPENDED OR DENIED PERMITS:

UNIFORMED MEMBER OF THE SERVICE

7. Serve summons for violation of Administrative Code, Section 10-303, returnable to Criminal Court.

NOTE

*Do not serve summons for unrenewed permits. Do not serve summons if permit holder states he/she no longer possesses the firearm but is unable to produce a **DISPOSITION REPORT - REGISTRATION CERTIFICATE (PD641-121)**. Direct permit holder to contact License Division, Rifle and Shotgun Section.*

PERMIT HOLDER DOES NOT RESIDE AT ADDRESS GIVEN:

UNIFORMED MEMBER OF THE SERVICE

8. Attempt to obtain new address.

NOTE

*If new address cannot be obtained or permit holder no longer resides in precinct concerned, enter information on **RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE (PD641-120A)**.*

9. Prepare appropriate captions on **RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE**.
10. Deliver **RIFLE/SHOTGUN SURRENDER NOTICE**, **RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE**, permit and registration, if obtained, to precinct commanding officer.

PRECINCT COMMANDING OFFICER

11. Endorse **RIFLE/SHOTGUN SURRENDER NOTICE**, **RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE** and forward to License Division, Rifle and Shotgun Section with permit and registration, if appropriate.

ADDITIONAL DATA

Priority will be given to those cases in which the License Division, Rifle and Shotgun Section, indicates that the permit holder has been convicted of a serious crime or is mentally incompetent. All available information will be obtained from the License Division, Rifle and Shotgun Section, and, in addition, the precinct commanding officer and the Legal Bureau will be consulted regarding advisability of obtaining a search warrant.

*Desk officers will comply with P.G. 207-25, "Voluntary Surrender of Weapons," when a permit has been revoked or denied and owner voluntary surrenders rifle and/or shotgun. "ADA Copy" of **PROPERTY CLERK INVOICE (PD521-141)** will be forwarded to the License Division, Rifle and Shotgun Section. If an owner, after surrendering a rifle/shotgun, does not wish to obtain a permit, such owner can sell the rifle/shotgun to a permit holder or any person not required, by law, to possess a permit. Upon presentation of a bona fide bill of sale and a written representation by the owner that the weapon has been sold or otherwise disposed of, the License Division, Rifle and Shotgun Section will issue a release to the new lawful owner.*

RELATED PROCEDURES

Voluntary Surrender of Weapons (P.G. 207-25)
Invoicing Property - General Procedure (P.G. 218-01)
Processing Firearms and Firearm-Related Evidence (P.G. 218-23)
Unlawful Possession of Rifles/Shotguns (P.G. 212-46)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE (PD521-141)
RIFLE/SHOTGUN SURRENDER NOTICE (PD641-120)
RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE (PD641-120A)

NYPD

PURPOSE To assist members of the Board of Elections and ensure that polls open on schedule.

PROCEDURE When assigned to a poll site on a Primary, General or Special Election Day:

PRIOR TO THE OPENING OF THE POLLS

UNIFORMED MEMBER OF THE SERVICE

1. Arrive at poll site at least one hour prior to opening of polls.
2. Deliver miscellaneous election supplies received at precinct election detail roll call to Board of Elections members.
3. Obtain receipt from Board of Elections members for supplies delivered.
4. Ascertain from Board of Elections Inspector whether all election supplies have been delivered by Board of Elections as required.
   a. Have Board of Elections Inspector request missing supplies to be delivered by borough Board of Elections representatives.
5. Conduct inspection of all Board of Elections scanner machine(s) "public counter(s)" at assigned poll site, and record results of inspection in digital **Activity Log**.
   a. Notify desk officer/precinct election supervisor/precinct election officer if any "public counter" is found to have a number other than zero (0) PRIOR TO OPENING THE POLLS (A scanner machine will NOT be used if the "public counter" is not set to zero [0]).

NOTE *Members of the service assigned to each poll site shall inspect each Board of Elections scanner machine assigned to their poll site to ensure that the "public counter" is set to zero (0), PRIOR TO THE OPENING OF THE POLLS. The "public counter" can be viewed on the scanner machine LCD screen when the scanner is turned on. This inspection verifies that no votes have been cast on that particular machine prior to opening the polls. The "protective counter," also listed on the scanner LCD screen, will most likely not be set to zero, and SHOULD NOT BE MISTAKEN for the "public counter." The member of the service assigned to the poll site must document the results of their inspection in their digital* ***Activity Log****. If a "public counter" is found to be set to any number other than zero, the desk officer/precinct election supervisor/precinct election officer will be notified immediately.*

6. Observe that ballot boxes, if used, are under control of election inspectors inside the guardrail.
   a. Bring deficiencies to the attention of the Board of Elections poll site coordinator or member.
7. Conduct a thorough inspection of the interior and exterior of the poll site.
   a. Confirm that Board of Elections members have posted signs designating no electioneering within 100 feet of the poll site entrance.
   b. Remain vigilant for any suspicious packages and/or persons, violations of Election Law, and electioneering within 100 feet of the poll site entrance as designated by the Board of Elections poll site coordinator or member.

UNIFORMED MEMBER OF THE SERVICE (continued)

c. Take appropriate action to correct conditions observed, make appropriate notifications, and record notifications/actions taken in digital **Activity Log**.

8. Notify desk officer/precinct election supervisor, if polls are not open on schedule.
   a. Make an entry in digital **Activity Log** and include reason for delay.
   b. Make an additional notification every thirty minutes regarding current condition until polls open.

DESK OFFICER

9. Notify patrol borough command when informed that Board of Elections has not opened the poll at scheduled opening time.
   a. Make additional notification when poll does open.
10. Send precinct election supervisor/designated supervisor to investigate delay in opening of the polls.

ADDITIONAL DATA

The precinct commander shall assign a supervisory officer to oversee all election activities including the maintenance of the precinct Election Log.

Patrol borough command will make appropriate notifications to the respective Board of Elections borough office.

Operations Division will make appropriate notifications to the Board of Elections executive office.

RELATED PROCEDURES

Primary, General and Special Election Day Duties While Polls Are Open (P.G. 212-87)
Primary, General and Special Election Day Duties After Close of Polls (P.G. 212-88)

NYPD

PURPOSE To preserve the peace, protect life, property, and to ensure the public's right to vote.

PROCEDURE When assigned to a poll site:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer/precinct election supervisor of any condition that interferes with voting.
   a. Make additional notifications every thirty minutes regarding current status of condition.
   b. Make additional notification when the condition is corrected.

NOTE *Each Elections District should have two (2) members present from each of the top two (2) political parties (four [4] total). Each Elections District may operate with only two (2) Board members present, as long as those two (2) Board members belong to different political parties.*

A poll site may be opened by Board of Elections members if the Board of Elections poll site coordinator is not yet present. The Board of Elections borough office will be requested to send a backup poll site coordinator.

DESK OFFICER

2. Notify patrol borough command when informed of any condition that interferes with voting.
   a. Make additional notifications every thirty minutes regarding current status of condition.
   b. Make additional notification when the condition is corrected.
3. Send precinct election supervisor/designated supervisor to investigate conditions which interfere with voting.

UNIFORMED MEMBER OF THE SERVICE

4. Remain in poll site unless required to leave for other police duty or authorized meal period.
   a. Make digital **Activity Log** entry when leaving and upon return, and notify desk officer/precinct election supervisor.
5. Remain outside guardrail except to perform duty.
6. Do not take part in election process.
7. Notify relieving officer of conditions affecting poll site.
8. Notify desk officer/precinct election supervisor and make entry in digital **Activity Log** if:
   a. An election inspector is unfit for duty
   b. Voting is interrupted for any reason
   c. Problems are encountered
   d. Unusual incident occurs within or in vicinity of poll site
   e. Police action taken at poll site
   f. Overcrowding
   g. Delay closing polls.

NOTE *The following persons are permitted within the guardrail:*

a. Election inspectors
b. Persons admitted for voting privilege
c. Properly identified representatives of New York State and New York City Board of Elections
d. Attorney General or assistants
e. Authorized poll watchers
f. Persons admitted by election inspectors to preserve order.

Members of the service assigned to each poll site shall be instructed regarding the operations of poll watchers. Poll watchers are persons who are authorized by the Board of Elections to observe the operations of a poll site on behalf of a particular candidate or political party. Poll watchers must be in possession of certificate (written letter) issued by a candidate, a chairperson of a political committee, or an independent body which will specifically state the Election District (E.D.) to which they are assigned. Poll watchers may be in possession of multiple certificates. Up to three poll watchers per candidate may be present for each Election District, but only one poll watcher per candidate may be within the "guardrail" (immediate vicinity of the voting booth and its respective table) of a specific Election District. Poll watchers may enter the poll site prior to the opening of the polls (0500 hours) and may remain after the closing of the polls. Poll watchers may not electioneer inside the poll site (including wearing campaign buttons, political items, election paraphernalia or displaying political literature), may not tamper with election materials, may not interfere with the election process, nor accompany a voter inside the voting booth. Poll watchers may communicate a challenge to a Board of Elections member regarding a prospective voter's eligibility to vote.

UNIFORMED MEMBER OF THE SERVICE (continued)

9. Randomly conduct a thorough inspection of the interior and exterior of the poll site.
   a. Remain vigilant for any suspicious packages and/or persons, violations of Election Law, and electioneering within 100 feet of the poll site entrance as designated by Board of Elections member.
   b. Take appropriate action to correct conditions observed, make appropriate notifications, and record notifications, actions taken, and results of inspections in digital **Activity Log**.
10. Refer person alleging to be a registered voter to Supreme Court of county concerned, if Board of Elections member refuses to grant them the right to vote.

NOTE *Members of the service assigned to each poll site shall assist Board of Election members in closing the poll site at 2100 hours. Persons waiting to vote immediately prior to the close of the polls will be made to form a line. Persons attempting to vote will not be allowed entry to the poll site after 2100 hours unless they are already on line at the poll site. If they are on line by 2100 hours, they <u>will</u> be afforded the opportunity to vote and WILL NOT BE EJECTED. Prevent persons from joining the line <u>after</u> polls close.*

DESK OFFICER

11. Send precinct election supervisor/designated supervisor to investigate voting irregularities.

DESK OFFICER (continued)

12. Notify patrol borough command of arrests, incidents, or unusual delays in voting.

PRECINCT ELECTION SUPERVISOR

13. Supervise poll sites.
14. Inspect and sign digital **Activity Log** of members assigned to poll sites.
15. Make digital **Activity Log** entry including time poll site visited and member inspected.
16. Inform desk officer of action taken regarding voting irregularities.

DESK OFFICER

17. Inform precinct election supervisor of complaints, time voting is interrupted, and time voting resumes, etc., for entry in precinct Election Log.

PATROL BOROUGH COMMAND

18. Notify Chief of Department's Operations Unit when:
    a. A condition causes voting to be delayed or interrupted.
    b. Any arrests, incidents, or unusual delays in voting.

ADDITIONAL DATA

Patrol borough command will make appropriate notifications to the respective Board of Elections borough office.

Operations Division will make appropriate notifications to the Board of Elections executive office.

RELATED PROCEDURES

Primary, General and Special Election Day Duties Prior to Opening of Polls (P.G. 212-86)
Primary, General and Special Election Day Duties After Close of Polls (P.G. 212-88)

NYPD

Section: Command Operations		Procedure No: 212-88
PRIMARY, GENERAL AND SPECIAL ELECTION DAY DUTIES AFTER CLOSE OF POLLS		
DATE EFFECTIVE: 04/21/22	LAST REVISION: I.O. 44	PAGE: 1 of 2

PURPOSE To expedite delivery of election results to the precinct and the return of election materials.

PROCEDURE After the polls have closed:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer/precinct election supervisor if closing of polls is delayed.
2. Maintain the line of persons waiting to vote, and prevent persons arriving at the poll site after the close of the polls from joining the line.
   a. A person that is on line waiting to vote at the close of the polls will not be ejected and will be afforded the opportunity to vote.
3. Conduct inspection of ALL Board of Elections scanner machine(s) "public counter(s)" at assigned poll site, and record results of inspection in digital **Activity Log**, after all voting has been completed, and BEFORE the scanner is closed.

DESK OFFICER

4. Send precinct election supervisor to investigate delay in closing of polls, missing election materials, or other discrepancy.

PRECINCT ELECTION SUPERVISOR

5. Respond to poll site that is reporting delay in closing of the polls, missing election materials, or other discrepancy.
6. Keep desk officer and patrol borough command informed of conditions causing delays.

UNIFORMED MEMBER OF THE SERVICE

7. Ensure that all Board of Elections materials, as outlined in current Operations Order, are received from poll site Board of Elections members.
8. Ensure precinct election supervisor/precinct election officer is notified and precinct election transportation detail is responding, upon receipt of election materials from Board of Elections members.
9. Ensure all appropriate election materials have been turned over by Board of Elections members and wait for precinct election transportation detail personnel to pick up all election materials PRIOR to leaving poll site.
10. Bring missing envelopes, bags, or cases to the attention of the poll site Board of Elections coordinator or member immediately.
    a. If Board of Elections coordinator or member cannot produce missing envelopes, bags, or cases, notify the precinct election supervisor PRIOR to leaving the poll site.
11. Make a digital **Activity Log** entry, if any of the above required Board of Elections materials are not received, and include:
    a. Items not received from the Board of Elections
    b. Board of Elections poll site coordinator or member notified

UNIFORMED MEMBER OF THE SERVICE (continued)

c. Reasons items were not received

d. Precinct election officer/precinct election supervisor notified.

ADDITIONAL DATA

Patrol borough command will make appropriate notifications to the respective Board of Elections borough office.

Operations Division will make appropriate notifications to the Board of Elections executive office.

RELATED PROCEDURES

Primary, General and Special Election Day Duties Prior to Opening of Polls (P.G. 212-86)
Primary, General and Special Election Day Duties While Polls Are Open (P.G. 212-87)

NYPD

Section: Command Operations		Procedure No: 212-90
GUIDELINES FOR INTERACTION WITH LIMITED ENGLISH PROFICIENT (LEP) PERSONS		
DATE EFFECTIVE: 12/02/22	LAST REVISION: I.O. 116	PAGE: 1 of 7

PURPOSE To provide interpretation/translation services for members of the public in the field and at Department facilities.

SCOPE Accurate interpretation/translation of foreign languages is important to providing police services. In furtherance of this, the Department provides two enhanced communication capabilities entitled, "Language Line Service" and "Language Initiative Program" for members of the service to accurately communicate with the diverse non-English speaking communities of New York City and enhance criminal investigations and intelligence gathering. This procedure is limited to the use of foreign language interpretation/translation services. When a member of the service has cause to interact with an individual who is Deaf or hard of hearing, the provisions of *P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing,"* should be followed.

DEFINITIONS BILINGUAL MEMBER OF THE SERVICE – An employee who is able to communicate effectively in a foreign language, or American Sign Language, in addition to English.

CERTIFIED DEPARTMENT INTERPRETER – A member of the service who has been tested and certified as being proficient in a foreign language, or American Sign Language.

EXIGENT CIRCUMSTANCES – Situations requiring immediate action, such as a threat to life, safety, property, fleeing suspect, or the potential loss or destruction of evidence (e.g., physical loss of property, witness or victim, etc.).

INTERPRETATION – The facilitating of oral or sign language communication, either simultaneously or consecutively between users of different languages.

LANGUAGE INITIATIVE PROGRAM – A corps of interpreters who can be called upon to interpret or translate foreign languages for investigative or other police purposes. Interpreters from the Language Initiative Program may be requested by contacting the Operations Unit.

LANGUAGE LINE SERVICE – A certified interpreter can be accessed in over 100 languages, twenty-four hours a day/seven days a week, via the Language Line Service on a Department smartphone, CISCO landline, or the dual handset telephone located in every precinct complaint room, detective squad, police service area (PSA) and transit district complaint room.

LIMITED ENGLISH PROFICIENT (LEP) – Refers to those individuals whose primary language is not English and who are unable to effectively read, write, speak or understand English.

DEFINITIONS (continued)

ESSENTIAL PUBLIC DOCUMENTS – For the purposes of this procedure, are documents most commonly distributed to the public which contain or elicit important and necessary information regarding the provision of basic City services. Essential public documents must be translated into all designated Citywide languages as defined by §23-1101 of the New York City Administrative Code.

TRANSLATION – The replacement of a written text from one language into an equivalent written text in another language.

PROCEDURE

When a member of the service encounters a Limited English Proficient (LEP) person(s) and the services of an interpreter are necessary:

MEMBER OF THE SERVICE

1. Determine the primary language of the LEP person(s) through any of the following:
   a. Present the poster entitled "**FREE INTERPRETATION SIGN (SP 487)**," Activity Log inserts entitled "**I SPEAK… (PD112-121)**" and "**PRIMARY LANGUAGE IDENTIFIER (PD312-091)**," or the card entitled "**PRIMARY LANGUAGE IDENTIFIER – DETECTIVE BUREAU (PD312-091A)**," as appropriate, to the LEP person(s) and encourage them to indicate the language needed, or
   b. Contact Language Line Service for assistance, or
   c. Ascertain the LEP person(s)' country of origin, if necessary, and request the Operations Unit research the language spoken in that country.
2. Determine if a bilingual member of the service is readily available (on scene, on duty within command, etc.) to interpret and whether their use is appropriate. Preference should be given to a readily available certified Department interpreter.

NOTE

The Department encourages members of the service who possess language skills to use their ability to speak a foreign language during the course of their work. The use of bilingual members as interpreters allows the Department to provide the public with a timelier and personalized response, while simultaneously reducing inconvenience to LEP person(s).

A bilingual non-certified member of the service may interpret in non-domestic violence related incidents, if they reasonably believe that their level of language proficiency is sufficient to accurately interpret given the totality of the circumstances surrounding the LEP person's interaction with the police. In domestic violence incidents, officers must use a certified Department interpreter or the Language Line Service to verify the details of the domestic violence incident.

If at any time during the interpretation the member determines that their level of language proficiency is insufficient to complete the interpretation, the Language Line Service or a certified Department translator must be used.

MEMBER OF THE SERVICE (continued)

3. If a bilingual member of the service is not readily available, but a bilingual member of the public is readily available, determine whether the individual is willing to interpret, and whether their use is appropriate.
   a. Document bilingual member of the public's contact information, if utilized, in digital **Activity Log**.

NOTE

There are many exigent circumstances when the Department may need to utilize bilingual members of the public to assist in providing immediate services to LEP person(s). In addition, it may also be appropriate to use a bilingual member of the public to interpret during a non-emergency encounter, if the use of such an interpreter will expedite the delivery of police services without adversely impacting the quality of the services provided.

When considering whether to use a bilingual member of the public, the member of the service should weigh four factors to determine if the use of the non-member of the service interpreter is appropriate:

a. The nature and importance of the police services being provided,
b. The apparent capacity of the interpreter,
c. The apparent impartiality of the interpreter, and
d. The sensitivity/confidentially of the topic.

Members of the service are reminded that bystanders are not required to follow Department guidelines/procedures. They cannot be prevented from sharing information learned during the course of the interpretation with third parties. Bystanders may inadvertently compromise an ongoing investigation. Accordingly, bystanders should be used as a last resort in investigations regarding alleged criminal incidents. Moreover, information obtained via a bystander in a criminal investigation should be verified using a certified Department or Language Line Service interpreter to confirm information obtained, whenever practical.

During domestic violence incidents, members of the service should avoid using bystanders and family members to interpret in order to preserve privacy and minimize the risk of faulty interpretation due to fear of arrest of a family member or other personal biases. They may be ***temporarily*** *used for interpretation to stabilize the scene and gather preliminary information. However, responding officers must use a certified member of the service or the Language Line Service to verify the details of the domestic violence incident before finalizing the job.*

The alleged offender in any type of incident, including domestic violence, should not be used as an interpreter. Using an alleged offender to interpret may increase the risk of purposeful misinterpretation and gives them control of the situation. As with all interviews, to the extent possible, the victim and offender should be interviewed separately and in a private setting. Victims may be reluctant to reveal details of an incident if the victim believes the offender may overhear the statement.

NOTE (continued) *As possible victims or witnesses to an incident, a child should be interviewed, however, whenever feasible, a child should not be used as an interpreter for any kind of police incident, including domestic violence. Some words and concepts are difficult for a child to understand and translate into another language. Interviewees are not likely to be forthcoming if a child is used to interpret, and will be especially hesitant to reveal details of a sexual assault to a police officer through a child.*

IF THE LANGUAGE LINE SERVICE IS REQUIRED IN THE FIELD:

MEMBER OF THE SERVICE

4. Utilize a Department smartphone to access the Language Line Service.

NOTE *In many cases, other than for ongoing investigations and document translation, an efficient method of obtaining interpretation services is through the use of the Language Line Service. Therefore, uniformed members of the service* ***MUST*** *have their Department issued smartphone easily accessible at all times while on patrol.*

The use of a speaker-phone feature can enhance the effectiveness of the Language Line Service interpretation and eliminate the need for the LEP individual to handle the telephone. Members of the service are cautioned that utilizing the speaker-phone feature may enable others to listen in on the communication. Members of the service should take precautions to prevent third parties from overhearing the conversation.

IF THE LANGUAGE LINE SERVICE IS UTILIZED AT A DEPARTMENT FACILITY:

DESK OFFICER/ SUPERVISOR

5. Direct a member of the service to access the Language Line Service via the dual handset telephone. If the dual handset is not available, direct member of the service to access the Language Line Service from any telephone including a Department smartphone or CISCO landline.

MEMBER OF THE SERVICE

6. Utilize the dual handset telephone to access the Language Line Service whenever possible as it maximizes privacy.

NOTE *Any telephone, including a Department smartphone, with its speaker phone feature may be used to access the Language Line Service.*

IF THE LANGUAGE INITIATIVE PROGRAM IS UTILIZED:

MEMBER OF THE SERVICE

7. Advise immediate supervisor of the need for an interpreter/translator.

SUPERVISOR, MEMBER OF THE SERVICE CONCERNED

8. Notify the Operations Unit and request available interpreter/translator.
   a. Provide the following information, if possible:
      (1) Whether or not emergency circumstances exist,
      (2) Name of language and specific dialect,
      (3) Whether request is for speaking, reading or writing ability, and
      (4) Name and callback number.

NOTE *The Department's certified interpreter list is available through the Operations Unit twenty-four hours a day/seven days a week.*

OPERATIONS UNIT MEMBER

9. Ascertain from available database a list of all registered translators and interpreters.
10. Contact a registered interpreter/translator and advise them of the need for their services.
11. Instruct registered interpreter/translator selected to call the on-scene supervisor to ensure linguistic ability is adequate for the situation at hand.
12. Notify the Intelligence Division, Criminal Intelligence Section of all inquiries made into the Language Initiative Database.

NOTE *Operations personnel should seek to rely on the foreign language skills of those personnel who are certified as being proficient in the foreign language requested.*

Preference shall be given to the use of on-duty members. If no certified Department interpreter is available within the precinct, a certified Department interpreter who is available within the borough should be sought.

In routine or non-emergency situations, the duty captain or commanding officer of the requesting supervisor will review and authorize any request which will result in overtime or recall of an off-duty member of the service. In emergency circumstances, overtime or recall of an off-duty member of the service will be authorized by the Operations Unit supervisor.

SUPERVISOR, MEMBER OF THE SERVICE CONCERNED

13. Confer with registered interpreter/translator selected regarding their ability to communicate in the language requested.
    a. If registered interpreter/translator selected is not suitable, notify Operations Unit to select an alternate interpreter/translator.

OPERATIONS UNIT

14. Authorize response of interpreter/translator selected, and their desk officer/counterpart.

SUPERVISOR REQUESTING INTERPRETER/ TRANSLATOR

15. Submit a brief report, in triplicate, on **Typed Letterhead** to Chief of Personnel, and include the following:
    a. Identify member of the program utilized,
    b. Describe translation/interpretation duties performed,
    c. Indicate actual time spent on such duties, and
    d. Specify any noteworthy performance or initiative, and whether member demonstrated any other special aptitude or ability.

NOTE *A notification to the Operations Unit is required when certified Department interpreters are utilized by their own commands ("in-house" translations) to interpret or translate in the course of police duties.*

IN ALL CASES WHEN AN INTERPRETER IS USED:

MEMBER OF THE SERVICE

16. Record the identity of an interpreter (bilingual member of the service, bilingual member of the public, Language Line Service, or a certified Department interpreter) utilized during a police incident in digital **Activity Log**. In addition, indicate the identity of the interpreter on any relevant Department record prepared (**COMPLAINT REPORT WORKSHEET [PD313-152A]**, **ON LINE BOOKING SYSTEM ARREST WORKSHEET [PD244-159]**, **New York State Domestic Incident Report [DCJS-3221]**, etc.) under the appropriate captions or in the Details/Narrative section, as appropriate.

IF IN-PERSON TRANSLATOR IS REQUIRED FOR PRE-PLANNED EVENTS:

COMMANDING OFFICER/ SUPERVISORY HEAD

17. Prepare request on **Typed Letterhead** to Chief of Personnel, and include all pertinent details regarding pre-planned event.
18. Forward request, through channels, to Chief of Personnel.

IF DOCUMENT TRANSLATION IS REQUIRED:

COMMANDING OFFICER/ SUPERVISORY HEAD

19. Comply with *A.G. 322-39, "Translation of Department Written Material."*
20. Ensure that essential public documents are translated, as required.

ADDITIONAL DATA

When determining whether or not the person requires language assistance services, the member of the service must consider both the nature and importance of the police services being provided in addition to the person's apparent capacity to comprehend and communicate in English. A person who is considered LEP may require interpretation or translation services in one situation, but may not require those services in a different situation. For example, a person with a limited ability to understand English may be able to interact effectively with the police at the scene of a motor vehicle collision, but not be able to interact effectively with the police during a homicide investigation, due to the complex characteristics and intricacies of such an incident. If doubt exists regarding whether a person requires language assistance services, or if the person requests an interpreter, the person should be considered LEP and this procedure complied with.

Unit commanders should consider the members' certification or qualification status whenever members are utilized to translate or interpret. Members being assigned to perform interpretation for investigative assignments (e.g., wiretaps, interviews, debriefings, custodial interrogations, etc.) or translation duties should be certified Department interpreters. Whenever interpretation for an investigative assignment or translation skills are required, supervisors should consult the Department list of certified interpreters at the precinct or through the Operations Unit to determine if a certified member is available to perform the needed duties. It is recommended that certified members of the Language Initiative Program be used for custodial interrogations. However, not every language is represented under the Language Initiative Program. Use of non-certified members for investigative assignments in non-emergency situations must be approved by a uniformed supervisor.

RELATED PROCEDURES

Interaction with Persons who are Deaf or Hard of Hearing (P.G. 212-104)
Requests for U Visa Certifications and/or T Visa Declarations (P.G. 212-111)
Translation of Department Written Material (A.G. 322-39)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)
FREE INTERPRETATION SIGN (SP 487)
I SPEAK… (PD112-121)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PRIMARY LANGUAGE IDENTIFIER (PD312-091)
PRIMARY LANGUAGE IDENTIFIER – DETECTIVE BUREAU (PD312-091A)
New York State Domestic Incident Report (DCJS-3221)
Typed Letterhead

NYPD

PURPOSE To provide procedures for requesting New York City Transit buses to be used for police purposes.

SCOPE New York Transit makes its buses available to the Department for use in a variety of situations. The assignment of buses may be scheduled ahead of time for use in such planned activities as arrest sweeps or homeless transports. Buses may also be requested as needed for use in responding to an emergency, where they can serve as transportation to hospitals for large numbers of aideds suffering from minor injuries, shelter for victims of disasters and staging/rest locations for emergency responders, etc.

PROCEDURE To request the use of New York City Transit buses in future planned operations, or in unplanned emergency operations:

COMMANDING OFFICER/ COUNTERPART

1. Make request to appropriate Patrol, Transit or Housing Borough.

IF FUTURE PLANNED OPERATION

COMMANDING OFFICER/ COUNTERPART

2. Prepare written request to the Commanding Officer of the Operations Unit specifying the following:
   a. The nature of the activity
   b. The time and date of the activity
   c. The location where the bus is to be used
   d. Whether a New York City Transit bus operator is needed or whether the bus will be driven by a member of the service.
3. Forward request to borough commander.

BOROUGH COMMAND CONCERNED

4. Endorse approved request and forward to Operations Unit.

IF UNPLANNED EMERGENCY OPERATION

COMMANDING OFFICER/ COUNTERPART

5. Telephone request to appropriate Borough Command.
   a. Provide the information as described in step 2a., above.

BOROUGH COMMAND CONCERNED

6. Upon approval, forward telephone request directly to the Operations Unit.

OPERATIONS UNIT MEMBER CONCERNED

7. Forward requests for New York City Transit buses to the New York City Bus Command Center.
   a. Provide the information as described in step 2a., above.

NOTE

The New York City Transit Bus Command Center will make the necessary arrangements for securing the requesting bus or buses. The Bus Command Center will notify the Operations Unit when the arrangements are complete, and the Operations Unit will then relay the information to the requesting Borough.

ADDITIONAL DATA

When possible, requests for buses should be made sufficiently in advance to allow the time necessary for making arrangements, scheduling New York City Transit bus drivers, etc. It is often difficult for New York City Transit to *supply buses for use during rush hours without adversely affecting regular bus service. Consequently, when a choice is available, the off-peak usage of buses is recommended.*

NYPD

PURPOSE To provide rapid and widespread dissemination of information in the event of child abduction with special circumstances, the Amber Alert program has been adopted.

DEFINITION AMBER ALERT SYSTEM: Amber Alert is a statewide response program targeting the abduction of children during which life-threatening circumstances are suspected. An Amber Alert may be activated whether the child was abducted by vehicle, on foot, or by any other means. The protocol for determining whether a case qualifies for an Amber Alert is as follows:

a. The child must be 17 years old or younger, AND,
b. Police must believe that the child is in imminent danger of serious bodily harm or death, either at the hands of another or due to proven mental or physical disability.

PROCEDURE When responding to a report of a missing child and information received indicates that the case may qualify for an Amber Alert:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with appropriate missing persons procedures.
2. Request the response of the Patrol Supervisor.
3. Notify Desk Officer and request response of Precinct Detective Squad supervisor.

NOTE *Patrol supervisor will implement Missing Person/Special Category procedure and/or Mobilization as necessary, depending on the details of the situation.*

DESK OFFICER

4. Request Precinct Detective Squad supervisor to respond to the scene of the abduction.

PRECINCT DETECTIVE SQUAD INVESTIGATOR /SUPERVISOR

5. Conduct a preliminary investigation and ascertain if abduction may fit criteria for activation of Amber Alert system.
   a. Notify Detective Bureau Duty Captain, if abduction meets criteria for the activation of an Amber Alert.
   b. Request that Detective Bureau Duty Captain respond to the scene.

NOTE *Only a Captain or above from the Detective Bureau may request activation of the Amber Alert System through the New York State Police Communications Section.*

DETECTIVE BUREAU, DUTY CAPTAIN

6. Notify New York State Police of a possible Amber Alert through the New York State Police Communications Section.
7. Notify Operations Unit of details. If it is believed that the abductor and missing child may be traveling via public transportation, request Operations personnel to notify the Transit Bureau Wheel.
   a. Notify NYPD Communications Section and have description of abducted child disseminated over each Department radio division.

DETECTIVE BUREAU, DUTY CAPTAIN (continued)

b. Have Communications Section personnel read the following message over each Department radio division if a vehicle is involved in the abduction: "The following vehicle is wanted in connection with a New York State Amber Alert (*Provide license plate number and description of vehicle*). Personnel assigned to Department vehicles equipped with the License Plate Reader System are instructed to manually enter this plate number in order to expedite the search for this vehicle." (*Repeat license plate number and description of vehicle*).

8. Notify Major Case Unit.

9. Direct that precinct detective squad member:

   a. Notify Missing Persons NCIC Unit and request that a NCIC File 6 be completed and transmitted.

   b. Notify Inter-City Correspondence Unit to generate a NYSPIN File 11A (Abduction Message) to ensure that other law enforcement agencies are aware of the abduction and related details.

      (1) Fax completed ***Amber Alert Submission form*** along with a cover sheet including the notifying member's rank, name, tax #, command and callback number.

   c. Prepare and immediately fax the following form to the New York State Police:

      (1) ***Amber Alert Submission Form***

   d. Conduct follow-up phone call to New York State Police to confirm receipt of fax.

ADDITIONAL DATA

When sending photographs via E-Mail to the New York State Police, attach only ONE photograph to each E-Mail. Each additional photograph should be sent in a separate E-Mail.

*The **Amber Alert Submission Form** should also be faxed to the Traffic Management Center, IF a vehicle description and a plate number are available. Once confirmation of activation is received from New York State Police Communications Section, the Traffic Management Center will initiate the use of Variable Message Signs throughout the metropolitan area.*

In the event that the child is recovered or the case is determined to no longer qualify (i.e., false report, determined to be a custodial situation), immediately notify the New York State Police in writing (by fax) so that a cancellation may be broadcast. Cancellations will be broadcast only if requested within eight hours of the original activation request. They will be brief and will not include any information about the status of the child or the case. Cancellations required after the eight hour period can be accomplished via normal media notification through the Deputy Commissioner, Public Information. The Detective Bureau Duty Captain will ensure that Amber Alerts are canceled in the proper manner.

ADDITIONAL DATA (continued)

When investigation assistance is requested by another agency concerning an Amber Alert, the requesting agency will be directed to contact the Detective Bureau, Major Case Unit or if unavailable, the Detective Bureau Wheel. ***All requests for broadcast of an Amber Alert will be referred to the New York State Police Communications Section.***

While most runaway and abductions by non-custodial parents do not qualify, individual consideration may be given, depending on case circumstances. Activation should be requested within the shortest period of time possible following an abduction, but not before a preliminary investigation has been conducted. In most instances activation will not be practical if an extended period of time has passed since the disappearance. Inter-agency cooperation and assistance will greatly enhance the effectiveness of this tool.

The office of the Deputy Commissioner, Public Information is available on a 24 hour x 7-day basis concerning cases ***NOT ELIGIBLE*** *for Amber Alerts or as needed by members of the service. D.C.P.I. has the ability to simultaneously notify a variety of local and national media outlets in cases where the immediate assistance of or notification to the public is deemed necessary.*

RELATED PROCEDURES

Missing Persons (P.G. 207-23)
Apprehension Plan (P.G. 213-12)

FORMS AND REPORTS

Amber Alert Submission Form (NYS)

NYPD

PURPOSE To ensure proper supervision and deployment of auxiliary police personnel on patrol.

DEFINITIONS COMMAND AUXILIARY POLICE COORDINATOR - uniformed member of the service assigned to oversee the Auxiliary Police Program within a precinct, police service area, transit district, harbor or highway unit.

ALTERNATE COMMAND AUXILIARY POLICE COORDINATOR - A uniformed member of the service selected, in advance for training purposes, by the commanding officer to perform the above duties when the command auxiliary police coordinator is not working.

PROCEDURE When deploying auxiliary police personnel assigned to a precinct, police service area, transit district, harbor or highway unit:

COMMAND AUXILIARY POLICE COORDINATOR/ ALTERNATE COMMAND AUXILIARY POLICE COORDINATOR

1. Assemble auxiliary police officers for roll call, when practical.
2. Conduct roll call as per *P.G. 212-01, "Roll Call Formations."*
3. Inspect the platoon.
   a. Allow members assigned to patrol duty to reasonably demonstrate that a protective vest is being worn
   b. List members deficient in uniform, equipment or personal appearance
   c. Reprimand and instruct deficient members privately
   d. Follow up to determine if corrections have been made and take disciplinary action if necessary.

NOTE *Upon notification that a protective vest inspection will be conducted by the command auxiliary police coordinator/alternate command auxiliary police coordinator, it is incumbent on the member concerned to take appropriate actions to demonstrate that a protective vest is being worn. Such actions may include, but are not limited to:*

a. Raising, removing, unbuttoning top garment so as to expose the protective vest, to visual inspection, OR
b. Patting on the front and rear of the protective vest so as to produce a sound, OR
c. Any other manner which will indicate to the command auxiliary police coordinator/alternate command auxiliary police coordinator that the protective vest is being worn.

Auxiliary members are reminded that only authorized/approved protective vests will be worn.

4. Ensure that auxiliary police officers who are under eighteen years of age are not assigned to patrol duties or undercover "Quality of Life" operations.
5. Ensure that members who are seventeen years of age are only assigned to administrative functions within the command.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ SPECIAL OPERATIONS LIEUTENANT

6. Attend auxiliary roll call periodically and provide instructions.
7. Inform members of any patterns or trends within the command.

COMMAND AUXILIARY POLICE COORDINATOR/ ALTERNATE COMMAND AUXILIARY POLICE COORDINATOR

8. Deliver original copy of **Auxiliary Roll Call (Form APS # 10)** listing personnel assignments to the command desk officer.
9. Monitor the command radio when auxiliary members are assigned to patrol.
10. Visit auxiliary officers assigned to foot and radio motor patrol frequently and at irregular intervals during tour and indicate visit by signing **MEMORANDUM PAD (PD112-141)** of each member.
11. Maintain digital **Activity Log** and make entries listing times, names and assignments of auxiliary officers visited.

DESK OFFICER

12. Ensure a copy of **Auxiliary Roll Call** is given to the command platoon commander and/or command patrol supervisor.
13. Attach original copy of Auxiliary Roll Call to desk copy of Centralized Personnel Resource (CPR) System Roll Call printout.

NOTE

If auxiliary police officers are present to perform a scheduled tour and the command auxiliary police coordinator or an alternate command auxiliary police coordinator is unavailable, auxiliary police officers will be assigned by the command desk officer to auxiliary related duties within the command facility. Under no circumstances will auxiliary police officers be assigned to perform patrol duties when the command auxiliary police coordinator or an alternate command auxiliary police coordinator is not present.

SPECIAL OPERATIONS LIEUTENANT/ PLATOON COMMANDER

14. Designate a sergeant, other than the patrol supervisor, to oversee auxiliary police personnel when performing duties within the command facility.

DESIGNATED SERGEANT

15. Supervise auxiliary police personnel assigned to perform duty within the command facility.

DESK OFFICER / PATROL SUPERVISOR

16. During command roll call, inform uniformed members of the service of auxiliary assignments and locations.

PLATOON COMMANDER

17. Be aware of all auxiliary police personnel performing duty on assigned tour.

UNIFORMED MEMBER OF THE SERVICE

18. Be cognizant of auxiliary police personnel on patrol within assigned sector or foot post.

SPECIAL OPERATIONS LIEUTENANT

19. Confer with command auxiliary police coordinator regarding any issues related to auxiliary police duties and responsibilities.

ADDITIONAL DATA

The Harbor Unit operations supervisor will oversee auxiliary launch deployment in the absence of the command auxiliary police coordinator or an alternate command auxiliary police coordinator.

Auxiliary police assignments shall be determined in advance by the special operations lieutenant in consultation with the commanding officer/executive officer. Priority patrol posts, command facility assignments and other information that maximizes safety and/or increases the efficiency of the Auxiliary Police Program will be kept at the command desk. The command auxiliary police coordinator and ranking auxiliary officers will maintain a copy of this information in the unit's office and in the Command Auxiliary Reference Library.

Commanding officers will ensure that the command auxiliary police coordinator performs tours that coincide with the tours of auxiliary police personnel, when possible.

The special operations lieutenant and command auxiliary police coordinator shall confer with the command training sergeant to obtain training material relevant to auxiliary police duties.

RELATED PROCEDURES

Roll Call Formations (P.G. 212-01)
Command Auxiliary Police Coordinator (P.G. 202-34)
Selection and Utilization of Auxiliary Police Officer Volunteers as Undercovers for "Quality of Life" Enforcement (P.G. 214-05)
Line of Duty Injury or Death - Auxiliary Police Officers (P.G. 216-13)

FORMS AND REPORTS

MEMORANDUM PAD (PD112-141)
Auxiliary Roll Call (Form APS # 10)

DEFINITIONS

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR (CBRN)/ HAZARDOUS MATERIAL INCIDENTS - Any incident involving an unknown substance suspected of being a:

a. Biological weapon agent or hazardous biological organism/toxin or,
b. Military chemical agent or toxic industrial chemical or,
c. Radiological/nuclear material, and
d. Must be considered a criminal/terrorism incident (even if it appears that the incident may be the result of an accident).

NON-HAZARDOUS SUBSTANCE - Packaging materials, cleaning/detergent products, pesticides, insecticides, insulation materials, garden products, dried food products, controlled substances, pet care items, sweeteners, pharmaceuticals, cooking/baking products, candy, tea/coffee, hygiene/grooming products, stuffing/filler items, etc.

PRIMARY AGENCY - The Agency authorized by Mayoral Directive to have overall responsibility of an incident. The Primary Agency will coordinate with Support Agencies to mitigate the incident.

INNER PERIMETER - Area surrounding all of the locations that may have been contaminated by the unknown substance suspected of being a CBRN/hazardous material.

CRIME SCENE - Area surrounding all of the locations that may contain physical evidence that may have forensic, investigative, demonstrative, etc., value.

OUTER PERIMETER - Area sufficiently removed from the inner perimeter or the crime scene if larger, so as to ensure that only authorized and necessary personnel are allowed access and that they enter in a controlled and coordinated manner.

PROCEDURE

Upon discovering or being directed to the scene of an incident involving an unknown substance (e.g., suspicious powder, etc.) suspected of being a CBRN/hazardous material, other than an explosive substance, or a conventional, radiological or nuclear explosive device:

UNIFORMED MEMBER OF THE SERVICE

1. Conduct preliminary investigation.
2. Request response of patrol supervisor.

NOTE *If a member of the service suspects that an explosive substance or any type of conventional, radiological or nuclear explosive device may be present, follow P.G. 212-40, "Bomb Threats/Unattended Articles - Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes."*

PATROL SUPERVISOR

3. Respond and review the actions of assigned members.
4. Determine if the nature of the unknown substance can be readily identified as a non-hazardous substance and/or incident does not classify as a CBRN/hazardous material incident.
   a. Take appropriate action (i.e., follow *P.G. 212-37, "Hazardous Materials,"* classify as unfounded, unnecessary, etc.), if readily identified as a non-hazardous substance and not a CBRN/hazardous material incident.

<u>IF UNKNOWN SUBSTANCE CANNOT BE IDENTIFIED AS A NON-HAZARDOUS SUBSTANCE AND IS CONSIDERED A CBRN HAZARDOUS MATERIAL INCIDENT</u>

5. Notify:
   a. Communications Section dispatcher,
      (1) Request response of commanding officer, executive officer, or duty captain, as appropriate,
      (2) Request response of the Emergency Service Unit (ESU),
      (3) Request response of NYC Fire Department (FDNY), if needed for life safety operations.
   b. Desk officer, precinct of occurrence,
   c. Operations Unit, and
   d. Precinct Detective Squad.
6. Evacuate individuals an appropriate distance from the unknown substance and contaminated areas.
7. Identify and isolate individuals apparently suffering ill effects from the unknown substance and immediately request Communications Section dispatcher to send medical assistance.
8. Identify and isolate individuals who have been exposed to the unknown substance and may require decontamination.
9. Attempt to limit movement and other activity within potentially contaminated areas.
10. Establish an appropriately sized inner perimeter and take appropriate measures to isolate, contain, and safeguard the unknown substance so as to prevent any further dispersal/dissemination.
    a. Permit only authorized/necessary personnel who are properly trained and wearing the appropriate Personal Protective Equipment (PPE) access.
11. Establish an appropriately sized crime scene as described in *P.G. 212-04, "Crime Scene."*
    a. Initially, the size of the crime scene should be no smaller than the size of the inner perimeter.

PATROL SUPERVISOR (continued)

b. Absent extraordinary circumstances, only personnel from ESU, NYC Department of Environmental Protection, Hazardous Materials Response Unit (DEP/HMRU), Department of Health and Mental Hygiene (DOHMH), and those appropriately trained and equipped law enforcement personnel who are involved in the investigation and have an absolute need to enter will be allowed access within the crime scene.

12. Establish an appropriately sized outer perimeter.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

13. Coordinate resources on scene and serve as incident commander.
14. Ensure notifications are made.

OPERATIONS UNIT

15. Notify the following agencies regarding details of the incident:
    a. NYC Emergency Management (NYCEM),
    b. FDNY, and
    c. Intelligence and Counterterrorism Bureau Operations Desk.

ESU PERSONNEL

16. Notify:
    a. Intelligence and Counterterrorism, Joint Terrorism Task Force (JTTF),
    b. DEP/HMRU, and
    c. Operations Unit regarding:
        (1) Any additional assistance that is necessary including technical and scientific assistance/response from any federal, state, City agency or private organization.
        (2) Any additional facts and circumstances as well as any issues or problems related to the incident.
17. Determine if the nature of the unknown substance can be identified as a non-hazardous substance and/or if incident does not classify as a CBRN/hazardous material incident.
    a. Take appropriate action as necessary.

NOTE *If incident does not classify as a CBRN/hazardous material incident the appropriate Department guidelines will be followed based on the recommendation of Emergency Service Unit personnel.*

WHEN AN UNKNOWN SUBSTANCE IS CONFIRMED

ESU PERSONNEL

18. Assess the incident scene, environment, atmosphere, etc., for chemical, radiological, explosive/flammable, and other applicable hazards.
    (1) Recommend the need to shutdown any HVAC systems, if necessary.

ESU PERSONNEL (continued)

19. Document, sample, mark, collect, package, seal, etc., unknown substances and related items/evidence.
20. Decontaminate persons, objects, and areas.
21. Package, seal, and dispose of contaminated non-evidence waste items, (e.g., PPE, items used for decontamination, etc.).
22. Collaborate and confer with DEP/HMRU personnel, and when applicable, personnel from DOHMH, FDNY, other City, state, federal agencies and private organizations.
23. Confer with JTTF to determine whether samples of the unknown substance and/or the related evidence/items should be collected and delivered to the NYC DOHMH, Public Health Laboratory (PHL), or to DEP Hazardous Materials Laboratory, appropriate National Laboratory as deemed necessary.

JTTF PERSONNEL

24. Notify Intelligence Division, Criminal Intelligence Section (IDCIS) and request supervisor.
25. Determine whether samples of the unknown substance and/or related evidence/items should be collected and delivered to NYC DOHMH, Public Health Laboratory (PHL), to determine if unknown substance is a biological weapon agent or hazardous biological organism/toxin.
    a. Determination should be based on the following situations:
        (1) Express or implied CBRN/Hazardous Material threat made against the complainant/location in question and an unknown substance is present and visible.
        (2) Express or implied CBRN/Hazardous Material threat made against the complainant/location in question and an unknown substance may be present but it is not visible.
        (3) No express or implied CBRN/Hazardous Material threat made against the complainant/location in question, but an unknown substance is present and visible and it cannot be logically explained by packaging, labels, contents of letter/package/container, nature of the location, nature of recipient/sender/resident or other facts and circumstances.
        (4) No express or implied CBRN/Hazardous Material threat made against the complainant/location in question, and an unknown substance may be present but it is not visible; however, the circumstances (including the nature of the envelope, package, container, letter, contents, etc.) are suspicious and the unknown substance was found in the proximity of or delivered to a senior government official or a high profile public figure or a sensitive location (e.g., government agency, utility company, electronic/print media company, major transportation center, high profile financial institution, large high profile business, etc.); or, was found on a publicly or privately owned/operated bus, train, subway, watercraft, aircraft, etc.

NOTE *Unknown substances and/or related evidence/items should be collected and delivered to the NYC DOHMH, PHL, to determine if the unknown substance is a biological weapon agent or hazardous biological organism/toxin.*

The NYC DOHMH, PHL will not accept any unknown substances/items unless they were submitted at the behest of the JTTF.

Other unknown substances/items can be submitted to the DEP Hazardous Materials Laboratory at the behest of the Emergency Service Unit or other higher authority when JTTF determines they are not to be sent to DOHMH, PHL.

IDCIS SUPERVISOR

26. Respond to scene and confer with investigative staff and ESU personnel.
27. Interview, document and report on facts concerning incident in the **Intelligence Information System**.

WHEN UNKNOWN SUBSTANCE AND RELATED ITEMS ARE APPROVED BY JTTF TO BE SUBMITTED TO DOHMH/PHL OR, BY OTHER COMPETENT AUTHORITY TO BE SUBMITTED TO DEP HAZARDOUS MATERIALS LABORATORY

ESU PERSONNEL

28. Request the response of an ESU supervisor.
29. Complete the **Evidence Collection/Tracking Form (Misc. 4237)**.
30. Confer IDCIS, from the scene, inform supervisor of pertinent details and:
    a. Provide:
        (1) ESU Hammer number, and
        (2) Plastic Security Envelope bar code number(s), if applicable.
    b. Obtain the next IDCIS WMD Log number.
        (1) Enter the IBCIS WMD Log number in the appropriate caption of the **Evidence Collection/Tracking Form**.

NOTE *DOHMH/PHL Hazardous Materials Laboratory will only accept samples of unknown substances and related evidence/items if approved by the JTTF and if an **Evidence Collection/Tracking Form** has been prepared and a WMD Log number has been entered on the form.*

ESU PERSONNEL (continued)

31. Provide JTTF with pertinent information from the **Evidence Collection/Tracking Form**.
32. Advise the patrol supervisor that samples of the unknown substance(s) and/or the related evidence/items and any contaminated non-evidence waste items must be collected and transported to the DOHMH (PHL)/DEP Haz-Mat Lab by an assigned uniformed member of the service.
33. Collect and separately package/seal each of the samples of the unknown substance and/or each of the related evidence/items and any contaminated non-evidence waste items.

ESU SUPERVISOR

34. Review the **Evidence Collection/Tracking Form** for completeness and accuracy.
35. Ensure that the sample(s) of unknown substance(s), the related evidence/items and any contaminated non-evidence waste items have been properly and safely packaged/sealed.

JTTF PERSONNEL

36. Comply with following if packaged/sealed samples are being delivered to the DOHMH/PHL:
    a. Notify DOHMH/PHL and explain facts and circumstances:
        (1) Monday – Friday, 0900 to 1700 hours, telephone DOHMH/PHL and ask to speak to the "BT Lab Duty Officer."
        (2) Other times, telephone Poison Control Center and ask to speak to the "On-Call BT Lab Duty Officer."
    b. Notify Intelligence and Counterterrorism Bureau Operations Desk,
    c. Notify Operations Unit, direct, and provide necessary details.

ESU PERSONNEL

37. Comply with following if packaged/sealed samples are being delivered to the DEP/Hazardous Materials Laboratory:
    a. Notify DEP/Hazardous Materials Laboratory and explain facts and circumstances:
        (1) Provide DEP/Hazardous Materials Laboratory personnel with WMD Log number.

PATROL SUPERVISOR

38. Direct that a separate **AIDED REPORT** be prepared for ***each*** individual who was exposed to the unknown substance.
    a. An **AIDED REPORT** MUST be prepared for an individual that was exposed to the unknown substance even if the individual did not have to be decontaminated,
    b. Under the "Details" section of the **AIDED REPORT**, describe the circumstances, manner, duration, extent, etc., regarding the exposure of the aided to the unknown substance,
    c. Specifically indicate whether the aided had direct contact with the unknown substance.
39. Have a **COMPLAINT REPORT WORKSHEET (PD313-152A)** prepared and classify it as open – "Investigate Suspicious Substance" and refer to the Detective Squad.

ESU PERSONNEL

40. Refer to *A.G. 330-09, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials"* if a member of the service has been exposed to an unknown substance suspected of being a CBRN/Hazardous Material.
41. Deliver the packaged/sealed samples to the designated transporting uniformed member of the service for immediate delivery direct to the DOHMH/PHL or DEP/Hazardous Materials Laboratory.

ESU PERSONNEL (continued)

42. Obtain the signature of the designated transporting officer on the **Evidence Collection/Tracking Form** as a receipt and to establish a chain of custody.
    a. Retain the ESU copy of the **Evidence Collection/Tracking Form**.
    b. Give the remaining copies of the **Evidence Collection/Tracking Form** to the designated transporting officer.

TRANSPORTING UNIFORMED MEMBER OF THE SERVICE

43. Take custody of the packaged/sealed samples from the ESU personnel.
    a. Do not open the seals/packages.
    b. Exercise caution so as not to accidentally damage, break, puncture, tear, etc., the seals/packages.
44. Confer with the ESU personnel and examine the **Evidence Collection/Tracking Form** to verify the number and type of packages that are being accepted for immediate delivery direct to the DOHMH/PHL.
    a. Sign the **Evidence Collection/Tracking Form** in the appropriate section.
45. Make digital **Activity Log** entry that will record the chain of custody and include:
    a. The rank, name, tax number and command of the collecting/packaging ESU officers,
    b. Total number and type of packages that are being delivered to the DOHMH/PHL, and
    c. Plastic Security Envelope bar-code number(s) and ESU Hammer number and WMD Log number.

PATROL SUPERVISOR

46. Verify that the designated transporting officer's digital **Activity Log** entry is complete and accurate.
    a. Indicate verification by signing the digital **Activity Log**.
47. Make appropriate digital **Activity Log** entries and include statement indicating that an appropriate record of the chain of custody has been made.
48. Direct the designated transporting officer to immediately deliver the packaged samples and **Evidence Collection/ Tracking Form** directly to the DOHMH/PHL or DEP/Hazardous Materials Laboratory.

TRANSPORTING UNIFORMED MEMBER OF THE SERVICE

49. Immediately deliver all of the packaged/sealed samples and **Evidence Collection/Tracking Form** direct to:
    a. DOHMH/PHL, Law Enforcement Receiving Intake Area, located at 455 1st Avenue, New York, NY (use entrance on 26th Street between 2nd Ave and 1st Ave), or
    b. DEP/Hazardous Materials Laboratory (96-05 Horace Harding Expressway 6th floor, Corona, NY 11368).

NOTE *The transporting officer will NOT proceed to the precinct of occurrence to invoice the packaged/sealed samples of the unknown substance and/or the related evidence/items prior to transporting/delivering them to the DOHMH/PHL or DEP/Hazardous Materials Laboratory.*

AFTER ARRIVAL AT THE DOHMH/PHL/DEP HAZAROUS MATERIALS LABORATORY EVIDENCE INTAKE AREA

TRANSPORTING UNIFORMED MEMBER OF THE SERVICE

50. Obtain DOHMH/PHL "Accession Number" from the DOHMH uniformed officer assigned to the evidence intake area or "Information Public Sector (IPS)/Hanson Number" from DEP Personnel and enter it on the **Evidence Collection/Tracking Form** in the appropriate caption.
51. Obtain signature of the receiving DOHMH evidence intake area Officer on the **Evidence Collection/Tracking Form** in order to establish a chain of custody for the packaged/sealed samples.
52. Submit original copy of the **Evidence Collection/Tracking Form** to the DOHMH Evidence Intake Area Officer or DEP Personnel.
53. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** maintained at the DOHMH/PHL evidence intake area.
    a. List the packaged/sealed samples of the unknown substance and the related evidence/items that are being submitted to the DOHMH/PHL, and categorize the property as "Investigatory."
    b. **DO NOT** list the packaged/sealed contaminated non-evidence waste items on the **WORKSHEET**.
    c. Telephone desk officer, precinct of occurrence, and obtain a **PROPERTY CLERK INVOICE (PD521-141)** number using the "Reserve Invoice Number" function in FORMS Property in order to invoice the packaged/sealed samples of the unknown substance and the related evidence/items that have been delivered to the DOHMH/PHL.
        (1) Write the invoice number on the **WORKSHEET**.
    d. Enter Plastic Security Envelope bar-code number(s) adjacent to the associated item(s) on the **WORKSHEET**.
    e. Write the following in the "Remarks" section of the **WORKSHEET**: "The above property was invoiced as possible CBRN/Hazardous Material evidence for investigation. DOHMH/PHL Laboratory Accession # _____/ DEP IPS/Hanson #_____. Receipted for by DOHMH Officer/ DEP Personnel _____."
    f. Request DOHMH evidence intake area Officer/DEP Personnel to sign the statement in the "Remarks" section of the **WORKSHEET** as a receipt; or, enter "Refused Signature."
    g. Prepare and sign all other required DOHMH forms, reports, receipts, etc.
54. Notify the IDCIS and provide the following information prior to leaving the DOHMH/PHL evidence intake area/ DEP Facility:
    a. DOHMH/PHL "Accession Number/ DEP IPS/Hanson Number,"
    b. **PROPERTY CLERK INVOICE** number, and
    c. Plastic Security Envelope bar-code number(s).

UPON RETURN TO PRECINCT OF OCCURRENCE

TRANSPORTING UNIFORMED MEMBER OF THE SERVICE

55. Deliver to desk officer, precinct of occurrence:
    a. Remaining copies of the **Evidence Collection/Tracking Form**, and
    b. Original **PROPERTY CLERK INVOICE WORKSHEET**.

DESK OFFICER

56. Review all forms and comply with *P.G. 216-01, "Aided Cases General Procedure," P.G. 218-01, "Invoicing Property – General Procedure,"* and any other appropriate Departmental procedures.
57. Notify the Detective Squad, precinct of occurrence and provide:
    a. Copy of **Evidence Collection/Tracking Form**,
    b. **PROPERTY CLERK INVOICE** number,
    c. **AIDED REPORT(S)** number,
    d. **COMPLAINT REPORT** number.
58. Provide IDCIS with:
    a. Copy of the completed **Evidence Collection/Tracking Form**
    b. **PROPERTY CLERK INVOICE** number,
    c. **AIDED REPORT(S)** number,
    d. **COMPLAINT REPORT** number.
59. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** using the "External Transfer" function in the Property and Evidence Tracking System, with the destination of DOHMH/PHL or Hazardous Materials Laboratory ensuring all invoiced packaged/sealed samples of the unknown substance and the related evidence/items are appropriately entered in compliance with Department procedures.

AFTER NOTIFICATION TO IDCIS FROM DOHMH/PHL OR DEP HAZARDOUS MATERIALS LABORATORY REGARDING RESULTS OF ANALYSIS OF UNKNOWN SUBSTANCE

IDCIS SUPERVISOR

60. Inform the Operations Coordinator, precinct of occurrence, of the results.

OPERATIONS COORDINATOR, PRECINCT OF OCCURRENCE

61. Comply with the instructions of the IDCIS supervisor.
62. Notify involved members of the service.
    a. If the results of the analysis are *NEGATIVE*, direct a member of the service to:
        (1) Respond within seventy two hours to the DOHMH/PHL, Room 203, from Monday to Friday, between 0800 and 1600 hours, with the copies of the **PROPERTY CLERK INVOICE** to retrieve the invoiced packages, and
        (2) Identify any invoiced items/packages that cannot be retrieved from DOHMH/PHL.

OPERATIONS COORDINATOR, PRECINCT OF OCCURRENCE (continued)

i. Make appropriate entries on the **PROPERTY CLERK INVOICE** utilizing the "Add Remarks/Documents" function in FORMS Property, to account for the missing invoiced items/packages and explain reason why items/packages are missing and are not being retrieved (e.g., consumed during sample analysis, destroyed during decontamination, transferred to another laboratory, etc.).

(3) Print the rank, name and tax number of the DOHMH Evidence Officer at the bottom of the faxed **PROPERTY CLERK INVOICE**.

i. Have the DOHMH Evidence Officer sign the entry as a receipt for the invoiced items/packages being retrieved and a verification of the missing invoiced items/packages; or, enter "Refused Signature."

(4) Prepare and all required DOHMH forms, reports, receipts, etc.

(5) Deliver the retrieved invoiced items/packages and **PROPERTY CLERK INVOICE** to the desk officer, precinct of occurrence, for processing according to the applicable Department guidelines.

63. Notify the Detective Squad supervisor, precinct of occurrence, of the results.

64. Notify Medical Division of the results of the DOHMH/PHL and/or DEP Hazardous Materials Laboratory analysis of the unknown substance in compliance with *A.G. 330-09, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials,"* if necessary.

DESK OFFICER

65. Intake retrieved invoiced items/packages, using the "Intake from an External Agency" function in FORMS Property.

PRECINCT DETECTIVE SQUAD SUPERVISOR

66. Ensure that the individual identified as the designated contact person on the **Evidence Collection/Tracking Form** is notified of the results of the DOHMH/PHL and/or DEP Hazardous Materials Laboratory analysis of the unknown substance.

a. When the laboratory analysis results are negative, if other offense(s) may have been committed, it will be the responsibility of the assigned detective to fully investigate the incident.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*In the event that there is an ongoing uncontrolled release/leak **or** a functioning device is actively "disseminating" an unknown substance, the first appropriately trained and equipped personnel will be allowed access to the incident/crime scene to stop/control the release/leak or deactivate the dissemination device. Absent extraordinary circumstances, an envelope or parcel containing an unknown substance is NOT considered an uncontrolled release/leak or a functioning/active*

ADDITIONAL DATA (continued)

"disseminating" device. If a member of the service suspects that the dissemination device may be "booby trapped" and/or may be some type of explosive device and/or may contain an explosive substance, follow P.G. 212-40, "Bomb Threats/Unattended Articles - Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes."

When members of the NYPD respond and determine that an unknown substance is not CBRN/Hazardous Material evidence and does not otherwise have to be collected/packaged and/or invoiced/safeguarded, if another agency responds and collects/packages the unknown substance, then the NYPD will NOT take custody of the package(s) from the involved agency absent new or additional information indicating the unknown substance is CBRN/Hazardous Material evidence and/or must be collected/packaged and/or invoiced/safeguarded by the NYPD. The patrol supervisor will respond and interview the involved agency supervisor and confer with the Emergency Service Unit supervisor and the IDCIS supervisor. If there is an issue that cannot be resolved, the patrol supervisor will request the immediate response of the commanding officer/executive officer/duty captain.

AGENCIES/UNITS INVOLVED IN A CBRN/HAZARDOUS MATERIAL INCIDENT

NYC Department of Environmental Protection - Personnel are engineers/scientists who are experts regarding military chemical agents, toxic industrial chemicals, and other types of chemical compounds. Personnel are also highly trained and experienced CBRN/Hazardous Materials first responders who utilize scientific instruments and laboratory techniques in the field to identify the chemical composition of unknown substances; and, they are supported by a New York State accredited Hazardous Materials laboratory. Personnel also perform air, water, and soil sampling/analysis; conduct air plume dispersion modeling; identify/monitor contamination zones; determine the appropriate mitigation, containment, collection, disposal, decontamination, remediation, etc., plans, procedures and methods; and perform or direct the appropriate governmental and/or private assets to perform all or part of the required mitigation, containment, collection, disposal, decontamination, remediation actions.

NYC Department of Health and Mental Hygiene - Personnel are medical doctors, scientists, health care providers and public health professionals who are experts regarding biological weapon agents and hazardous biological organisms/toxins, communicable diseases, epidemiology, radioactive materials/contamination, laboratory sciences, environmental science/engineering, poisons, contaminated food/water, veterinary/pest control, decontamination plans/methods, and other public health related subjects. Personnel are supported by a nationally accredited "Bio-Threat Response" Public Health Laboratory whose function is to determine whether an unknown substance is a biological weapon agent or hazardous biological organism/toxin. Personnel will provide assistance and/or respond to an incident scene when specifically requested or when particular pre-designated circumstances exist.

PURPOSE To investigate personal radiation detection pager alarms emanating from radiological materials that may endanger the public, and to establish a process to record occurrences of radiation alerts for the purpose of:

a. Investigating elevated readings
b. Determining if further investigation or action is warranted
c. Documenting locations where activations have occurred.

SCOPE Personal radiation detection pagers, designed as early warning devices, will be issued ONLY to trained supervisors/designated members in order to detect/investigate the presence of hazardous radiological materials that may endanger the public and members of the service.

DEFINITIONS For the purpose of this procedure, the following definitions will apply:

PERSONAL RADIATION DETECTION PAGER ALARM - A sensitive search device, usually pager sized, designed to alert increased levels of gamma radiation. The alerts allow the wearer to track, isolate and identify sources emitting gamma radiation. Personal radiation detection pager alarms are designed as interdiction tools alerting officers to the presence of radiation fields that they would not normally be aware of.

NOTE *Personal radiation detection pager alarms shall be deployed in accordance with P.G. 219-27, "Issuance and Maintenance of Radiation Detection Pagers Assigned to Commands."*

HOSTILE ALARM – Through investigation, interview, and/or personal experience, the trained supervisor/designated member determines that the alarm activation resulted from a reading emanating from a substance or device that is suspicious or criminal in nature or if the member cannot identify the source of an alarm.

IDENTIFIED ALARM – Through investigation, interview and/or personal experience, trained supervisor/designated member identifies alarm as both non-criminal and non-threatening. Examples of sources that may cause an identified alarm include, but are not limited to: licensed medical transporters, power plants, research/medical facilities, naturally occurring background radiation and common construction materials.

INNOCENT ALARM – Through investigation, trained supervisor/designated member determines that the alarm activation was due to the proximity to an individual following, or who is in the course of receiving medical radiation treatment.

PROCEDURE Upon alarm activation of the personal radiation detection pager, and detection of elevated radiation readings:

IF ABLE TO LOCATE SOURCE AND IDENTIFY AS AN "IDENTIFIED" OR "INNOCENT" ALARM

NOTE *Supervisors of specialized units present at the scene will perform the duties of the platoon commander/patrol supervisor regarding necessary reporting requirements.*

TRAINED MEMBER UTILIZING PAGER

1. Make appropriate digital **Activity Log** entries.
2. Notify platoon commander/patrol supervisor.

PLATOON COMMANDER/ PATROL SUPERVISOR

3. Respond to scene and conduct investigation.
4. Notify Counterterrorism Division, Lower Manhattan Security Coordination Center (LMSCC), for ALL alarms, including "Innocent," "Identified," or "Hostile" alarms.
5. Make appropriate digital **Activity Log** entries.

IF UNABLE TO IDENTIFY OR LOCATE SOURCE, OR ABLE TO IDENTIFY AS A "HOSTILE" ALARM

TRAINED MEMBER UTILIZING PAGER

6. Conduct preliminary field investigation to determine source.
7. Request the response of the platoon commander/patrol supervisor.
8. Establish the boundary where the alarm no longer signals radiation levels and isolate and contain all persons inside boundary line and possible contaminated area.
   a. Immediately request the response of Emergency Service Unit personnel.
   b. Do not allow persons to enter affected area pending a determination by ESU as to whether or not decontamination is necessary. An **AIDED REPORT** will be completed for any persons who may have been exposed. Comply with *P.G. 212-37, "Hazardous Materials," P.G. 212-101, "Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence,"* and *P.G. 220 Series, "Citywide Incident Management System (CIMS),"* if appropriate.

PLATOON COMMANDER/ PATROL SUPERVISOR

9. Respond to scene and take appropriate action in accordance with the nature or severity of the perceived threat.
   a. Determine if additional personnel/equipment is needed.

PLATOON COMMANDER/ PATROL SUPERVISOR (continued)

b. Assume role as initial Incident Commander and comply with *P.G. 212-37, "Hazardous Materials," P.G. 212-40, "Bomb Threats /Unattended Articles – Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes," P.G. 213-03*, "*Rapid Mobilization," P.G. 212-101, "Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence,"* and *P.G. 220 Series, "Citywide Incident Management System (CIMS),"* if appropriate.

10. Confer with a supervisor from patrol precinct concerned if the trained member utilizing the radiation pager is not assigned to that patrol command prior to making a determination that an alarm is hostile.

NOTE *Supervisory officers of patrol commands may have previous knowledge of the source location of the alarm and may know the cause to be non hostile.*

11. Notify police service area (PSA) or transit district desk officer if an alarm was activated on police service area (PSA) or transit district property.
12. Notify duty captain concerned via Operations Unit patrol borough representative.
13. Notify Counterterrorism Division, Lower Manhattan Security Coordination Center (LMSCC) for ALL alarms, including "Innocent," "Identified," or "Hostile" alarms.
14. Notify Operations Division.
15. Notify Intelligence Division WMD Desk to obtain log number.
16. Conduct investigation.
17. Make digital **Activity Log** entry.
18. Direct the preparation of **COMPLAINT REPORT (PD313-152)** if incident requires further investigation.

ESU MEMBER

19. Respond, identify source and take appropriate action.
20. Ensure ESU supervisor is responding.

RELATED PROCEDURES

Hazardous Materials (P.G. 212-37)
Bomb Threats/Unattended Articles – Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes (P.G. 212-40)
Rapid Mobilization (P.G. 213-03)
Issuance and Maintenance of Radiation Detection Pagers Assigned to Commands (P.G. 219-27)
Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence (P.G. 212-101)
Citywide Incident Management System (CIMS) (P.G. 220 SERIES)

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT (PD313-152)

Section: Command Operations		Procedure No: 212-104
INTERACTION WITH PERSONS WHO ARE DEAF OR HARD OF HEARING		
DATE EFFECTIVE: 05/10/22	LAST REVISION: I.O. 50	PAGE: 1 of 3

PURPOSE To facilitate the process of effective communication with members of the public who are Deaf or hard of hearing, including aided cases, crime victims, witnesses, suspects or arrestees, and to obtain information from such individuals, through the use of sign language interpreters or other auxiliary aids and services.

SCOPE The Americans with Disabilities Act, state and local law, in addition to Department policy and procedure, requires that the Department maintain effective services, practices and policies to ensure that the needs of individuals who are Deaf or hard of hearing are protected.

DEFINITIONS DEAF OR HARD OF HEARING – A person who possesses hearing abilities that are limited to the extent that it constitutes a substantial limitation of an individual's activities. The impairment is to such a degree that it will be readily apparent to a member of the service that the individual has difficulty understanding what is communicated orally.

AUXILIARY AIDS – In addition to the services of a qualified sign language interpreter, the use of gestures or visual aids to supplement oral communication, use of a notepad and pen/pencil to exchange written notes, use of an assistive listening system or device to amplify sound or other effective methods of delivering information or communicating with an individual who is Deaf or hard of hearing. Auxiliary aids may also include the use of text telephones or other devices, accessed via use of a Telecommunications Relay Service (TRS), or an individual's personal communication device (such as a personal digital assistant [PDA], telephone with text capability, etc.).

NOTE *The type of aid that will be required for effective communication will depend on the person who is Deaf or hard of hearing and their usual method of communication. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Persons who are Deaf or hard of hearing must not be charged for the cost of an auxiliary aid or service which is needed for effective communication.*

QUALIFIED SIGN LANGUAGE INTERPRETER – A qualified sign language interpreter is one who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. A qualified interpreter must be able to interpret impartially, therefore, under some circumstances (e.g., a domestic dispute, etc.), a family member, child or friend of the individual who is Deaf or hard of hearing, may not be qualified to render the necessary interpretation.

NOTE *Every effort should be made to have a person not connected with the incident serve as an interpreter. In exigent circumstances, the need to immediately communicate may take precedence over the effort to secure an interpreter not involved in the incident.*

DEFINITIONS (continued)

TELECOMMUNICATIONS RELAY SERVICE (TRS) – The Federal Communications Commission (FCC) has adopted use of the "711" dialing code for access to TRS. This permits persons who are Deaf or hard of hearing, or with a speech disability, to use the telephone system via a telephone typewriter (TTY) or other device to call persons with or without such disabilities. Conversely, voice users can also dial "711" to be connected to a TRS operator, who will then relay the message to a person who is Deaf or hard of hearing, or with a speech disability via a TTY or other device.

311 SYSTEM FOR INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING – The City of New York also maintains a "311" non-emergency system for individuals who are Deaf or hard of hearing. Persons who are Deaf or hard of hearing who wish to inquire about City services, or make complaints regarding a specific City agency or service, can be directed to TTY number (212) 504-4115. The "311" operator will then direct the inquiry/complaint to the appropriate City agency.

PROCEDURE

When a member of the service has cause to interact with an individual who is Deaf or hard of hearing:

MEMBER OF THE SERVICE

1. Ascertain from person who is Deaf or hard of hearing the type of auxiliary aid or services they require.
2. Utilize appropriate auxiliary aids to facilitate communication.
3. Contact desk officer, if the services of a qualified sign language interpreter are needed.
4. Comply with *P.G. 208-03, "Arrests – General Processing"* in arrest situations where probable cause has been established.

NOTE

In cases where probable cause has been developed, the arrest of a person who is Deaf or hard of hearing shall proceed in accordance with standard arrest and safety procedures. Should communication with a suspect who is Deaf or hard of hearing be necessary to establish probable cause, or for a pre-arrest interview, etc., the appropriate auxiliary aid should be employed. When interacting with arrestees that are Deaf or hard of hearing, auxiliary aids will be used to communicate with the arrestee (e.g., informing arrestee of charges and nature of the offense, interrogation, etc.). In situations where an arrestee would be permitted use of a telephone, a qualified sign language interpreter can be used to communicate for an arrestee who is Deaf or hard of hearing, and use of the TRS can be employed where the recipient of a call uses a TTY.

5. Document in detail any auxiliary aids utilized in digital **Activity Log**.

DESK OFFICER

6. Ensure auxiliary aids are utilized, if necessary.
7. Evaluate whether the services of a qualified sign language interpreter are necessary.

NOTE

In cases where the services of a qualified sign language interpreter are needed, the Operations Unit should be contacted.

DESK OFFICER (continued)

8. Make entry in Command Log regarding:
   a. Type of auxiliary aid used, or
   b. Reason(s) for not using auxiliary aid(s) (i.e., qualified sign language interpreter, etc.).

<u>IF SIGN LANGUAGE INTERPRETER IS REQUIRED FOR PRE-PLANNED EVENTS:</u>

COMMANDING OFFICER/ SUPERVISORY HEAD

9. Prepare request on **Typed Letterhead** to Chief of Personnel, and include all pertinent details regarding pre-planned event.
10. Forward request, through channels, to Chief of Personnel.

RELATED PROCEDURES

Preliminary Investigation of Complaints (Other than Vice Related or Narcotics Complaints) (P.G. 207-07)
Arrests – General Processing (P.G. 208-03)
Rights of Persons Taken into Custody (P.G. 208-09)
Guidelines for Interaction with Limited English Proficient (LEP) Persons (P.G. 212-90)
Grievance Procedure for Members of the Public with Disabilities (P.G. 207-36)

FORMS AND REPORTS

Typed Letterhead

NYPD

Section: Command Operations		Procedure No: 212-108
NOTIFICATIONS TO THE INTELLIGENCE DIVISION PURSUANT TO ALERTS TRANSMITTED FROM THE NATIONAL CRIME INFORMATION CENTER (NCIC)		
DATE EFFECTIVE: 12/02/22	LAST REVISION: I.O. 116	PAGE: 1 of 3

PURPOSE To ensure that the Intelligence Division is notified of any contact made by members of the service with individuals contained in the National Crime Information Center (NCIC) Violent Gang and Terrorist Organization File (VGTOF).

DEFINITIONS VIOLENT GANG AND TERRORIST ORGANIZATION FILE (VGTOF) – a compilation of federal terrorist watch lists contained within the NCIC database. Brief descriptions of the potential VGTOF positive "hit" handling codes used by the NCIC are as follows:

HANDLING CODE 1 – ARREST – "WARNING – APPROACH WITH CAUTION. ARREST THIS INDIVIDUAL. THIS INDIVIDUAL IS ASSOCIATED WITH TERRORISM." ***This individual is the subject of a formal indictment or criminal charge and a warrant has been issued.***

HANDLING CODE 2 – DETAIN – "WARNING – APPROACH WITH CAUTION. PLEASE DETAIN THIS INDIVIDUAL FOR A REASONABLE AMOUNT OF TIME FOR QUESTIONING. THIS INDIVIDUAL IS OF INVESTIGATIVE INTEREST TO LAW ENFORCEMENT REGARDING ASSOCIATION WITH TERRORISM." ***This individual is the subject of an active investigation and "reasonable suspicion" exists to detain this individual.***

HANDLING CODE 3 – INVESTIGATION – **DO NOT ALERT THIS INDIVIDUAL TO THIS NOTICE.** "WARNING – APPROACH WITH CAUTION. THE PERSON QUERIED THROUGH THIS SEARCH MAY BE AN INDIVIDUAL IDENTIFIED BY INTELLIGENCE INFORMATION AS HAVING POSSIBLE TIES WITH TERRORISM."

HANDLING CODE 4 – INFORMATION GATHERING – **DO NOT ALERT THIS INDIVIDUAL TO THIS NOTICE.** "WARNING – APPROACH WITH CAUTION. THE PERSON QUERIED THROUGH THIS SEARCH MAY BE AN INDIVIDUAL IDENTIFIED BY INTELLIGENCE INFORMATION AS HAVING POSSIBLE TIES WITH TERRORISM."

NO HIT – If NCIC file checks come back NEGATIVE and the police officer still believes that this incident or investigation is terrorism related, the police officer will immediately contact the Intelligence Division – Criminal Intelligence Section supervisor for further checks, instruction and access to the Federal Bureau of Investigation (FBI) Counter Terrorism Watch (CTW) through existing protocols.

NOTE *There may be cases in which the FBI is unable to confirm at the time of inquiry whether or not the subject of the query / hit may have possible ties to terrorism.* ***DO NOT ARREST THIS INDIVIDUAL*** *unless there is probable cause to believe that a federal, state or local law has been violated. Provide all relevant information to the Intelligence Division - Criminal Intelligence Section supervisor and comply with the instructions provided.*

PROCEDURE When a member of the service makes a computerized query of a person or vehicle registration for an official law enforcement purpose (e.g., arrest, warrant check, driver's license/motor vehicle check, summons, etc.) and receives a response from NCIC that the individual that they have queried matches data contained in NCIC/VGTOF files, in addition to other required actions, will comply with the following:

QUERIES CONDUCTED THROUGH THE COMMUNICATIONS SECTION

RADIO DISPATCHER

1. Conduct query and read the NCIC/VGTOF hit information *verbatim* to the requesting member of the service in the field.
2. In all cases of terrorism alerts/hits received from NCIC/VGTOF, immediately notify the patrol supervisor concerned of the handling codes and their accompanying instructions.
3. Direct the involved member of the service to make an **immediate** notification to the Intelligence Division, Criminal Intelligence Section supervisor.

MEMBER OF THE SERVICE

4. Verify the identity of the involved individual and confirm that he/she is in fact the same individual listed in the NCIC/VGTOF terrorism files.
5. Comply with the instructions contained in the NCIC/VGTOF handling codes provided by the Communications Section dispatcher.

NOTE *If conducting query via radio dispatcher, to enhance MOS safety, take steps to ensure subject of inquiry cannot ascertain results transmitted by dispatcher.*

6. Immediately notify the Intelligence Division, Criminal Intelligence Section supervisor and comply with the instructions provided.
7. Request the response of the patrol supervisor.
8. Notify the desk officer, precinct of occurrence.

PATROL SUPERVISOR

9. Confirm the identity of the individual in question and take appropriate action as indicated in the applicable NCIC/VGTOF instructions.
10. Immediately notify the Intelligence Division, Criminal Intelligence Section supervisor for further checks and instruction.

DESK OFFICER

11. Ensure that an immediate notification is made to the Intelligence Division, Criminal Intelligence Section supervisor.

INTELLIGENCE DIVISION CRIMINAL INTELLIGENCE SECTION SUPERVISOR

12. Obtain all relevant information.
13. Have Intelligence Division investigative personnel notified and immediately respond.
14. Have pertinent information entered into the Intelligence Data System.
15. Notify the local FBI/Joint Terrorist Task Force (JTTF) and other authorities of incident, as appropriate.

QUERIES CONDUCTED BY MEMBERS OF THE SERVICE IN THE STATIONHOUSE

MEMBER OF THE SERVICE

16. Verify the identity of the involved individual and confirm that he/she is in fact the same individual listed in the NCIC/VGTOF terrorism files.
17. Comply with the instructions received in the NCIC/VGTOF handling codes received in the reply from NCIC.
18. Immediately notify the Intelligence Division, Criminal Intelligence Section supervisor and comply with the instructions provided.
19. Notify the desk officer, precinct of occurrence.

DESK OFFICER

20. Confirm the identity of the individual in question and take appropriate action as indicated in the applicable NCIC/VGTOF instructions.
21. Immediately notify the Intelligence Division, Criminal Intelligence Section supervisor for further checks and instruction.

INTELLIGENCE DIVISION CRIMINAL INTELLIGENCE SECTION SUPERVISOR

22. Obtain all relevant information.
23. Have Intelligence Division investigative personnel notified and immediately respond.
24. Have pertinent information entered into the Intelligence Data System.
25. Notify the local FBI/JTTF and other authorities of incident, as appropriate.

ADDITIONAL DATA

*Department form entitled **"POSSIBLE INDICATORS OF TERRORIST ACTIVITY" (PD 378-111)** includes information contained in this procedure and is available via the digital **Activity Log** application.*

RELATED PROCEDURES

Arrests – General Processing (P.G. 208-03)
Performing Local, State and Federal Warrant Checks (P.G. 208-22)
Notifications in Certain Arrest Situations (P.G. 208-69)
Notification to the Detective Bureau when a Specified Condition Exists/is Suspected (P.G. 208-73)
Processing Warrant Checks Over Citywide I and II Radio (P.G. 209-25)

FORMS AND REPORTS

POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD 378-111)

PURPOSE To provide members of the service with guidance on how to assist a person who is requesting a U visa certification and/or a T visa declaration.

DEFINITIONS USCIS – United States Citizenship and Immigration Services (USCIS) is the federal component of the Department of Homeland Security (DHS) that has the sole authority to approve or deny (adjudicate) petitions for U nonimmigrant status (U visa) and/or T nonimmigrant status (T visa).

U VISA CERTIFICATION:

U VISA CERTIFICATION – USCIS **Form I-918, Supplement B, U Nonimmigrant Status Certification**, a document that the Department may, at its discretion, complete free of charge for an eligible victim of a qualifying crime who is petitioning USCIS for U nonimmigrant status.

U NONIMMIGRANT STATUS (U VISA) – Temporary, four-year nonimmigrant status granted to victims of certain qualifying criminal activities, as designated by U.S. Citizenship and Immigration Services (USCIS).

T VISA DECLARATION:

T VISA DECLARATION – USCIS **Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons**, a document that the Department may, at its discretion, complete free of charge for eligible victims of severe forms of human trafficking who are petitioning USCIS for T nonimmigrant status.

T NONIMMIGRANT STATUS (T VISA) – Temporary, four-year nonimmigrant status granted to victims of a severe form of human trafficking, as designated by USCIS.

PROCEDURE When a person requests a U visa certification (USCIS **Form I-918, Supplement B, U Nonimmigrant Status Certification)** and/or T visa declaration (USCIS **Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons)**:

UNIFORMED MEMBER OF THE SERVICE

1. Provide reasonable assistance to requesting person (e.g., medical aid, etc.).

WHEN REQUESTING A U VISA CERTIFICATION

UNIFORMED MEMBER OF THE SERVICE

2. Inform requesting person(s) that they can obtain information on how to request a certification as follows:
   a. Visit the Department's public internet website and enter "U visa" into the search caption.
3. Contact Domestic Violence U-Visa Unit for assistance, if necessary.
4. Refer to *P.G. 207-37, "Review of Requests for U Visa Certifications"* for further information.

NOTE

Uniformed members of the service should not directly collect, handle, or forward any documents related to a certification request from members of the public.

The Domestic Violence U-Visa Unit is the Department's designated U Visa Certification Office. This office reviews all certification requests regardless of the qualifying criminal activity. Uniformed members of the service should be aware that members of the public may not be familiar with the word "certification," and may instead ask for a "U visa," "U status," or the "U." The Department does not give or assign any immigration status. Uniformed members of the service should follow the applicable portions of this procedure when asked about U status, U certifications, U visas, or any related colloquial terms for U nonimmigrant status.

WHEN REQUESTING A T VISA DECLARATION

UNIFORMED MEMBER OF THE SERVICE

5. Inform requesting person(s) that they can obtain information on how to request a declaration as follows:
   a. Visit the Department's public internet website and enter "T visa" into the search caption
6. Contact Special Victims Unit for assistance, if necessary.
7. Refer to *D.G. 502-34, "Review of Requests for T Visa Declarations for Victims of Severe Human Trafficking"* for further information.

NOTE

Uniformed members of the service should not directly collect, handle, or forward any documents related to a declaration request from members of the public.

The Special Victims Unit is the Department's designated T Visa Declaration Office and therefore, it is the only entity with the authority to receive and review requests for declaration, including any documents related to the request. The Office reviews each request and makes a determination on a case-by-case basis. Requesting a declaration from the Department does not guarantee that the applicant will receive it. A completed T visa declaration does not assign legal immigration status. The Department does not have authority to assign or give any immigration status.

IN ALL CASES

UNIFORMED MEMBER OF THE SERVICE

8. Comply with New York City's policy regarding immigrants, as delineated in *P.G. 212-66, "City Policy Concerning Identifying Information and Access to City Services."*

ADDITIONAL DATA

The Department of Homeland Security (DHS) has created a U and T Visa Law Enforcement Resource Guide that has information on T visa declarations, including frequently asked questions that is available on their website.

NYPD

POLICE DEPARTMENT NEW YORK CITY OF

PURPOSE To initiate timely notification to the Ceremonial Unit to ensure appropriate Department participation in ceremonies and eliminate scheduling conflicts.

PROCEDURE When a Department unit is requesting permission to host a ceremony or when a member of the service becomes aware of a ceremony being coordinated by a private organization to honor a member of the service (e.g., Street Renaming Dedication Ceremony).

UNIT COMMANDER/ MEMBER CONCERNED

1. Prepare a **Typed Letterhead** outlining the particulars of the event, at least thirty days prior to the event, when possible, and forward through channels to the Ceremonial Unit, Police Academy, Room 761.

NOTE *To ensure that the Ceremonial Unit is apprised of the event in a timely fashion, immediately fax a copy of the report/request directly to the Ceremonial Unit. A sample of the **Typed Letterhead** has been included in the Additional Data statement.*

CEREMONIAL UNIT PERSONNEL

2. Review the report/request and determine if any scheduling conflicts exist.
3. Forward report/request, with recommendations to the Commanding Officer, Deputy Commissioner, Employee Relations for final approval.

COMMANDING OFFICER, DEPUTY COMMISSIONER, EMPLOYEE RELATIONS

4. Review report/request and notify Ceremonial Unit if the request has been approved or disapproved.

CEREMONIAL UNIT PERSONNEL

5. Notify command concerned of Department's decision regarding the event.
6. Coordinate Department resources regarding all approved events.

ADDITIONAL DATA *No Department unit is authorized to participate or host any ceremony prior to obtaining approval. No additional Department resources, other than those approved, will participate in the event.*

*Commanders will make every effort to ensure that their commands remain operational during the ceremony. Indicate in the **Typed Letterhead** if the unit will remain operational during the ceremony and if it will be staffed with command personnel or by personnel from outside commands.(i.e., Strategic Response Group)*

*The **Typed Letterhead** should provide an overview of the command resources participating in the event as follows:*

a. Include the number of members attending the event, how many will be in uniform or civilian clothes and how many will be on or off-duty.

ADDITIONAL DATA (continued)

b. Indicate if the ceremony is an annual or one time event and the type of Department resources the command requests to participate in the ceremony (i.e., Chaplain, bugler, helicopter, etc.).

c. Address issues such as, alternate dates, alternate site if inclement weather, etc., and provide a guest list and contact person.

To enable as many family members and friends of the honoree to attend the event, every effort will be made to schedule the event on a weekend. Commanders must articulate the reason why the event is not scheduled on a weekend in their ***Typed Letterhead****.*

Sample Typed Letterhead

002 Precinct #100-2005

POLICE DEPARTMENT
CITY OF NEW YORK

May 15, 2005

From: Commanding Officer, 002 Precinct

To: Commanding Officer, Ceremonial Unit (Through Channels)

Subject: REQUEST AUTHORIZATION TO HOST A STREET RENAMING CEREMONY

1. The undersigned requests authorization for this command to host a Street Renaming Ceremony to honor fallen Police Officer John Smith, Tax Registry #000000, Shield #00000, 002 Precinct (include details of incident).

2. Below are the details regarding this ceremony:

a. Day: Tuesday
(Not scheduled on a weekend due to the family's request)

b. Date: July 19, 2005
(Alternate dates Sunday, July 24 and Saturday, August 20)

c. Time: 1000 hours
(Refreshments immediately following at 002 Precinct)

d. Location: In the street in front of the 002 Precinct
(In the lobby of the 002 Precinct if inclement weather)

e. Type of Ceremony: Street Renaming Ceremony

f. List of Distinguished Guests (i.e., family members, City Councilman, etc.)

g. The 002 Precinct will remain operational during the ceremony, however a total of twenty members from Strategic Response Group will be utilized to provide patrol coverage from 0930 hours to 1230 hours.

h. Approximately 75 members of the 002 Precinct will participate in the event, 25 will be on-duty and in uniform and 50 members will be off-duty and in uniform. Approximately 30 retired members from the 002 Precinct will attend the event in civilian clothes. Additionally, it is anticipated that approximately 50 people from the community will also attend the ceremony.

i. This ceremony is a one time event and not held on an annual basis.

j. The following Department resources are requested to participate:

(1) One member from the Ceremonial Unit to coordinate the event
(2) Color Guard
(3) Bugler
(4) Two bagpipers
(5) Department singer
(6) Department Chaplain
(7) Member of the Photo Unit
(8) One helicopter from Aviation Unit for a fly over
(9) Two Highway Units to escort family members
(10) Four Traffic Agents for traffic control
(11) Two members from the Mounted Unit

k. Detective Sonia Rivera, 002 Precinct Community Affairs Unit, [redacted] Cell [redacted] Monday- Fridays 1000 x 1800 hours, is the individual responsible for coordinating this ceremony.

l. Request that the Mayor, Police Commissioner and the Executive Staff be invited to attend the ceremony.

3. For your information and consideration.

Brian James
Inspector

FORMS AND REPORTS ***Typed Letterhead***

Section: Command Operations		Procedure No: 212-118	
INCIDENTS INVOLVING HOLDERS OF HANDGUN LICENSES OR RIFLE/SHOTGUN PERMITS			
DATE ISSUED: 12/16/19	DATE EFFECTIVE: 12/16/19	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To report incidents involving holders of handgun licenses or rifle/shotgun permits.

PROCEDURE When a holder of a handgun license or rifle/shotgun permit is involved in an incident coming to the attention of the Department:

COMMANDING OFFICER/ DUTY CAPTAIN

1. Assign supervisor to conduct investigation and ascertain facts when a holder of a handgun license or rifle/shotgun permit is involved in an incident (see "*ADDITIONAL DATA*" statement for incidents that require an investigation).

DESK OFFICER

2. Make an immediate telephone notification in ALL incidents involving holders of handgun licenses or rifle/shotgun permits to License Division, Incident Section.
   a. Make notification directly to a License Division, Incident Section member or License Division supervisor, Monday though Friday 0630 x 1700 hours.
   b. All other hours, leave a detailed message on the License Division, Incident Section voicemail and include:
      (1) Type of incident, date, time, location of incident and identity of handgun licensee or rifle/shotgun permit holder
      (2) Name and rank of investigating supervisor and/or reporting officer
      (3) Identify the Department reports prepared to document the incident and include relevant Department report numbers, if available.
3. Ensure all appropriate reports are prepared to document the incident, including but not limited to:
   a. **PROPERTY CLERK INVOICE (PD521-141)**
   b. **COMPLAINT REPORT (PD313-152)**
   c. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   d. **New York State Domestic Incident Report (DCJS-3221**)
   e. **UNUSUAL OCCURRENCE REPORT (PD370-152)**
   f. Other **Typed Letterhead**, as appropriate.
4. Direct holder of handgun license or rifle/shotgun permit reporting loss of a license/permit to report to the License Division for a new license/permit.
   a. Direct the preparation of a **COMPLAINT REPORT**.
5. Direct the handgun licensee or rifle/shotgun permit holder to contact the License Division, Incident Section, when involved in any incident.

INVESTIGATING SUPERVISOR ASSIGNED

6. Investigate the circumstances surrounding the incident and ascertain the following information to be included in the Department report(s) prepared:

INVESTIGATING SUPERVISOR ASSIGNED (continued)

a. If the licensee has a Carry Guard license, ascertain whether the handgun was possessed while actually engaged in the security related employment that corresponds with the address listed on the license, or if possessed when traveling directly between that place of employment and residence

b. If the licensee has a Carry Business or Special Carry license, ascertain whether the licensee is employed by, or operating a business that corresponds with the address listed on the license at the time of incident

c. If the licensee has a Premise Residence or Premise Business license, ascertain whether the handgun was possessed at the premise listed on the license, and determine whether the handgun was unloaded in a locked container (not a vehicle console or glove compartment) with ammunition carried separately, if licensee claims to have been traveling directly to or from their licensed dwelling or place of business and:

(1) Another dwelling or place of business where licensee is authorized to possess the firearm,

(2) An indoor or outdoor shooting range authorized by law,

(3) A lawful shooting competition, or

(4) Any other location where licensee may legally possess the handgun.

NOTE *While traveling between the above referenced locations, only brief necessary stops are permitted (i.e., to eat, use a restroom, purchase gas, for medical emergency, etc.).*

d. If a licensee has a Limited Carry license, ascertain whether the handgun was possessed at the address listed on the license, or if carried elsewhere, whether the licensee was in compliance with time, day of week, and place restrictions listed on rear of the license

e. If a firearm is reported lost or stolen, or for any other incident, ascertain whether or not the firearm was properly safeguarded. Include statement as to whether any unauthorized person(s) had access to the handgun

f. If an allegation exists that the licensee made threatening statements, improperly displayed a firearm, was involved in a firearms discharge or for any ongoing disputes, ascertain whether all relevant parties/witnesses have been identified and interviewed.

7. Seize handgun license or rifle/shotgun permit and all firearms listed if:

a. The licensee/permit holder is arrested, regardless of charge

b. An Order of Protection exists against the licensee/permit holder

c. The incident involves physical force or the threat of physical force

d. Circumstances lead to the belief that continued presence of a firearm would create an unjustifiable risk of unlawful use or possession of the firearm, or injury to licensee/permit holder or another person

e. Further investigation by the License Division is needed to determine whether the actions of the licensee/permit holder affect their qualifications for the license or permit

INVESTIGATING SUPERVISOR ASSIGNED (continued)

f. Any other situation that may affect public safety.
   (1) Members are reminded that public safety is the overriding concern when considering the removal of a licensed firearm.

8. Invoice firearms only on **PROPERTY CLERK INVOICE**.
   a. Include the following statement in the "Remarks" section of the **PROPERTY CLERK INVOICE** "Firearms shall not be released without written authorization of the Commanding Officer, License Division."

9. Prepare a **Typed Letterhead** to the Commanding Officer, License Division for all incidents unless a **COMPLAINT REPORT**, **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **New York State Domestic Incident Report**, **UNUSUAL OCCURRENCE REPORT**, or other **Typed Letterhead** was prepared detailing an explanation of the licensee's/permit holder's actions and includes the information ascertained from the investigation of the incident.

10. Prepare a **Typed Letterhead** to Commanding Officer, License Division upon a voluntary surrender of a firearm, unless the reason for the surrender is explained in either the "Remarks" section of the **PROPERTY CLERK INVOICE** or on another report, as appropriate.

11. Forward the following to the License Division, Incident Section:
   a. Copy of all Department reports prepared in relation to incident
   b. Any seized license(s)/permit(s), if applicable
   c. **Typed Letterhead**, if applicable.

ADDITIONAL DATA

INCIDENTS INVOLVING A HOLDER OF A HANDGUN LICENSE OR RIFLE/SHOTGUN PERMIT THAT REQUIRE AN INVESTIGATION TO BE CONDUCTED:

Incidents involving a holder of a handgun license or rifle/shotgun permit that require an investigation to be conducted include:

a. Lost firearms
b. Stolen firearms (burglary or larceny)
c. Voluntary surrender of firearms
d. Allegations of improper display of firearm
e. Violating terms, conditions, or rules relating to the license/permit (including but not limited to carrying a firearm in public with a premise license, transporting a firearm on a premise license for use at an authorized range that is not unloaded in locked box, and exceeding time or place restrictions on a Limited Carry license)
f. All domestic incidents coming to the attention of the Department
g. An Order of Protection in existence or being sought by or against the license/permit holder
h. Ongoing or recurring disputes that have potential for violence or allegations of threatening statements
i. Co-habitating with a known criminal or other dangerous person
j. Eviction or damage to premise (such as fire) that affects ability to safeguard firearm at approved premise
k. Suicide or other devastating incidents in the home
l. Mental health issues

ADDITIONAL DATA (continued)

m. Any firearm discharge (except target practice at an authorized range)
n. Any arrest or criminal court summons
o. Other incident or allegation that requires a follow-up investigation by the License Division.

REMOVAL OF FIREARMS FROM LICENSEE/PERMIT HOLDER

The Department has broad authority to remove firearms and temporarily suspend a license/permit during the investigation of an incident as outlined above. Prior conferral with the License Division, Incident Section is not required in order to remove firearms and a license/permit from a licensee or permit holder. Members are reminded that public safety is the overriding concern when considering the removal of a licensed firearm.

If the firearm cannot be readily obtained at the time the decision to remove firearm is made, the licensee or permit holder shall be advised that he or she must surrender said firearm(s) pursuant to License Division regulations, and shall be given an opportunity to surrender them voluntarily. In the case of an arrest, or an Order of Protection, or any assessment of imminent danger, if the firearm(s) cannot be obtained by consent, and there is probable cause to believe that they are in a particular location, a search warrant will be obtained prior to seizure of the firearm(s), unless exigent circumstances justify an immediate seizure. The supervisor assigned will make every effort to obtain the firearm(s) either by consent or with a search warrant.

In all cases, the investigating supervisor and reporting officer(s) must be made available upon request of the License Division investigators to discuss the incident and provide assistance during follow-up investigations and possible hearings at the License Division.

A check of the Automated License Permit System (ALPS) can be conducted to determine whether a person (or any person at a given address) has an active handgun license or rifle/shotgun permit. Members of the service can access the system through the Department's Intranet site under "NYPD Applications."

WRITTEN AUTHORIZATION REQUIRED FOR NEW YORK STATE NON-NEW YORK CITY LICENSEES TO TRAVEL WITHIN NEW YORK CITY

If a licensee is transporting their firearm pursuant to step "6," subdivision "c," of this procedure, ascertain if the licensee holds a license that was issued by the NYPD License Division, or holds a license that was issued outside of New York City. A New York State, non-New York City, licensee may only transport to a specific New York City location with prior written authorization from the License Division. Review the furnished authorization to determine if the licensee is acting within its conditions – including whether the licensee is at the New York City location on the date(s) specified, or is traveling directly from the authorized New York State location to the specified New York City location, or from the authorized New York City location back to the authorized New York State location.

ADDITIONAL DATA (continued)

EXCEPTION FOR NON-NEW YORK CITY RESIDENTS WHO ARE TRAVELING THROUGH NEW YORK CITY TO A LOCATION OUTSIDE OF NEW YORK CITY

A non-New York City resident may travel from a location where they are authorized to possess a firearm to another such location where also authorized outside of New York City. The individual must transport the firearm unloaded in a locked container (not a vehicle console or glove compartment), with ammunition carried separately, and may not stop within New York City except for brief necessary stops as described in the 'NOTE' following step "6," subdivision "c," of this procedure.

EXCEPTION FOR RETIRED LAW ENFORCEMENT OFFICERS

New York State (non-New York City licensees) who hold a Carry license stamped, "Retired Police Officer," or "Retired Federal Law Enforcement Officer," do not need written authorization to transport their firearm(s) in New York City. Additionally, these licensees may carry their firearm(s) loaded.

CRIMINAL CHARGES

Handgun transport by any New York State handgun licensee (including New York City licensees) that is not in conformity with the above requirements is an "A" misdemeanor under New York State Penal Law Section 400.00(15).

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Arrest-General Search Guidelines (P.G. 208-05)
Processing Firearms and Firearm-Related Evidence (P.G. 218-23)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE (PD521-141)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
UNUSUAL OCCURRENCE REPORT (PD370-152)
New York State Domestic Incident Report (DCJS-3221)
Typed Letterhead

PURPOSE To properly investigate complaints of animal abuse.

SCOPE Pursuant to Agriculture and Markets Law, Article 26, Section 371, entitled "Power of Police Officer," police officers may arrest any person violating any provisions of this article and may lawfully take animals into custody to prevent the perpetration of any act of cruelty upon any animal. Upon arrest for such violation, the arresting officer will issue a **DESK APPEARANCE TICKET** or summons (if the arrestee is qualified) except for those offenses designated as Unclassified Felonies.

DEFINITIONS ANIMAL ABUSE PREVENTION LIAISON – Executive member of the service designated by the Chief of Patrol to collaborate and share information with the American Society for the Prevention of Cruelty to Animals (ASPCA) regarding animal abuse complaints. The Liaison will be responsible for the coordination of all Department training related to Animal Abuse involving the ASPCA and will be responsible for compiling all data related to animal abuse complaints to be shared with the ASPCA.

ASPCA – A non-profit corporation organized under the laws of the State of New York.

PROCEDURE When a uniformed member of the service receives a complaint of animal abuse:

COMPLAINTS RECEIVED VIA THE ASPCA

ANIMAL ABUSE PREVENTION LIAISON

1. Forward all complaints of animal abuse received from the ASPCA to the special operations lieutenant of the command concerned.

SPECIAL OPERATIONS LIEUTENANT

2. Assign a uniformed member of the service to investigate complaints received from the Animal Abuse Prevention Liaison.

COMPLAINTS RECEIVED VIA 311

TELEPHONE SWITCHBOARD OPERATOR

3. Comply with *Patrol Guide 214-35, "Processing Quality of Life Complaints Using the 311 System"* and have the 311 complaint dispatched as a command assignment.

IN ALL CASES

UNIFORMED MEMBER OF THE SERVICE

4. Respond to location and ascertain all facts.
   a. Interview involved parties concerning the animal abuse allegations.
   b. Observe condition of the animal and its living conditions.
5. Determine if any applicable laws have been violated (i.e., Agriculture and Markets Law, Penal Law, etc.) and take enforcement action, including summary arrest.
   a. If no violation has occurred, attempt to correct the condition by instructing the owner/custodian on proper care and handling of animals.
   b. If there is probable cause to believe an offense has occurred, prepare a **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
   c. If no further action is required, the condition was corrected, or all investigative avenues have been exhausted and no known perpetrator has been identified, close complaint to patrol.
   d. If the ends of justice will not be met by taking enforcement action (i.e., unintentional neglect due to hoarding), notify ASPCA Hotline for referral to Cruelty Intervention Advocacy Program and close the complaint to patrol.
   e. Refer major cases or cases requiring the expertise of the Detective Bureau to the precinct detective squad.
   f. Refer complaints of organized crime involving animal abuse (e.g., animal fighting for the purpose of gambling) to the Detective Bureau.
6. Determine if the animal needs to be removed from the location.
   a. Request response of the patrol supervisor when the removal of the animal is required.
   b. Apparently abused animals will be transported to an ASPCA facility for examination.
7. Document removal of any animal in digital **Activity Log**.
   a. Have person receiving animal at ASPCA intake facility sign digital **Activity Log** as receipt to document chain of custody.

PATROL SUPERVISOR

8. Respond to the scene if requested and verify that the animal needs to be removed from the location.
   a. Ensure compliance with *Patrol Guide 214-33, "Care and Disposition of Animals."*
   b. If it is necessary to remove an animal for further investigation, but probable cause does not exist, ask the owner if they are willing to voluntarily surrender the animal.
   c. Confer with Legal Bureau before attempting to obtain a warrant to remove an animal.

SPECIAL OPERATIONS LIEUTENANT

9. Query Omniform and 311 System weekly to ensure complaints of animal abuse are being investigated and/or referred as appropriate and take corrective action, if necessary.

ANIMAL ABUSE PREVENTION LIAISON

10. Confer with the ASPCA Liaison on a monthly basis to discuss the previous month's animal cruelty activity.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

The ASPCA has established a hotline to assist members of the service while in the field. Members of the service should contact the newly established hotline if assistance is needed in determining charges to be filed or if information is needed on proper care and handling of an animal.

*When a member of the service accepts voluntary surrender of an animal, the member of the service will make a digital **Activity Log** entry utilizing the following language and ensure that the owner of the animal signs the digital **Activity Log** entry:*

I [insert name] am over eighteen years old and the owner of [describe animal]. I voluntarily surrender ownership of my [describe animal] to the New York Police Department. I understand that ownership of my [describe animal] will be immediately transferred to the ASPCA. I understand that I am giving up all my rights to this animal, now and in the future. I have not been threatened or promised anything in exchange for my agreement to surrender my animal.

Date. Sign.

LEGAL CONSIDERATIONS

An animal is considered private property, therefore, if probable cause does not exist and/or if the owner does not voluntarily surrender the animal, a member of service must obtain a warrant to remove the animal.

RELATED PROCEDURES

Force Guidelines (P.G. 221-01)
Desk Appearance Ticket – General Appearance (P.G. 208-27)
Care and Disposition of Animals (P.G. 214-33)
Processing Quality of Life Complaints Using the 311 System (P.G. 214-35)

FORMS AND REPORTS

COMPLAINT REPORT
COMPLAINT REPORT WORKSHEET (PD313-152A)
DESK APPEARANCE TICKET

Section: Command Operations		Procedure No: 212-121	
UNAUTHORIZED RADIO TRANSMISSION			
DATE ISSUED: 12/02/15	DATE EFFECTIVE: 12/02/15	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To enhance the safety of uniformed members of the service and to properly investigate unauthorized radio transmissions.

SCOPE The Communications Division, Tape and Records Unit is the only Department unit that is authorized to produce and disseminate official reproductions of Department 911 call audios, radio dispatch audios and ICAD Event Information Reports.

Department 911 call audios and radio dispatch audios are retained for 180 days and ICAD Event Information Reports are retained for ten years.

PROCEDURE When requesting a unit identification regarding an unauthorized radio transmission:

COMMANDING OFFICER, REQUESTING COMMAND

1. Request recording(s) of the "Main CEB Receive" audio and "Combined Console" audio from the Commanding Officer, Tape and Records Unit on Department form **REQUEST REPRODUCTION OF SUSPECTED UNAUTHORIZED TRANSMISSION (PD347-161)**.
   a. All necessary captions must be completed with special attention given to the date and time of occurrence, channel/frequency of the suspected unauthorized transmission, and nature of the suspected unauthorized transmission (e.g., whistling, multiple key ups, and/or statements, etc.).
2. Pick up a copy of the recording(s) from the Tape and Records Unit, One Police Plaza, Room 910A.
3. Review the audio recording(s) and prepare a report on **Typed Letterhead** to the Commanding Officer, Electronics Section indicating the exact substance of the suspected transmission (e.g., whistling, multiple key ups, and/or statements, etc.) and the specific time it appears on the recording.
4. Forward all documents along with the recorded audio from the Tape and Records Unit to the Electronic Section for further investigation.

ELECTRONICS SECTION

5. Review the recording(s) and all documentation from Commanding Officer, requesting command.
6. Prepare a report on **Typed Letterhead**, with findings.
   a. All information regarding the Department radio used in the unauthorized transmission will be included in the report (e.g., unique identifiers, member of service, command and/or vehicle the radio is assigned to, etc.).

COMMANDING OFFICER, REQUESTING COMMAND

7. Pick up report from the Electronics Section.

TYPED

ADDITIONAL DATA

LEGAL CONSIDERATIONS

911 call audios, radio dispatch audios, ICAD Event Information Reports obtained from the Tape and Records Unit and/or Electronics Section should not be reproduced, duplicated, copied, etc., and will not be provided to any non-Department personnel. When applicable, direct any non-Department personnel requesting audios and records, to the Communications Division, Tape and Records Unit.

RELATED PROCEDURES

Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)

FORMS AND REPORTS

REQUEST REPRODUCTION OF SUSPECTED UNAUTHORIZED TRANSMISSION (PD347-161)
Typed Letterhead

NYPD

PATROL GUIDE

Section: Command Operations		Procedure No: 212-122
REQUEST TO ARCHIVE AND/OR OBTAIN FOOTAGE FROM CLOSED CIRCUIT TELEVISION (CCTV) CAMERAS ACCESSIBLE THROUGH THE DOMAIN AWARENESS SYSTEM (DAS)		
DATE EFFECTIVE: 12/11/17	LAST REVISION:	PAGE: 1 of 1

PURPOSE To establish guidelines to archive and/or obtain a copy of footage from closed circuit television (CCTV) cameras accessible through the Domain Awareness System (DAS).

PROCEDURE When a member of the service seeks to archive and/or obtain a copy of footage from a CCTV camera accessible through DAS for official Department business:

INVESTIGATING OFFICER/ SUPERVISOR CONCERNED

1. Submit request to retrieve CCTV video through the Lower Manhattan Security Initiative (LMSI) application via the Department Intranet within 30 days from the date of recording to the Video Retrieval Unit (VRU) of the Lower Manhattan Security Initiative.

NOTE *Video for which no request for retention is made will be retained for only 30 days from date of recording. If, due to exigent circumstances, a copy of footage is required immediately, the VRU may be contacted directly at 55 Broadway, 28th floor, New York, N.Y. 10004 or at* [redacted] *In such cases, making the request by telephone does not replace the need to submit the request through the LMSI application.*

2. Comply with *Patrol Guide 218-01, "Invoicing Property – General Procedure,"* if request is approved.

ADDITIONAL DATA *All members of the service are reminded that footage from CCTV cameras are intended for legitimate law enforcement purposes only. Use of footage for personal or non-Departmental business is strictly prohibited.*

Requests for footage from cameras within Department facilities must be submitted in the above manner by the commanding/executive officer concerned.

RELATED PROCEDURES *Invoicing Property – General Procedure (P.G. 218-01)*
Lower Manhattan Security Coordination Center Domain Awareness System Video (D.G. 503-12)

PURPOSE To visually and audibly record certain interactions between uniformed members of the service and the public for official law enforcement purposes.

DEFINITION POLICE ACTION – Any police service, as well as, law enforcement or investigative activity conducted in furtherance of official duties. Police action includes responding to calls for service, addressing quality of life conditions, handling pick-up assignments and any self-initiated investigative or enforcement actions such as witness canvasses, vehicle stops and Investigative Encounters. Routine consensual conversations with members of the public carried out as part of community engagement efforts are not considered police action under this section.

PROCEDURE When a uniformed member of the service is assigned a Body-Worn Camera (BWC):

UNIFORMED MEMBER OF THE SERVICE

1. Retrieve assigned BWC from docking station prior to roll call/start of tour.
   a. Turn power on and inspect BWC, and
   b. Position BWC to facilitate an optimal recording field of view.
      (1) Attach BWC to outermost garment in the vicinity of breast pocket of uniform shirt, duty jacket, or garment used for plain clothes assignment, using mounting hardware provided.
2. Utilize BWC only when personally issued and authorized by the Department to record official activity while on-duty.
   a. The use of any non-Department issued recording device is strictly prohibited.
3. Notify desk officer if BWC is not functioning properly, becomes damaged or is otherwise unaccounted for at any point during tour and document notification in digital **Activity Log**.

NOTE *When assigned to a command without a desk officer, the unit supervisor will be notified.*

MANDATORY ACTIVATION OF BWC FOR ALL UNIFORMED MEMBERS OF THE SERVICE:

UNIFORMED MEMBER OF THE SERVICE

4. Activate BWC prior to engaging in any police action.
   a. Record any interactions that escalate to become adversarial or may hold evidentiary value.

NOTE *While performing investigative duties, members assigned to the Detective Bureau and Intelligence Division are not required to activate BWCs during initial witness interviews, routine witness canvasses, video canvasses, or any investigative/operational functions involving a confidential informant.*

In order to ensure the inadvertent recording of privileged conversations, uniformed members of the service serving as attorneys or escorting officers under the purview of the Deputy Commissioner, Legal Matters are exempt from activating their body-worn cameras.

Uniformed members of the service who are attorneys and are performing routine duties outside the purview of the Deputy Commissioner, Legal Matters must comply with the directives outlined within this procedure.

Performance of administrative duties or non-enforcement functions, routine activities within Department facilities, and Departmental meetings or training are not considered police actions. Uniformed members of the service performing duty as desk officers, telephone switchboard operators and stationhouse security are required to wear their BWC while performing duty.

When an individual is under arrest or otherwise in custody, immediately inquire if medical and/or psychological treatment is necessary. Ensure that BWC is activated when asking if medical and/or psychological treatment is necessary. Request EMS to the scene to provide medical and/or psychological health care, as appropriate.

UNIFORMED MEMBER OF THE SERVICE (continued)

5. Notify patrol/unit supervisor when there is a failure to record a mandatory event as described in step "4."
   a. Document notification and reason event was not recorded, if known, in digital **Activity Log**.

<u>BWC ACTIVATION, NOTICE OF RECORDING AND EXIGENT CIRCUMSTANCES FOR ALL UNIFORMED MEMBERS OF THE SERVICE:</u>

UNIFORMED MEMBER OF THE SERVICE

6. Begin recording prior to arrival at incident location or prior to commencing any self-initiated police action.

NOTE *Vehicle operators may activate their BWC immediately after arrival at incident location, if necessary, to ensure the safe operation of Department vehicle.*

7. Activate BWC as soon as it is feasible and safe to do so after taking necessary action to preserve human health and safety, when an unanticipated or exigent occurrence takes place.
8. Notify members of the public that an interaction is being recorded, as soon as reasonably practical, unless notification could compromise the safety of any person or impede an investigation.

DISCRETIONARY ACTIVATION OF BWC FOR ALL UNIFORMED MEMBERS OF THE SERVICE:

UNIFORMED MEMBER OF THE SERVICE

9. Record other official activities when, in the uniformed member's judgment, it would be beneficial to record.

NOTE

Uniformed members of the service may choose to discontinue recording if a victim or witness requests to remain anonymous during an interview. The uniformed member of the service concerned will state aloud on camera reason for deactivation prior to doing so.

DEACTIVATION OF BWC FOR ALL UNIFORMED MEMBERS OF THE SERVICE:

UNIFORMED MEMBER OF THE SERVICE

10. Record continuously, until investigative, enforcement, or other police action is concluded.
    a. Recording should include complainant/witness statements and canvasses (with the exception of Detective Bureau personnel as indicated in the "NOTE" following step 4).
    b. Record arrests until prisoner is lodged at command for arrest processing.

NOTE

Uniformed members of the service may deactivate BWCs after arrival at an active scene once the crime scene has been established. In addition, uniformed members of the service may deactivate BWCs after it is determined a subject is not present after an attempted apprehension and/or execution of an arrest warrant.

PROHIBITED BWC RECORDINGS FOR ALL UNIFORMED MEMBERS OF THE SERVICE:

UNIFORMED MEMBER OF THE SERVICE

11. Do not activate BWC for any of the following events:
    a. Off-duty employment including paid detail assignments,
    b. Interviewing a current or potential confidential informant, or when confidential informants are present, including but not limited to debriefings, photo viewing, and controlled buys,
    c. Any police operation involving undercover officers or where undercover officers are present, including but not limited to 'buy and bust' operations and vice operations,
    d. Interviewing the victim of a sex crime, as soon as the nature of the offense becomes apparent,
    e. Strip searches,
    f. The inside of a medical facility, unless it is necessary to take police action (e.g., arrest, EDP, etc.),
    g. Any type of briefings and tactical discussions regarding resource capabilities, or after-action debriefings,
    h. Conducting interviews in an interview room when video surveillance system is operational and has been activated, and

UNIFORMED MEMBER OF THE SERVICE (continued)

i. While conferring with the Legal Bureau on any matter.

NOTE

When an undercover officer or confidential informant is recorded on a body worn camera video, the recording officer must add a note in the comments section of the video management system indicating that an undercover officer is visible. Additionally, a supervisor within the Detective Bureau shall prepare and forward a report on Typed Letterhead to Deputy Commissioner, Legal Matters detailing all videos in which an undercover officer or confidential informant is visible as well as physical description of said officer and the clothing they were wearing.

If BWC is operating prior to conferral with Legal Bureau, uniformed members of service should state aloud that they are deactivating the camera for the purpose of conferring with the NYPD Legal Bureau. Once conferral is complete, uniformed members of service should reactivate their camera if required per mandatory activation.

The mandatory activation of a BWC will take precedence over prohibited BWC recordings.

Uniformed members of the service should be aware Handschu Guidelines prohibit indiscriminate recording of political activity and the Technical Assistance and Response Unit (TARU) remains solely responsible for documenting protests, demonstrations, political events, etc., by means of photos and/or video.

Uniformed members of the service are required to activate their BWC at a protest, demonstration, political event, etc., in the following circumstances: any enforcement action is being taken, any unlawful activity is occurring (whether or not enforcement action is being taken), and/or as directed by the incident commander.

When Highway District, Intoxicated Driver Testing Unit (I.D.T.U.) personnel respond to a hospital or medical facility to conduct testing, the technician and arresting officer will both activate their body-worn cameras to record the reading of the interrogation warnings and questions on Department form ***INTERROGATION WARNINGS TO PERSONS IN POLICE CUSTODY (PD244-1414)****, and capture the subject's consent or refusal to submit to a chemical or blood test. The officers will record a blood draw on their body-worn cameras, whether the sample is taken by consent or by an order of the court. If requested by medical personnel to stop recording, officers will capture the request if possible, turn off their body-worn cameras, and make digital* ***Activity Log*** *entries detailing the circumstances.*

12. Notify patrol/unit supervisor if a prohibited event as described in step "11" was recorded.
    a. Document notification in digital **Activity Log**.

DOCUMENTATION AND MAINTENANCE OF BWCS:

UNIFORMED MEMBER OF THE SERVICE

13. Access BWC video management system on the Department Intranet or Department smartphone.
    a. Select all applicable categories from dropdown list provided.
    b. If category that identifies incident is not available, enter pertinent details of event in the description section of "evidence detail page."
    c. For all arrests, enter complete arrest number, beginning with the borough letter designation in "ID" field.
    d. Utilize "Add Metadata" function to document other Department form, log, report, or summons numbers (e.g., STOP, TRI, ICAD, DIR, DAT, and additional arrest numbers when more than one).
    e. For all investigative encounters that do not end in an arrest or summons:
        (1) Select "Investigative Encounter" from the categories dropdown list.
        (2) Select final level of encounter from dropdown list in "Add Metadata" function (e.g., Level 1 encounter escalates to a Level 2 encounter, select "Level 2 encounter").
    f. For all Level 2 encounters captured on BWC that do not escalate beyond Level 2, document responses to the following questions in "Add Metadata" function:
        (1) Apparent race of primary individual encountered.
        (2) Apparent gender of primary individual encountered.
        (3) More than one individual encountered.
14. Categorize all BWC videos within the next two scheduled tours.
15. Insert BWC into docking station at station house to upload video and recharge battery at completion of tour.

NOTE *The description of the video management system is based on the user experience utilizing the mobile application accessed via the Department smartphone. When accessing the system from a department desktop the user experience will differ slightly but the functionality is the same.*

ARREST PROCESSING AND SHARING OF BWC VIDEOS:

ARRESTING OFFICER/ ASSIGNED OFFICER

16. Identify all BWC videos associated with arrest, and if known, any other pertinent BWC video from previous incidents that can enhance their arrest case.
    a. Prepare **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)**.
    b. Prepare **ARREST CHECKLIST (PD244-041)**.

NOTE *When arresting officer/assigned officer becomes aware of any pertinent BWC video that is associated with their arrest case (e.g., BWC video containing suspect information, complainant/victim/witness statements, or are of any investigative value in regard to the establishment of probable cause, etc.), regardless of when the video was recorded, will ensure that those BWC video files are properly identified and shared with the district attorney's office or special prosecutor.*

ARRESTING OFFICER/ ASSIGNED OFFICER (continued)

17. Ensure all required fields on BWC videos are properly documented as per step "13."
18. Use "Case Share" function to transmit all BWC videos associated with the arrest to the district attorney's office or special prosecutor.

VIEWING OF BWC RECORDINGS:

UNIFORMED MEMBER OF THE SERVICE

19. In the performance of their duties, uniformed members of the service may view the following BWC recordings:
    a. Their own BWC recordings, subject to steps "19(c),"
    b. BWC recordings made by other uniformed members of the service, if the viewing is in furtherance of an investigation, preparation of a case or other official purpose, subject to steps "19(c)," and
    c. When a uniformed member of the service is the subject of an official Departmental investigation, or is a witness in an official Departmental investigation, the member may view their own BWC recording of the incident prior to making a statement under the provisions of *A.G. 318-11, "Interrogation of Members of the Service,"* at a time and place deemed appropriate by the supervisor in charge of the investigation.

SUPERVISORY AND ADMINISTRATIVE FUNCTIONS FOR BWC:

SUPERVISOR CONDUCTING ROLL CALL

20. Provide members performing duty with platoon sufficient time after the start of their tour, but prior to roll call, to retrieve their assigned BWC from docking station.
21. Inspect members for their assigned BWCs and ensure that they are properly affixed to their uniform or outer-most garment, powered on, and functioning properly.

PATROL SUPERVISOR/ UNIT SUPERVISOR

22. Visit uniformed members of the service equipped with BWCs while on assignment and ensure they are recording events and activities.
23. Conduct an investigation when notified that a member failed to record all or part of an encounter as mandated in step "4."
    a. Make determination regarding the propriety of the circumstances surrounding the failure to record,
    b. Ensure that any resulting failure to record is documented in the uniformed member's digital **Activity Log**, and
    c. Prepare and forward report on **Typed Letterhead** detailing the investigation, findings, and actions taken to the Commanding Officer, Professional Standards Division, through channels.
24. Notify desk officer whenever notified that a member made a prohibited recording as described in step "11."

NOTE *When assigned to a command without a desk officer, the unit commander will be notified.*

PATROL SUPERVISOR/ UNIT SUPERVISOR (continued)

25. Periodically review BWC video as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.

PLATOON COMMANDER

26. Account for all BWCs assigned to command at start of tour.
    a. Enter details in Command Log.
27. Conduct an immediate investigation when notified that a BWC is not functioning properly, has become damaged, or is otherwise unaccounted for, and comply with *P.G. 217-10, "Accidents – Department Property"* or *P.G. 219-20, "Loss or Theft of Department Property,"* as appropriate, and make entries in Command Log.
    a. Notify Information Technology Bureau (ITB) Service Desk and follow guidance for obtaining a replacement BWC.
28. Ensure that all BWCs are returned to their docking station to upload video and recharge battery at completion of tour.
29. Log into BWC video management system at least once per tour, and identify BWC video recorded by command personnel that have not been categorized properly.
    a. Document results and actions taken in Command Log.
    b. Instruct BWC user to categorize their BWC video, as appropriate.
30. Notify the commanding officer/duty captain whenever notified that a member made a prohibited recording as described in step "11."

NOTE *Whenever there is not a platoon commander on duty the above steps will be conducted by the desk officer/unit supervisor.*

DESK OFFICER/UNIT SUPERVISOR

31. Ensure arresting officer/assigned officer has shared all BWC videos associated with arrest with District Attorney's office or special prosecutor.
    a. Ensure **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST** is prepared, as appropriate.

TRAINING SERGEANT

32. Review BWC video, each tour of duty present, as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.
33. Assess compliance with procedure and take necessary remedial action to correct deficiencies.
34. Ensure new personnel assigned to command are BWC trained and are equipped with a BWC.

INTEGRITY CONTROL OFFICER

35. Supervise review of BWC video by supervisors assigned to command at the direction of the executive officer.
36. Periodically review BWC video as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.

COMMANDING OFFICER

37. Ensure compliance with BWC procedure.
38. Conduct an investigation when notified of the recording of an event which is prohibited in step "11."
    a. Prepare and forward a report on **Typed Letterhead** detailing the investigation, findings, and actions taken to the Chief of Department, through channels, and
    b. Forward additional copies to the Deputy Commissioner, Information Technology and the Commanding Officer, Professional Standards Division.

PATROL BOROUGH ADJUTANT/ COUNTERPART

39. Be responsible and provide oversight for the BWC program.
40. Evaluate compliance with BWC procedure and manage systems to address deficiencies.

ADDITIONAL DATA

TACTICAL CONSIDERATIONS

In the event that additional resources are required or tactical briefings must take place after ESU personnel have already activated their BWCs, an ESU supervisor may order a temporary deactivation of BWCs. Any decision made regarding the activation and/or deactivation of BWCs by ESU personnel will be made in conjunction with established protocols, consistent with officer safety.

In the event that a briefing or tactical discussion regarding resource capabilities or after-action debriefing is recorded on BWC, the Commanding Officer, Emergency Service Unit will confer with the Commanding Officer, Legal Bureau in regard to the content of the recording and action to be taken to safeguard sensitive tactical information.

OPERATIONAL CONSIDERATIONS

Uniformed members of the service when operating as part of a federal task force (e.g. Joint Terrorist Task Force), will be guided by BWC policies and procedures set forth in governing memorandum of understandings or other standard operating procedures. Furthermore, uniformed members of the service assigned to duties outside of the purview of federal task forces are reminded to comply with all Department policies concerning BWCs.

When entering a Department facility equipped with an electronic access control system, uniformed members of the service should cover the lens of their BWC while entering the access code into the keypad to prevent the inadvertent recording of access information.

The BWC and related hardware/software, as well as video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the Department. Other than providing copies of BWC video to members of the Department for official purposes (e.g., arresting officers processing an arrest, detectives conducting criminal investigation, etc.) and prosecutors as described above, uniformed members of the service may not copy, publish, share or disseminate any audio, video, image or data to anyone unless authorized by the Police Commissioner. The video management system maintains an audit trail for all transactions conducted in the system.

ADDITIONAL DATA (continued)

The default preservation period for BWC video is thirty-nine months, at which time it will be automatically deleted. Depending upon the "category" assigned to the video, certain videos (e.g., arrests, homicides) may be retained for longer periods. Commanding officers may request that a BWC recording be retained beyond the prescribed retention period, if necessary. Requests should be submitted through channels to the Deputy Commissioner, Information Technology, detailing the reasons for the request and expected duration of the preservation.

LEGAL CONSIDERATIONS

The Department is required by law to disclose certain information and material related to criminal and civil proceedings. Any requests, subpoenas, etc. for BWC video or data should be referred to the Legal Bureau Body-Worn Camera Unit.

Uniformed members of the service should only share BWC footage to the respective district attorney's office, United States Attorney's Office or special prosecutor. Uniformed members of the service should not share BWC footage to other external stakeholders listed in evidence.com, including, but not limited to, the Civilian Complaint Review Board, the New York City Law Department (excluding Family Court for juvenile prosecutions), the Administration for Children's Services or other police jurisdictions. Requests by these entities should again be referred to the Legal Bureau's Body Worn Camera Unit by emailing [redacted]

Confirmatory identifications ("show-ups") must be done in person and not by the witness viewing a BWC video of the suspect. An image of a suspect depicted in a BWC video may be used in a photo array for identification. A still shot of the BWC footage depicting the subject may be taken on a Department computer, printed, and thereafter affixed to a photo array for identification. Requests by a witness or victim to view a BWC recording must be declined and referred to the appropriate prosecutor handling the case. Requests by civilians to view a BWC recording that is not related to a criminal case must be declined and referred to the Legal Bureau's Subpoena Litigation Unit. Requests for BWC recordings can be made by emailing FOIL@NYPD.ORG or by making a request on New York City's FOIL website at https://a860-openrecords.nyc.gov.

PURPOSE To inform uniformed members of the service of the circumstances under which a Department unmanned aircraft system (UAS) may be utilized.

SCOPE There are limited circumstances in which a UAS can be used. A UAS may be used for the following purposes:

a. Search and rescue operations,
b. Documentation of collisions and crime scenes,
c. Evidence searches at large or inaccessible scenes,
d. Hazardous material incidents,
e. Monitoring vehicular traffic and pedestrian congestion at large scale events,
f. Visual assistance at hostage/barricaded suspect situations,
g. Rooftop security observation at shootings or large scale events at the direction of the Incident Commander,
h. Public safety, emergency, or other situations with the approval of the Chief of Department or designee, including responding to incidents where there is a risk of physical harm to the public and/or members of the service,
i. Pre-warrant execution safety survey and during execution of search warrant, as appropriate (see *ADDITIONAL DATA*), or
j. Training and testing, as appropriate, to ensure proficiency and equipment operability.

DEFINITIONS UNMANNED AIRCRAFT SYSTEM (UAS) - An aircraft without a human pilot onboard which is controlled remotely by an operator by use of a transmitter. Commonly referred to as a drone.

UAS REMOTE PILOT IN COMMAND (RPIC) - A full duty uniformed member of the service trained, qualified, and authorized by the Technical Assistance Response Unit (TARU), holding, at minimum, a non-expired Federal Aviation Administration (FAA) Remote Pilot Certificate with small UAS rating (Part 107 certification).

UAS VISUAL OBSERVER (VO) – A uniformed member of the service trained as a VO, and designated by the RPIC or competent authority, to assist the RPIC and the person manipulating the flight controls of the UAS to see and avoid other air traffic or objects aloft or on the ground.

PROCEDURE When necessary to utilize a Department unmanned aircraft system (UAS):

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

1. Request response of UAS RPIC via radio dispatcher in circumstances dictating the feasibility of utilizing a UAS.

UAS RPIC

2. Act as operator of UAS.
3. Make determination as to whether to utilize UAS, based on the totality of the circumstances.
   a. Confer with TARU supervisor, if there is a disagreement concerning permissible uses of UAS.
      (1) If disagreement cannot be resolved, the duty chief will make final determination.
   b. If operational concerns arise, such as weather, airspace, or safety, confer with TARU supervisor who will make final determination.
4. Operate UAS within the guidelines of Title 14 Code of Federal Regulations, Part 107, or the Certificate of Authorization (COA) issued to the Department by the Federal Aviation Administration (FAA), and in compliance with all other applicable FAA, federal, state, and local laws.
5. Contact FAA and request emergency waivers or authorizations, if exigent circumstances exist and operating parameters are outside of existing COA.
   a. Await authorization prior to commencing operation.
6. Make notifications, as necessary, including:
   a. Aviation Unit of time, location, and flight path prior to deployment of UAS in order to avoid any airspace conflict with Department aircraft operating in the area
   b. Operations Unit of time, location, and flight path prior to deployment, when appropriate
   c. Radio dispatcher to alert responding members of the service of Department UAS operations in the area, when practical.
7. Ensure the UAS Visual Observer has an unobstructed visual line of sight of the UAS.

UAS VISUAL OBSERVER

8. Maintain effective communication and coordination with the RPIC at all times.
9. Maintain awareness of the position of the UAS through direct visual observation, unaided by any device other than corrective lenses.
10. Ensure unobstructed sight of the UAS at all times and be aware of the UAS' location, attitude, altitude, and direction of flight.
11. Observe the airspace for other air traffic or hazards and determine that the UAS does not endanger life or property.

UAS RPIC

12. Upon completion of flight mission prepare **UNMANNED AIRCRAFT SYSTEM (UAS) DEPLOYMENT REPORT (PD620-151)** utilizing the Finest Online Records Management System (FORMS) for all UAS flights.

ADDITIONAL DATA

During UAS return flight, after mission has been completed, UAS cameras will only be utilized for the safe operation of the UAS. UAS RPIC's shall take reasonable precautions to avoid inadvertently recording images of private areas.

Recorded images will be retained for 30 days. Images that contain evidence of a crime will be preserved for criminal prosecution. The Legal Bureau may extend the retention period, if the images are needed for civil litigation, subpoena production, FOIL requests or other legal processes.

Furthermore, certain restrictions apply to the use of a UAS, consistent with the mission of the Department and privacy considerations for the public. These include:

a. A UAS cannot be used for the following purposes:
  (1) Absent exigent circumstances, a UAS will not be deployed in areas where there is a reasonable expectation of privacy (e.g., to look inside of residences), without first obtaining a search warrant
  (2) Routine patrol
  (3) Traffic enforcement
  (4) Immobilizing vehicles or suspects.

b. A UAS may be used for a pre-warrant execution safety survey, and during the execution of the search warrant. When conducting a pre-warrant execution safety survey, UAS operators shall take all necessary precautions to avoid capturing video or images of areas not named in the search warrant

c. A UAS will not be used as a weapon or equipped with any weapons

d. A UAS will not be equipped with facial recognition software

e. UAS footage will not be subject to facial recognition analysis, absent a public safety concern

f. Use of a UAS must be consistent with the Handschu Guidelines outlined in P.G. 212-71, "Guidelines for the Use of Video/Photographic Equipment by Technical Assistance Response Unit (TARU)Personnel at Demonstrations."

The Legal Bureau is also available to assist members of the service in determining permissible uses of UAS.

A uniformed member of the service may only operate a UAS within the scope of this procedure. All other uses of UAS are strictly prohibited.

PURPOSE To provide guidelines to members of the service regarding the Crime Victim Assistance Program (CVAP).

DEFINITIONS CRIME VICTIM ASSISTANCE PROGRAM (CVAP) – The Mayor's Office of Criminal Justice (MOCJ), in collaboration with Safe Horizon, manages the CVAP. The CVAP places trained victim advocates inside Department facilities Citywide, in order to expeditiously connect crime victims with relevant services, including counseling, financial compensation, etc.

CVAP ADVOCATE – Crime victim and domestic violence advocate who is part of CVAP, and is employed by Safe Horizon to work in precincts and police service areas to provide support to victims after crimes are reported.

PROCEDURE When relevant services are to be offered to crime victims in regard to CVAP:

DESK OFFICER

1. Make Command Log entry when CVAP advocate is present for duty, leaves or returns to precinct or police service area for any reason, and at end of tour.

CRIME ANALYSIS OFFICER/ DESIGNEE

2. Review **COMPLAINT REPORTS (PD313-152)** and **New York State Domestic Incident Reports (DCJS-3221)** in Finest Online Records Management System (FORMS) at beginning of tour.
3. Print **COMPLAINT REPORTS** and **New York State Domestic Incident Reports**, except for sex crimes, any crime where the victim is under 18 years old, cross complaints, unfounded domestic incidents, and any **COMPLAINT REPORTS** not involving a victim of a crime (e.g., lost property, found controlled substances or firearms, deceased persons where no criminality is suspected, etc.), and deliver to CVAP advocate daily.

DOMESTIC VIOLENCE SUPERVISOR

4. When possible, facilitate CVAP advocate accompanying domestic violence investigator on home visits, except at locations where there is an open **COMPLAINT REPORT**, or where a wanted perpetrator may be present.

OPERATIONS COORDINATOR

5. Direct CVAP advocate to wear ballistic vest while conducting visits with domestic violence investigators.
   a. Ballistic vests will be issued from command's reserve supply.
      (1) Ensure proper log entries are made and that the vest is returned before the CVAP advocate's end of tour.
   b. CVAP advocates are not permitted to accompany uniformed members of the service on visits to a location where there is an open **COMPLAINT REPORT**, or where a wanted perpetrator may be present.

DETECTIVE SQUAD MEMBER

6. Liaise with CVAP advocate when referral to social services or other assistance is needed.

UNIFORMED MEMBER OF THE SERVICE

7. Refer victims to CVAP directly, as appropriate.

COMMANDING OFFICER

8. Sign outreach letters, as appropriate.
   a. Designate executive officer to sign outreach letters, when unavailable.

COMMANDING OFFICER, PATROL BOROUGH CONCERNED

9. Designate supervisory member as borough CVAP liaison.

ADDITIONAL DATA

Uniformed members of the service are reminded that any information related to a criminal matter communicated to the Department is to be documented, and if applicable, relayed to the assigned district attorney.

The Commanding Officer, Collaborative Policing Unit is the New York City Police Department's liaison with MOCJ for all operational oversight and support for CVAP.

PURPOSE To provide members of the service with guidelines when a non-local law enforcement agency requests, or a member of the service proposes, that the Department provide City resources (i.e., traffic control, vehicle escorts, site security, information or records under the control of the New York State Department of Motor Vehicles [DMV], etc.) to support or assist in immigration enforcement.

DEFINITIONS CITY PROPERTY - Any real property leased or owned by the City that serves a City governmental purpose and over which the City has operational control.

CITY RESOURCES - Including, but not limited to, time spent by members of the service while on duty, use of City owned equipment, or use of City property.

IMMIGRATION ENFORCEMENT - The enforcement of any civil provision of the Immigration and Nationality Act and any provision of such law that penalizes a person's presence in, entry into, or reentry into the United States.

SCOPE Members of the service may not use City resources to support or assist in immigration enforcement, except in certain circumstances, as described below.

PROCEDURE When a non-local law enforcement agency requests, or a member of the service proposes, that the Department provide City resources (i.e., traffic control, vehicle escorts, site security, information or records under the control of the New York State DMV, etc.) to support or assist in immigration enforcement:

MEMBER OF THE SERVICE RECEIVING REQUEST OR MAKING PROPOSAL

1. Notify desk officer, command of occurrence.
2. Provide details of request, or proposed use, including:
   a. Agency requesting assistance
   b. Type of assistance requested or proposed
   c. Reason for request or proposal.

DESK OFFICER, COMMAND OF OCCURRENCE

3. Notify Operations Unit.
4. Provide details of request or proposal.
5. Make Command Log entry with pertinent details.

OPERATIONS UNIT

6. Notify duty chief.
7. Provide details of request or proposal.

DUTY CHIEF

8. Confer with Legal Bureau regarding request or proposal.
9. Determine action to be taken after reviewing the grounds of the request or proposal, considering the need to ensure public safety.
10. Notify Operations Unit of action taken.

NOTE

In emergency, public safety related situations, the decision to support the non-local law enforcement agency will be made by the highest ranking uniformed member of the service at the scene, or in the absence of a supervisor, the senior uniformed member of the service at the scene. That member must immediately notify the Operations Unit of this decision and include details of the circumstances.

There is no emergency exception regarding DMV records. Criminal liability for disclosing these records still applies and is prohibited prior to consultation with the Legal Bureau.

Whenever a uniformed member of the service enforces a State or local criminal law at the scene of an immigration enforcement incident, the highest ranking uniformed member of the service at the scene must notify the Operations Unit regarding details of incident.

OPERATIONS UNIT

11. Notify desk officer, command of occurrence, of action taken or to be taken.
12. Record notifications and actions in a database that will be accessible for statistical analysis.

ADDITIONAL DATA

It is a class E felony under the Vehicle and Traffic Law (VTL), to use DMV records in furtherance of immigration enforcement, or to disclose such records to any non-local law enforcement agency that primarily conducts immigration enforcement. The only exception to the law is if DMV records are to be disclosed in connection with a cooperative agreement (e.g., a task force that is not primarily intended to further immigration enforcement). When a member of the service receives a request from a non-local law enforcement agency that primarily conducts immigration enforcement, and is a member of a taskforce or other cooperative agreement, the member of the service must ascertain the purpose for which the information is sought. Conferrals between the duty chief and the Legal Bureau will focus on whether such requests, and the production of records fall within the mission or scope of the taskforce or agreement.

Members of the services are reminded of Patrol Guide 212-66, "City Policy Concerning Identifying Information and Access to City Services" that affirms the City's policy of providing essential services to all residents regardless of immigration status.

PURPOSE To ensure an appropriate response to, and a thorough investigation of, a gunshot detection alert.

DEFINITIONS

GUNSHOT DETECTION TECHNOLOGY - Refers to an array of acoustic devices, computer software, and experts in audio analysis to approximate the location of gunfire in order to alert law enforcement agencies for response. This includes the use of acoustic sensors in strategic locations that are experiencing shootings, calls for shots fired radio runs, or other gun violence.

GUNSHOT DETECTION ALERT - An alert transmitted via the Communications Section to the command concerned, which provides a notification of the activation of the gunshot detection system that shots may have been fired at a given location.

CONFIRMED SHOT(S) ACTIVATION - Confirmed activations occur when responding officers:

a. Discover a person shot or evidence that someone was shot (e.g., blood or blood trail),
b. Recover ballistic evidence or firearms evidence,
c. Find property damage indicative of gunfire,
d. Receive one, or more, 911 call(s) for shots fired in addition to a gunshot detection alert, or
e. Find an eyewitness/earwitness to the shooting.

PROCEDURE When a gunshot detection alert is transmitted via the Communications Section:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to scene and initiate canvass for perpetrators, victims, evidence and witnesses.
   a. Ensure Body-Worn Camera (BWC) is activated, as per *P.G. 212-123, "Use of Body-Worn Cameras."*
2. Ascertain whether alert is confirmed, or unconfirmed, and take police action, as appropriate.
   a. Establish crime scene as per *P.G. 212-04, "Crime Scene,"* if necessary.
3. Notify patrol supervisor and Communications Section, and report whether alert is confirmed or unconfirmed.
4. Safeguard any potential evidence indicative of a possible shooting.
   a. Request response of Technical Assistance Response Unit (TARU), if assistance is required to retrieve video evidence.
5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** for all gunshot detection alerts (confirmed or unconfirmed), and leave open to precinct detective squad.

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Note in narrative section of **COMPLAINT REPORT WORKSHEET** that incident originated as a response to a gunshot detection alert.
b. Ensure "Shots Fired" caption is checked in all cases, regardless of report classification.
c. For confirmed gunshot detection alerts, prepare **COMPLAINT REPORT WORKSHEET** and classify complaint, as appropriate.
   (1) Refer to the "Investigate Shots Fired" section in the Crime Complaint Reporting System Reference Guide.
d. For unconfirmed gunshot detection alerts, prepare **COMPLAINT REPORT WORKSHEET** and classify as "Investigate Gunshot Detection Alert," and indicate cause of unconfirmed alert, if known.

6. Ensure ICAD job number is entered on all forms and documents prepared.

PATROL SUPERVISOR

7. Respond to all confirmed gunshot detection alerts.
8. Notify desk officer and provide pertinent details.
9. Notify precinct detective squad for confirmed gunshot detection alerts and request response.
10. Request Crime Scene Unit or Evidence Collection Team, as appropriate.
11. Request response of precinct commanding officer, executive officer, or duty captain, via Communications Section, for confirmed gunshot detection alerts.

DESK OFFICER

12. Provide updates regarding confirmed gunshot detection alerts to the following:
    a. Operations Unit,
    b. Patrol borough command, and
    c. Precinct/PSA/transit district commanding officer/executive officer, or duty captain, as appropriate.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

13. Respond to all confirmed gunshot detection alerts.
14. Supervise response and ensure a thorough canvass for evidence and victims is conducted.

DESK OFFICER FIRST PLATOON

15. Determine if a daylight canvass is necessary after reviewing the following:
    a. **COMPLAINT REPORT (PD313-152)** narrative,
    b. Audio recording of gunshot detection alert, and
    c. ICAD job assignment narrative.
16. Review all **COMPLAINT REPORTS** for previous twenty-four hours.
    a. Ensure all gunshot detection alert incidents remain open to precinct detective squad.

DESK OFFICER FIRST PLATOON (continued)

b. Review gunshot detection alert and determine if there were additional 911 calls, if **COMPLAINT REPORT** notes no evidence was recovered.

c. Electronically sign off **COMPLAINT REPORTS**, as appropriate.

17. Direct available resources to conduct daylight canvass, if necessary.

QUALITYOF LIFE TEAM OFFICER

18. Open companion case for confirmed gunshot detection alerts in Enterprise Case Management System (ECMS).

19. Conduct daylight canvass for cameras, ballistics, witnesses, etc., if necessary.

COMMANDING OFFICER

20. Review copies of gunshot detection alert reports to identify problematic shooting locations that may require deployment of additional resources.

21. Document possible chronic false alerts and notify Information Technology Bureau (ITB).

NYPD

PURPOSE To establish guidelines for uniformed members of the service when an Extreme Risk Protection Order (ERPO) is required.

DEFINITIONS EXTREME RISK PROTECTION ORDER (ERPO) - A court issued Order of Protection, either temporary or final, prohibiting a person from purchasing, possessing, or attempting to purchase or possess any firearm.

RESPONDENT - A person against whom an ERPO is sought.

PROCEDURE When a uniformed member of the service has probable cause to believe that an individual is likely to engage in conduct that would result in serious harm to themselves or others and an ERPO is sought:

WHEN AN EXTREME RISK PROTECTION ORDER IS SOUGHT:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if individual is likely to engage in conduct that would result in serious harm to themselves or others, after considering any relevant factors, including, but not limited to:
   a. Any threat or act of violence, stalking, menacing, or use of physical force by individual against themselves or another person,
   b. Any violation or alleged violation of an Order of Protection,
   c. Any pending charge or conviction for an offense involving use of a weapon,
   d. The reckless use or display of a firearm,
   e. Any history of violating an Extreme Risk Protection Order,
   f. Evidence of recent or ongoing use of a controlled substance and/or alcohol, and
   g. Evidence of acquiring, or attempting to acquire, a firearm, or other deadly weapon, within the preceding six months, and one or more of the factors listed in subdivisions "a" through "f."

NOTE *The existence, or non-existence, of any of the above factors listed in step "1" does not automatically indicate whether or not an ERPO should be sought. All of these factors, and any other relevant information, should be weighed when assessing whether an individual is likely to engage in conduct that would result in serious harm to themselves, or others.*

2. Determine if criminal conduct occurred and take appropriate police action.
3. Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* if individual is acting in a manner that would lead the uniformed member of the service to believe that the individual is emotionally disturbed, as appropriate.

UNIFORMED MEMBER OF THE SERVICE (continued)

4. Ascertain if individual owns, possesses, or has access to any legal or illegal firearm, and if so, determine location of firearm(s).
5. Comply with *P.G. 208-36, "Family Offenses/Domestic Violence,"* if firearms are to be seized in domestic incidents involving firearm permit/license holders.
6. Conduct interviews and obtain statements, as well as, all other evidence which may be presented when applying for an ERPO.
7. Confer with immediate supervisor and articulate basis for believing that the individual is likely to engage in conduct that would result in serious harm to themselves or others.

IMMEDIATE SUPERVISOR

8. Ensure appropriate police action is taken.
9. Evaluate, confirm, and record all information obtained in digital **Activity Log**.
10. Determine whether there is probable cause to believe that an individual is likely to engage in conduct that would result in serious harm to themselves or others.

UNIFORMED MEMBER OF THE SERVICE

11. Document in digital **Activity Log** and all applicable forms (e.g., **COMPLAINT REPORT (PD313-152)**, **AIDED REPORT**, etc.), if it is determined that further investigation is required for an ERPO.
    a. Ensure all pertinent facts supporting the filing of an ERPO are detailed in narrative sections of required Department forms (e.g., **COMPLAINT REPORT (PD313-152)**, **AIDED REPORT**, etc.).
12. Notify Legal Bureau, Extreme Risk Protection Order Unit, Monday through Friday, 0900 hours to 1700 hours and provide pertinent details.
    a. Contact Legal Bureau duty attorney, via Operations Unit, for assistance, Monday through Friday, from 1700 to 2300 hours and on weekends.

NOTE *Requests for an ERPO will be investigated by the Legal Bureau, ERPO Unit to ensure all legal standards are met prior to an application proceeding. The Legal Bureau will make a final determination on the filing of an ERPO.*

EXTREME RISK PROTECTION ORDER UNIT

13. Prepare application for ERPO, if request meets legal threshold to proceed.

NOTE *The Extreme Risk Protection Order Unit shall ensure that a Department attorney appears with the uniformed member of the service at any subsequent hearing involving an ERPO application brought by the Department. There will be a final ERPO hearing, whether a temporary ERPO is approved or denied.*

TEMPORARY EXTREME RISK PROTECTION ORDER GRANTED:

UNIFORMED MEMBER OF THE SERVICE

14. Appear at temporary ERPO hearing, as directed by competent authority.
    a. Notify immediate supervisor, without delay, if temporary ERPO has been granted.

IMMEDIATE SUPERVISOR

15. Ensure uniformed member of the service appears at ERPO hearing, as required.

EXTREME RISK PROTECTION ORDER UNIT

16. Confirm that temporary ERPO has been forwarded by the court to New York City Sheriff's Office for service.
17. Notify Intelligence Division, if search provision is granted with temporary ERPO.

NOTE *Service of ERPOs, search warrants pursuant to ERPOs, Denial Orders, and notices to appear at hearings for ERPOs is the responsibility of the New York City Sheriff's Office. The Intelligence Division will assist by conducting required checks and coordinating with the New York City Sheriff's Office, if a search provision is granted.*

INTELLIGENCE DIVISION

18. Comply with *P.G. 212-75, "Search Warrant Applications,"* and *P.G. 221-17, "Search Warrant Execution,"* as required, if search provision is granted.
    a. Notify field intelligence officer, command concerned, as required.

TEMPORARY EXTREME RISK PROTECTION ORDER SERVED:

EXTREME RISK PROTECTION ORDER UNIT

19. Contact New York City Sheriff's Office and obtain copy of court documents served to respondent.
    a. Request extension by court, if service cannot be completed within allotted time.

FIELD INTELLIGENCE OFFICER

20. Make digital **Activity Log** entry, including pertinent details, when search warrant provision is granted for ERPO.
21. Prepare **PROPERTY CLERK INVOICE (PD521-141)** using Finest Online Records Management System (FORMS) and process firearm as per *P.G. 218-23, "Processing Firearms and Firearm-Related Evidence,"* if firearm recovered.
    a. Include the following statement in the "Remarks" section of the **PROPERTY CLERK INVOICE**: "Firearms shall not be released without written authorization of the Commanding Officer, License Division."

EXTREME RISK PROTECTION ORDER UNIT

22. Ensure Department attorney, uniformed member of the service, and all necessary witnesses appear at final ERPO hearing.
    a. Confirm whether License Division conducted appropriate background investigation prior to hearing.

COURT ORDERED BACKGROUND CHECKS IN PREPARATION FOR HEARINGS FOR A FINAL EXTREME RISK PROTECTION ORDER:

LICENSE DIVISION

23. Conduct background checks on respondent, including whether respondent:
    a. Has any prior criminal convictions for an offense involving domestic violence, use of a weapon, or other violence,
    b. Has any criminal charge or violation currently pending against them,
    c. Is currently on parole or probation,
    d. Possesses any registered firearms, and
    e. If respondent has been, or is, subject to any Order of Protection, or has violated, or allegedly violated, any Order of Protection.
24. Prepare background check report and forward as instructed by the court.

UNIFORMED MEMBER OF THE SERVICE

25. Appear at final ERPO hearing, as directed by competent authority.
    a. Notify immediate supervisor, without delay, if final Extreme Risk Protection Order has been granted.

IMMEDIATE SUPERVISOR

26. Ensure uniformed member of the service appears at ERPO hearing, as required.

EXTREME RISK PROTECTION ORDER UNIT

27. Ascertain if circumstances that prompted application for Extreme Risk Protection Order still exist, thirty days prior to expiration:
    a. If so, initiate a request to renew the Extreme Risk Protection Order with appropriate court, or
    b. If not, notify Central Records Division, Identification Unit, to seal records of the ERPO in Department's Order of Protection database upon expiration.
28. Maintain record of all ERPO applications initiated by the Department and filed in court, including, but not limited to:
    a. Respondent's full name,
    b. Uniformed member's rank, name, tax number, and command,
    c. Whether a temporary ERPO was issued,
    d. Whether a final ERPO was issued, and if so, date of expiration, and
    e. Whether firearm was removed.

PROPERTY CLERK

29. Retain firearms invoiced pursuant to an ERPO, regardless of category, for at least two years.
    a. Do not release any firearms recovered to any individual, under any circumstances, without written authorization from Commanding Officer, License Division.
        (1) In addition, written authorization from the Commanding Officer, Medical Division is required if individual is a uniformed member of the service.

REQUEST TO SERVE AN EXTREME RISK PROTECTION ORDER BY AN INDIVIDUAL OTHER THAN A UNIFORMED MEMBER OF THE SERVICE:

UNIFORMED MEMBER OF THE SERVICE

30. Notify Legal Bureau, Extreme Risk Protection Order Unit Monday through Friday, 0900 hours to 1700 hours and be guided by instructions received.
    a. Contact Legal Bureau duty attorney, via Operations Unit, for assistance, if Extreme Risk Protection Order Unit is unavailable, Monday through Friday, from 0700 to 2300 hours and on weekends.

ADDITIONAL DATA

District Attorney's Offices have the ability to file an EPRO involving arrests or open ***COMPLAINT REPORTS*** *as they determine to be necessary. Uniformed members of the service should confer with a District Attorney's Office regarding an EPRO in these instances. All other situations (e.g., aided case, emotionally disturbed persons, etc.), will be processed by the Legal Bureau, ERPO Unit.*

In the event that a member of the service is the subject of an ERPO, they are to notify their commanding officer without delay. The commanding officer will comply with A.G. 318-08, "Modified Assignment" and any applicable Department procedures.

The Department has broad authority to remove firearms from license/permit holders. Neither an Extreme Risk Protection Order nor a prior conferral with the License Division, Incident Section, is required in order to remove firearms and a license/permit from a licensee, or permit holder. Uniformed members of the service are reminded that public safety is the overriding concern when considering the removal of a licensed firearm.

If a firearm is removed from a licensee, the License Division, Incident Section, will be notified immediately, Monday through Friday, 0800 to 1600 hours. If outside of these hours, uniformed members of the service should email details to the License Division, Incident Section, at DG_Lic-Incidents@nypd.org.

To maximize the safety of all persons concerned, uniformed members of the service are reminded to comply with P.G. 221-14, "Hostage/Barricaded Person(s)" and P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons," as necessary.

An ERPO is not required to conduct a search of a person or premises where a uniformed member of service has probable cause to believe that the individual possesses a firearm on their person or at a readily accessible location, and observes, or learns through a credible source, that an individual is engaged in conduct that would result in imminent harm to themselves or others, and the circumstances are of such an urgent nature (e.g., exigency), that seeking a warrant or ERPO could cause a delay resulting in said harm.

The unformed member of service may conduct a search for the limited purpose of retrieving the firearm(s).

ADDITIONAL DATA (continued)

In addition, school safety agents are also to confer with school administrators and a supervisor regarding any students that they have probable cause to believe are likely to engage in conduct that would result in serious harm to themselves or others, after considering the factors listed in step "1" above.

PURPOSE To ensure the use of facial recognition technology balances the need for effective, accurate law enforcement investigations, and the need to respect the privacy of citizens.

SCOPE Facial recognition technology enhances the ability to investigate criminal activity and increases public safety. The facial recognition process does not by itself establish probable cause to arrest or obtain a search warrant, but it may generate investigative leads through a combination of automated biometric comparisons and human analysis.

DEFINITIONS AUTHORIZED USES - Facial recognition technology must only be used for legitimate law enforcement purposes. Specifically, the following are the only authorized uses for employing facial recognition technology:

a. To identify an individual when there is a basis to believe that such individual has committed, is committing, or is about to commit a crime,
b. To identify an individual when there is a basis to believe that such individual is a missing person, crime victim, or witness to criminal activity,
c. To identify a deceased person,
d. To identify a person who is incapacitated or otherwise unable to identify themselves,
e. To identify an individual who is under arrest and does not possess valid identification, is not forthcoming with valid identification, or who appears to be using someone else's identification, or a false identification, or
f. To mitigate an imminent threat to health or public safety (e.g., to thwart an active terrorism scheme or plot, etc.).

PROBE IMAGE - An image of an unidentified person obtained by the assigned investigator from witnesses, victims, or other reliable sources.

PHOTO REPOSITORY - The controlled and limited group of images against which the probe image is compared. The photo repository only contains arrest and parole photographs. It is stored in a designated, and approved, law enforcement database, and access is restricted to authorized users.

BACKGROUND CHECK - A Real Time Crime Center, Facial Identification Section (RTCC-FIS) investigator evaluates the reliability of a potential match between the probe image and an image from the photo repository. This includes an assessment of available information about the potential match, and relevant details of the investigation.

DEFINITIONS (continued)

VISUAL COMPARISON - A RTCC-FIS investigator visually compares the differences and similarities between a probe image and a potential match from the photo repository for the purpose of evaluating whether they represent the same person. In general, during this process, an investigator/supervisor compares facial characteristics (e.g., eyes, ears, nose, chin, mouth, hair, overall facial structure, any scars, marks, blemishes, or tattoos, etc.) and general characteristics, such as overall complexion, gender, and age.

POSSIBLE MATCH CANDIDATE - A potential suspect who is identified through a complete facial recognition analysis, which includes facial recognition technology, visual comparison, background investigation and supervisory review. A possible match candidate shall be treated as an investigative lead only. It does not by itself establish probable cause to make an arrest, or obtain an arrest or search warrant. Corroborating information must be developed through additional investigation by the assigned investigator.

PROCEDURE

When an investigator obtains an image depicting the face of an unidentified suspect, victim or witness, and intends to identify the individual using facial recognition technology, which includes any digital comparison of the probe image to photos stored in the photo repository, the assigned investigator must submit a request to the RTCC-FIS for facial recognition analysis:

FACIAL IDENTIFICATION SECTION PERFORMS FACIAL RECOGNITION ANALYSIS:

ASSIGNED INVESTIGATOR

1. Obtain image(s)/video(s) of individual to be identified.
   a. If video is submitted, include associated software/player.
   b. If image is from internet/social media, include site link.
2. Upload image(s) to Enterprise Case Management System (ECMS) and submit request to Real Time Crime Center-Facial Identification Section (RTCC-FIS) for facial recognition analysis via an **FIS Request DD5**.

NOTE *Investigators who do not have access to the Enterprise Case Management System (ECMS) may contact RTCC-FIS via phone or email. Investigators must provide a case or* ***COMPLAINT REPORT (PD313-152)*** *number. RTCC-FIS will generate an* ***FIS Request DD5****.*

RTCC-FIS SUPERVISOR

3. Assign FIS number to request upon receipt of **FIS Request DD5** via ECMS, and direct RTCC-FIS investigator to review request.

RTCC-FIS INVESTIGATOR

4. Confirm underlying basis for request is in compliance with authorized uses of facial recognition technology.
   a. Document confirmation in ECMS.
5. Select probe image of individual to be identified from images submitted.
   a. If image quality is unsuitable for facial recognition comparison, notify the assigned investigator via **FIS Image Rejection Report**.
   b. Permit assigned investigator to submit additional images.

RTCC-FIS INVESTIGATOR (continued)

6. Run query using facial recognition technology for comparison of probe image to images stored in photo repository, and generate pool of possible match candidates.
7. Review and analyze results by performing a visual comparison.
8. Perform detailed background check to confirm reliability of match, if possible match candidate is identified.
9. Submit possible match candidate for peer review.

RTCC-FIS SUPERVISOR

10. Conduct final review of possible match candidate, and approve, if appropriate.
11. Direct RTCC-FIS investigator to provide possible match candidate to assigned investigator via **FIS Possible Match Report**, if in agreement with findings.
12. Direct RTCC-FIS investigator to continue investigation for possible match candidate, if not in agreement with findings of RTCC-FIS investigator.
    a. Direct RTCC-FIS investigator to report negative results to assigned investigator via **FIS No Match Report**, if possible match candidate is not identified or approved by supervisor.

RTCC-FIS INVESTIGATOR

13. Prepare **FIS Possible Match Report** and upload to assigned investigator's ECMS case file, if supervisor confirms possible match candidate.
    a. **FIS Possible Match Report** shall include probe image, and notification stating that determination of a possible match candidate alone does not constitute probable cause to effect an arrest, or obtain an arrest or search warrant, and that further investigation is needed to establish probable cause.
    b. Forward **FIS Possible Match Report** using same method used to submit request for facial recognition analysis, if request is from outside law enforcement agency.
14. Retain all records of facial recognition searches, including associated FIS case number, reason each search was requested, details, and search results, and upload them into the ECMS case file.

ASSIGNED INVESTIGATOR

15. Conduct further investigation to determine whether possible match candidate is connected to, or involved in, incident under investigation, upon receipt of **FIS Possible Match Report** in order to establish probable cause.
16. Continue investigation, (i.e., obtaining additional suitable images for another submission to RTCC-FIS), if no possible match candidate was determined, or image was rejected.

ADDITIONAL DATA

The use of facial recognition technology that compares probe images against images outside the photo repository is prohibited, unless approval is granted for such analysis in a specific case for an articulable reason, by the Chief of Detectives, Intelligence and Counterterrorism Bureau, or Chief of Intelligence. Approval, including reasoning, must be digitally documented in the appropriate Department case file system (e.g., ECMS, etc.). Members of the service will comply will all relevant Department directives regarding criminal discovery, as appropriate.

ADDITIONAL DATA (continued)

RTCC-FIS and Detective Squad supervisors shall comply with P.G. 219-14, "Department Computer Systems" to evaluate and monitor compliance with this procedure by investigators who utilize facial recognition technology.

All records related to facial recognition requests and results will be subject to privacy, confidentiality, and dissemination restrictions, as per P.G. 212-76, "Information Concerning Official Business of Department," as well as all related procedures and applicable local and federal laws/rules. Members of the service may not disclose identifying information without prior authorization. Any questions concerning the disclosure of photos or information regarding facial recognition should be directed to the Legal Bureau, Director of Privacy Matters.

Members of the Detective Bureau should direct all requests from outside agencies to RTCC-FIS on an "FIS Outside Agency Form." A copy of a complaint report from another law enforcement agency must be submitted with the "FIS Outside Agency Form."

Members of the Intelligence Division who have authorized access to facial recognition software must strictly comply with this procedure when utilizing the technology, and will abide by Handschu Guidelines whenever they apply.

RELATED PROCEDURES

Information Concerning Official Business of Department (P.G. 212-76)
Department Computer Systems (P.G. 219-14)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
FIS Request DD5
FIS Possible Match Report
FIS No Match Report
FIS Image Rejection Report

NYPD

PURPOSE To establish protocols when the Department requires remote access to New York City Department of Education Internet Protocol Digital Video Surveillance (IPDVS) interior camera systems in emergency situations.

SCOPE This procedure does not apply to obtaining interior video footage from Department of Education facilities in non-emergency situations. Members of the service are reminded to comply with *D.G. 503-05, "Obtaining Video Footage From New York City Department of Education in Non-Emergency Situations"* when an emergency situation does not exist.

DEFINITIONS EMERGENCY SITUATION - An emergency presenting an imminent threat to the life or safety of one or more students, and/or other individuals within a Department of Education premises, or on property adjacent to a Department of Education premise that may be in view of an interior IPDVS camera, including the following:

a. A report, or reasonable suspicion of, an active shooter, or a person in possession of an explosive device, biological weapon/agent, or dangerous instrument,
b. Any situation where access is needed to help prevent or respond to an act of terrorism,
c. Persons barricaded and/or hostages taken,
d. Student missing from school, and/or
e. Any event deemed to be of the same severity as the situations listed in subdivisions "a" through "d" above.

DEFINITIONS (continued) AUTHORIZED MEMBER OF THE SERVICE - Access to Department of Education interior IPDVS camera systems in emergency situations will be granted to the following:

a. Police Commissioner,
b. First Deputy Commissioner,
c. Intelligence and Counterterrorism Bureau,
d. Chief of Department,
e. Chief of Patrol,
f. Chief of Intelligence,
g. Chief of Special Operations,
h. Chief of Counterterrorism,
i. Deputy Commissioner, Community Affairs Bureau,
j. Commanding Officer, Emergency Service Unit,
k. Commanding Officer, Aviation Unit,
l. Commanding Officer, Harbor Unit,
m. Commanding Officer, Operations Division,
n. Commanding Officer/Executive Officer/Assistant Commissioner, School Safety Division,
o. Commanding Officer of borough in which event is occurring, and
p. Citywide Duty Chief.

NOTE *Authorized members of the service may permit other members of the service to view Department of Education IPDVS camera footage, as necessary. Members of the service shall not permit non-Department personnel to view IPDVS footage during an emergency situation without Department of Education consent.*

During an active shooter situation, the Operations Unit will direct the Lower Manhattan Security Initiative (LMSI) to access the IPDVS camera system in order to relay pertinent information over division to the responding units

PROCEDURE When a member of the service requires remote access to a New York City Department of Education IPDVS interior camera system in an emergency situation:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to Department of Education facility and take police action, as necessary.
2. Request response of patrol supervisor.
3. Obtain details concerning the nature of the emergency situation.
4. Comply with *P.G. 221-12, "Active Shooter Response Protocol,"* and *P.G. 221-14, "Hostage Barricaded Person(s),"* as necessary.

PATROL SUPERVISOR

5. Make assessment of circumstances immediately, and determine whether remote access to IPDVS interior camera system is necessary.
6. Request response of precinct commanding officer/executive officer/duty captain, if access to IPDVS interior camera system is necessary.
7. Notify desk officer of pertinent details.

DESK OFFICER

8. Notify the following, if access to IPDVS interior camera system is required:
   a. Patrol borough command,
   b. Operations Unit, and
   c. School Safety Division Operations Unit.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

9. Respond to scene and assume command of incident.
10. Notify Operations Unit, if remote access to IPDVS interior camera system is necessary.

OPERATIONS UNIT

11. Notify authorized member of the service regarding access to IPDVS interior camera system.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN	12.	Confer with authorized member of the service.
	13.	Direct Lower Manhattan Security Initiative (LMSI) to access IPDVS interior camera system.
	14.	Ensure only necessary members of the service are present to view camera system footage.
LOWER MANHATTAN SECURITY INITIATIVE	15.	Provide access to IPDVS interior camera system to authorized member of the service at incident scene via Department workstation, as appropriate.
	16.	Cease access to IPDVS interior camera system when emergency situation no longer exists.
COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN	17.	Prepare a report on **Typed Letterhead** detailing circumstances regarding access to IPDVS interior camera system, and forward to Commanding Officer, School Safety Division.
COMMANDING OFFICER, SCHOOL SAFETY DIVISION	18.	Ensure Department of Education is notified of details of incident within 24 hours.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

In instances, other than emergency situations, the New York City Police Department will be prohibited from accessing IPDVS interior camera systems, absent prior written consent from the Department of Education, or the service of a judicial order mandating such access.

No personally identifiable information about a student, or their families, gathered from viewing an IPDVS camera system shall be shared with non-Department personnel without obtaining permission from the NYC Department of Education, adult students, or parents of students who are minors.

Footage from IPDVS interior camera systems is not automatically copied into Department databases, however, authorized members of the service are able to access such systems from Department workstations
Members of the service are to comply with A.G. 304-06, "Prohibited Conduct" regarding the transmission or distribution of recorded media.

RELATED PROCEDURES

Release of Information to News Media (P.G. 212-77)
Police Actions, Related Questioning, Arrests and Investigations at Department of Education Facilities (P.G. 215-17)
School-Related Threats at a NYC Department of Education School/Property (P.G. 215-27)
Active Shooter Response Protocol (P.G. 221-12)
Hostage Barricaded Person(s) (P.G. 221-14)

FORMS AND REPORTS

Typed Letterhead

NYPD

PURPOSE To visually and audibly record certain interactions between uniformed members of the service and the public for official law enforcement purposes.

SCOPE This procedure applies to all Department vehicles equipped with a Vehicle Mounted Video System (VMVS) with the exception of Highway District vehicles. The Highway District will continue to operate on their standard Vehicle Mounted Video System operation procedures.

DEFINITION POLICE ACTION – Any police service as well as law enforcement or investigative activity conducted in the furtherance of official duties. Police action includes responding to calls for service, addressing quality of life conditions, handling pick up assignments and any self-initiated investigative or enforcement action such as witness canvasses, vehicle stops, and Terry stops. Routine consensual conversations with members of the public carried out as part of community engagement are not considered police action under this section. Escort duties (e.g., funerals, etc.) or sensitive transport of members, or non-members of service (e.g., MOS family, Department Surgeons, etc.) conducted by the Highway Unit are not considered police action under this section.

PROCEDURE When a uniformed member of the service is assigned to a Department vehicle equipped with a Vehicle Mounted Video System (VMVS):

UNIFORMED MEMBER OF THE SERVICE

1. Inspect VMVS as part of vehicle inspection at beginning of tour and make digital **Activity Log** entry of findings.
2. Notify desk officer if the VMVS is damaged or not functioning at any point during tour.
   a. Document notification in digital **Activity Log**.
3. Utilize tablet in RMP to sign into the Axon application using NYPD Windows user name and password.
   a. Add recorder, if assigned, as a partner to RMP in the Axon application.
4. Ensure forward facing VMVS camera is positioned to record all events occurring in front of the RMP, and rear facing camera is positioned to record back seat of RMP.

MANDATORY ACTIVATION OF VMVS FOR ALL UNIFORMED MEMBERS OF THE SERVICE ASSIGNED TO A VMVS EQUIPPED DEPARTMENT VEHICLE:

UNIFORMED MEMBER OF THE SERVICE

5. Activate VMVS prior to engaging in police action.

NOTE *VMVS cameras installed in Department vehicles will automatically activate a recording whenever the turret lights are in the second or third position. Once the system is activated, the system must be manually deactivated (end-recording) by using either the Axon application on the tablet or using the camera's event button. Members of the service are reminded that VMVS will activate when a speed threshold is reached.*

UNIFORMED MEMBER OF THE SERVICE (continued)

6. Notify patrol/unit supervisor when there is a failure to record a mandatory event as described in step "5."
   a. Document notification in digital **Activity Log**.

NOTE *All uniformed members of the service must comply with P.G. 212-123, "Use of Body-Worn Cameras," even if an event is being recorded by a VMVS. The use of any non-Department issued recording device is strictly prohibited.*

7. Once VMVS is activated, continue recording for the duration of the event until police action has concluded.
8. Use the Axon application on the Department tablet to manage recordings uploaded to nypd.evidence.com as per *P.G. 212-123, "Use of Body-Worn Cameras."*

NOTE *Recorded video will automatically upload wirelessly or while connected to a Department Wi-Fi repeater. In addition, after the video is uploaded to evidence.com, add any generated Department forms or report numbers to all body-worn cameras (BWC) and VMVS videos that apply. For example, the arrest processing officer is responsible to add the arrest number(s) to all videos recorded by members of the service regardless of command who was at the scene or videos related to the incident in the "Add Metadata" section. This could involve multiple arrest numbers.*

   a. Ensure the rear mounted camera is activated anytime a non-member of the service is placed in the rear seat of the RMP.

NOTE *This excludes a member of Highway Patrol conducting a sensitive transport of any non-member of service from activating any in vehicle video systems.*

   b. In the event of a serious incident where RMP cannot be moved (e.g., rendered immobile due to a collision or as part of a crime scene, etc.), notify Information Technology Bureau, Strategic Technology Division by contacting ITB's Service Desk or by creating a service request in the NYPD Service Portal, for guidance to upload video to evidence.com.
9. Sign out of Axon application when reassigned or at end of tour.

PATROL SUPERVISOR/ UNIT SUPERVISOR

10. Visit members of the service equipped with a VMVS while on assignment and ensure they are recording all required events and activities.
11. Conduct an investigation when notified that a member failed to record all or part of an encounter as mandated in step "5."

PATROL SUPERVISOR/ UNIT SUPERVISOR (continued)

a. Make determination regarding the propriety of the circumstances surrounding the failure to record and notify desk officer to document results in Command Log.
   (1) Document notification in digital **Activity Log**.
b. Ensure that any resulting failure to record is documented in the uniformed member's digital **Activity Log**.
c. Prepare and forward a report on **Typed Letterhead** detailing the investigation, findings, and actions taken to the Chief of Department, through channels.
   (1) Forward additional copies to Chief of Information Technology and Chief of Professional Standards.

12. Periodically review VMVS videos, as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.

DESK OFFICER/ UNIT SUPERVISOR

13. Conduct an immediate investigation when notified that a VMVS is not functioning properly or has become damaged, and comply with *P.G. 217-10, "Accidents – Department Property"* or *P.G. 219-20, "Loss or Theft of Department Property,"* as appropriate, and make entries in Command Log.
    a. Notify ITB Service Desk and patrol borough concerned of defective/inoperable VMVS and follow guidance for repair and/or replacement.
14. Ensure arresting officer/assigned officer has transmitted all VMVS and BWC videos associated with arrest with District Attorney's office or special prosecutor.
15. Log into Axon evidence.com video management system at least once per tour, and identify VMVS video(s) recorded by command personnel that have not been categorized properly.
    a. Instruct member to re-categorize VMVS video, as appropriate.

TRAINING SERGEANT

16. Periodically review VMVS video as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.
17. Assess compliance with VMVS program and take necessary remedial action to correct deficiencies.

INTEGRITY CONTROL OFFICER

18. Be responsible for the integrity and security of the VMVS, related hardware and the video management system.
19. Supervise review of VMVS video by supervisors assigned to command.
20. Periodically review VMVS video as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.
21. Complete all investigatory communications sent by the Compliance Section in regard to VMVS usage.
22. Notify the Professional Standards Bureau Compliance Section when VMVS will be out of service for an extended period of time.

COMMANDING OFFICER

23. Ensure compliance with VMVS procedure.

PATROL BOROUGH ADJUTANT/ COUNTERPART

24. Be responsible and provide oversight for VMVS program.
25. Evaluate compliance with VMVS program and manage systems to address deficiencies.
26. Ensure notification to the Professional Standards Bureau Compliance Section is made when VMVS will be out of service for an extended period of time.

ADDITIONAL DATA

Members of the service effecting an arrest will comply with all relevant Department directives regarding criminal discovery.

The VMVS and related hardware/software, as well as video, audio and data captured by the VMVS, irrespective of the content, are at all times the property of the Department. Other than providing copies of VMVS video to members of the Department for official purposes (e.g., arresting officers processing an arrest, detectives conducting criminal investigation, etc.) and prosecutors as described above, uniformed members of the service may not copy, publish, share or disseminate any audio, video, image or data to anyone unless authorized by the Police Commissioner.

The default preservation period for VMVS video is 39 months, at which time it will be automatically deleted. Depending upon the "category" assigned to the video, certain videos (e.g., arrests) may be retained for longer periods. Commanding officers may request that a VMVS recording be retained beyond the prescribed retention period, if necessary. Requests should be submitted, through channels, to the Legal Bureau's Body-Worn Camera Unit, detailing the reasons for the request and expected duration of the preservation.

LEGAL CONSIDERATIONS

The Department is required by law to disclose certain information and material related to criminal and civil proceedings pursuant to the New York Criminal Procedure Law, People v. Rosario, rules governing discovery in civil cases, The Freedom of Information Law (F.O.I.L.), subpoenas, and court orders. The Legal Bureau's Subpoena Litigation Unit will respond to subpoenas, court orders, and F.O.I.L. requests as per P.G. 211-17, "Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law." The Legal Bureau's Body-Worn Camera Unit will process requests from the Civilian Complaint Review Board for VMVS video. Arresting officers will provide the assigned prosecutor with access to all VMVS video related to an arrest utilizing the VMVS.

Confirmatory identifications ("show-ups") must be done in person and not by the witness viewing a VMVS video of the suspect. An image of a suspect depicted in a VMVS video may be used in a photo array for identification, so long as the image is not from an arrest which is subsequently sealed. Any questions regarding such should be referred to the Legal Bureau's Body-Worn Camera Unit. A still shot of the VMVS footage depicting the subject may be taken on a Department computer, printed, and thereafter affixed to a photo array for identification. Requests by a witness or victim to view a VMVS recording must be declined and referred to the appropriate prosecutor handling the case. Requests by civilians to view a VMVS recording that is not related to a criminal case must be declined and referred to the Legal Bureau's Subpoena Litigation Unit. Requests for VMVS recordings can be made by emailing [redacted] *or by making a request on New York City's FOIL website at* [redacted].

Any member of the service requiring VMVS footage to be downloaded to a digital video disc (DVD), as part of their case work or investigation, should email such request to the Legal Bureau's Body-Worn Camera Unit at [redacted] *All requests should include pertinent information regarding the specific VMVS video(s) or specific details of the incident to ensure all necessary VMVS footage is identified and downloaded.*

RELEASING CRIME VICTIM INFORMATION ON BEHALF OF THE NEW YORK STATE OFFICE OF VICTIM SERVICES

PURPOSE To process requests for contact information for victims on behalf of the New York State Office of Victim Services or on behalf of other authorized agencies.

PROCEDURE When the Department receives a request from the New York State Office of Victim Services for contact information for victims (victim's name, address, telephone number and crime classification):

COMMANDING OFFICER

1. Review request and ensure the following:
   a. Request is from the New York State Office of Victim Services direct on their official department letterhead, or
   b. Request is from an authorized organization and is accompanied by a letter from the New York State Office of Victim Services on their official department letterhead (see sample in "Additional Data").
2. Forward to special operations lieutenant for processing.

SPECIAL OPERATIONS LIEUTENANT

3. Review request and ensure information being released does NOT include:
   a. The identity of victims of a sexual offense, and/or
   b. Copies of **COMPLAINT REPORT(S) (PD313-152)**.

NOTe *Information related to the identity of victims of sexual offenses MUST be removed from any information being released to the New York State Office of Victim Services or other authorized organizations. Records such as the* ***COMPLAINT INDEX REPORT*** *will be thoroughly reviewed to ensure that the identity of victims of sexual offenses are manually redacted.*

4. Forward information to be released to commanding officer accompanied by the original request.

COMMANDING OFFICER

5. Review information being released.
6. Ensure a copy of crime victim information and the original request is receipted and retained within the command file, if information is released.

ADDITIONAL DATA *The Department may not release information to organizations which are not acting under the authority of the New York State Office of Victim Services, or as authorized agents of another government agency. The Department may continue to refer victims to other bona fide programs, including but not limited to the Crime Victim Assistance Program (CVAP) as per Patrol Guide 212-125, "Crime Victim Assistance Program (CVAP)."*

SAMPLE LETTER FROM NEW YORK STATE OFFICE OF VICTIM SERVICES:

GOVERNOR **DIRECTOR**

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF VICTIM SERVICES
55 HANSON PLACE, Room 1000
BROOKLYN, NEW YORK 11217-1523
(718) 923-4325

April 18, 2023

Capt. Smith
78th Precinct
65 6th Avenue
Brooklyn, New York 11217

Dear Captain Smith:

The CAMBA (Church Avenue Merchants Block Association) Victim Assistance Program is funded by the New York State Office of Victim Services to assist crime victims in its catchment area, which includes the 78th Precinct. To do this they need access to information (e.g. crime type, victim's name and address and telephone number) which is used to offer assistance in filing compensation claims, to give appropriate referrals to service agencies and to increase victim cooperation with criminal justice agencies, among other objectives.

Please do whatever is within your authority to expedite CAMBA's access to the needed information on a routine and continuing basis. If you have any questions, please call me at (718) 923-4325.

Sincerely,

A. Jones
Program Monitor

PURPOSE To ensure unwanted prescription pills/medications are disposed of in a safe and anonymous manner.

SCOPE To assist in combating the increase in prescription drug abuse, the prescription pill/medication Drop Box program exists so individuals may anonymously and safely dispose of unwanted prescription pills/medications at "Drop Boxes" located in all precincts, police service areas (PSAs), and Transit District 11. Individuals using this program shall remain anonymous and no criminal charges or investigation will be initiated against them, unless it is evident the program is being used to circumvent the law.

PROCEDURE When a person indicates a desire to participate in the prescription pill/medication Drop Box program:

MEMBER OF THE SERVICE

1. Inform the individual that a Drop Box may be found in any precinct, PSA, or Transit District 11.

NOTE *This procedure does not apply to parents/guardians who recover a suspected controlled substance in their child's possession and wish to have it tested anonymously by the Police Laboratory. Such requests will continue to be processed as per P.G. 214-15, "Anonymous Controlled Substance Program."*

MEMBER OF THE SERVICE AT PARTICIPATING COMMAND

2. Direct individual who has prescription pills/medications on their person to personally deposit pills/medications in Drop Box.

MAINTENANCE AND SECURITY OF DROP BOX

COMMANDING OFFICER

3. Have Drop Box placed in an area of the command that is secure, easily accessible to the public on a twenty-four hour basis, and in constant view of desk officer.

DESK OFFICER

4. Inspect Drop Box at the start of each tour to ensure it is locked and secured.
   a. Make a Command Log entry of results of inspection.

INTEGRITY CONTROL OFFICER

5. Maintain control of Drop Box key.
6. Empty contents of Drop Box at least once per week.
   a. Items other than prescription pills/medications which have been placed into the Drop Box by the public will be invoiced according to *P.G. 218-26, "Processing Found Property"* or *P.G. 218-24, "Processing Controlled Substances/Marijuana Contraband Stored at Stationhouse,"* as appropriate.

INTEGRITY CONTROL OFFICER (continued)

b. Place remaining contents of Drop Box into Plastic Security Envelope(s) without counting or inventorying any of the prescription pills/medications.

NOTE

Members who handle items removed from the Drop Box must take proper safety precautions, including wearing disposable gloves while invoicing and packaging such items.

For the purposes of this procedure, members of the service will disregard the applicable portions of P.G. 218-01, "Invoicing Property - General Procedure" and will not quantify the number of prescription pills/medications on the ***PROPERTY CLERK INVOICE (PD521-141)****.*

c. Prepare **PROPERTY CLERK INVOICE**.
   (1) Invoice as "Found Property" in the Property and Evidence Tracking System (PETS).

7. Make Command Log entry and include:
   a. Date and time items were removed from Drop Box,
   b. **PROPERTY CLERK INVOICE** numbers for invoiced prescription pills/medications, and
   c. **PROPERTY CLERK INVOICE** numbers for invoiced items other than prescription pills/medications removed from Drop Box.
8. Personally deliver invoiced prescription pills/medications to Property Clerk Division for destruction.

ADDITIONAL DATA

When a member of the public with a mobility disability seeks to participate in the program but the command does not provide the Anonymous Prescription Drug Box in a location accessible to that individual, members of the service will offer to meet the person in front of the command, retrieve the prescription pills/medication, and deposit in the Drop Box.

In situations when the individual is not comfortable giving the prescription drugs/medication to the member of the service, the member of the service will inform the individual of Department facilities that are accessible to the individual.

DRAFT

PURPOSE To ensure the prompt response of personnel and equipment to the scene of an emergency incident.

DEFINITION EMERGENCY INCIDENTS - a serious accident, vehicle collision, explosion, or similar incident.

PROCEDURE Upon arriving at the scene of an emergency incident:

UNIFORMED MEMBER OF THE SERVICE

1. Radio Communications Section and request:
   a. Personnel and equipment, if necessary
   b. Patrol supervisor/platoon commander.
2. Take other police action indicated by the situation.

NOTE *For incidents involving First Amendment Activity, comply with P.G. 213-21, 'Tiered Response to Policing First Amendment Activities.'*

PATROL SUPERVISOR/ PLATOON COMMANDER

3. Review action taken and determine if additional personnel/equipment is needed.

NOTE *It is incumbent upon all supervisors to ensure that responding units are instructed to resume patrol when services are no longer required.*

4. Activate a Level 1 mobilization, when appropriate, through:
   a. Radio dispatcher, OR
   b. Operations Unit by telephone.
5. Establish command post with telephone, if necessary.
6. Notify precinct desk officer, Operations Unit, Communications Section and Operations Unit patrol borough representative of:
   a. Location and nature of emergency incident
   b. Location and telephone number of command post
   c. Location of mobilization point and route to be used by responding units.

NOTE *Mobilization point should be of sufficient size to accommodate a Level 3 or 4 mobilization. Mobilization point and route should be transmitted to Communications Section.*

7. Request command post flag and log, as necessary.
8. Assign uniformed members of the service as:
   a. Operations officer
   b. Intelligence officer
   c. Personnel officer
   d. Logistics officer.

PATROL SUPERVISOR/ PLATOON COMMANDER (continued)

9. Supervise uniformed members of the service, as required.
10. Prepare **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)**, if applicable.
11. Keep the precinct desk officer and Operations Unit informed of facts.
12. Inform responding commanding officer/duty captain of:
    a. Details of emergency
    b. Action taken
    c. Personnel and equipment on scene or requested.

COMMANDING OFFICER/ DUTY CAPTAIN

13. Assume command and review action taken.
14. Contact command post by telephone for update and determine if additional personnel/equipment are required.
15. Activate a Level 2, 3 or 4 mobilization, as necessary.
16. Develop a plan and deploy personnel to return normalcy to area affected by emergency.
17. Return uniformed members of the service to regular duty when presence is no longer required.
    a. Notify and confer with Operations Unit supervisor relative to other citywide conditions before returning personnel to regular duty.

ADDITIONAL DATA

At the scene of an emergency incident to which a uniformed member of the service in the rank of captain or above is not responding, the platoon commander, or if not available, the patrol supervisor precinct / PSA / transit district of occurrence will assume command as the Incident Commander / Agency Incident Commander until a transfer of command or demobilization occurs.

Based upon the nature and size of the emergency incident, the patrol Duty Captain or Duty Inspector or Duty Chief or Patrol Borough Commanding Officer / Executive Officer may respond. The Patrol Borough Commanding Officer / Executive Officer or if not available, highest ranking patrol Duty supervisor at the scene of the emergency incident will:

1. assume command, or
2. designate the appropriate Incident Commander / Agency Incident Commander, or
3. direct that a transfer of command to an appropriate Incident Commander/Agency Incident Commander occurs.

The Incident Commander / Agency Incident Commander may only be superseded by the Police Commissioner, First Deputy Commissioner, Chief of Department or senior ranking operational Bureau Chief. Other deputy commissioners may render advice and assistance to the Incident Commander / Agency Incident Commander but may not assume command of the incident.

If the incident is of a nature where specialized knowledge or expertise is necessary for the most effective police response (i.e., subway accidents, emergencies in public housing developments, etc.), the Incident Commander shall designate an appropriate ranking member with the aforementioned skills as the Operations Section chief. In most cases, the designee will be the highest ranking member from the appropriate bureau or division involved (e.g., Housing Bureau for public housing incidents, Transit Bureau for subway incidents, etc.).

ADDITIONAL DATA (continued)

The Police and Fire Departments maintain underwater diving units (SCUBA Divers) for response to waterborne accidents, fires and other emergencies. Police Department units, Harbor and Emergency Service personnel are available twenty-four hours daily, and will respond to any submersion or accidents involving occupied vehicles, boats or aircraft or evidence searches. The Aviation Unit is available twenty-four hours a day, seven days a week with scuba team divers for near and offshore air-sea rescues. The Fire Department unit is available on a daily basis, twenty-four hours a day and will respond to fire incidents requiring the use of divers. Requests for Police Department divers from Harbor SCUBA team or Emergency Service unit will be made to the Chief of Special Operations for routine dives and to the Communications Section in emergencies.

NYPD

PURPOSE To have personnel respond rapidly to the scene of an unusual disorder/emergency incident.

PROCEDURE When IMMEDIATE assistance is required at the scene of an unusual disorder/ emergency incident:

PATROL SUPERVISOR

1. Assess situation and, if needed, activate Mobilization Level 1 through radio dispatcher.
   a. Patrol supervisors are authorized to activate a Mobilization Level 1.
   b. Consult with commanding officer/duty captain prior to activating a Level 1 mobilization for a missing person investigation, absent exigent circumstances.
2. Notify commanding officer/duty captain, if assistance is required beyond a Level 1 mobilization.
   a. Upon activation, commanding officer/duty captain will immediately respond to scene.

PLATOON COMMANDER

3. Respond to scene of incident and assume duties of the Incident Commander.
   a. Upon arrival of the commanding officer/duty captain, assume the duties of the Operations Officer in the field command post, and
   b. Advise Incident Commander, as necessary.

NOTE *For incidents occurring in areas that are the responsibility of the Housing Bureau or Transit Bureau, the Housing Bureau or Transit Bureau platoon commander should, if not on scene, respond and assume the duties and responsibilities as described in step 3 above.*

DUTY CAPTAIN

4. Respond to scene.
   a. Contact the command post, while enroute, and get an estimation of the situation from the patrol supervisor/platoon commander at scene.
   b. Assess situation and activate a further mobilization (see pages 7 through 11), after conferral, if necessary.
      (1) Communicate the number of personnel and the level of mobilization required to the patrol borough, Communications Section or the Operations Unit.

NOTE *Mobilization Levels 2, 3 or 4 require the authorization of a captain or above. The captain need not be on the scene, but if authorizing any further mobilization while not at the scene, he/she must communicate with one of the following:*
a. Patrol supervisor/platoon commander
b. Patrol borough concerned
c. Operations Unit.

NOTE (continued)

Mobilization levels need not be utilized in consecutive order. Circumstances may dictate activating Mobilization Level 3 before Level 2 or Level 2 before Level 1. HOWEVER, CAUTION SHOULD BE TAKEN WHEN UTILIZING THESE CODES IN OTHER THAN CONSECUTIVE ORDER BECAUSE PERSONNEL AND EQUIPMENT IN THE OMITTED MOBILIZATION LEVEL WILL NOT RESPOND.

The supervisor activating a mobilization should notify the Operations Unit of personnel and/or equipment that is NOT required. The Operations Unit will then notify units concerned.

All units will comply with duties as listed in the applicable Patrol Guide (213 Series), Operations Unit directions and their respective unit unusual disorder plans.

ACTIVATING SUPERVISOR

5. Notify Operations Unit and patrol borough concerned of the situation that resulted in mobilization.
6. Maintain control of members of the service.
7. Be prepared to brief ranking members of the service.
8. Designate a mobilization point and advise Communications Section of mobilization point and route to be used by responding members.
9. Provide for security of Department resources at the mobilization point and any staging areas utilized.
10. Provide traffic post coverage to allow for the quick access of responding units.
11. Update the Operations Unit and the patrol borough concerned.
12. Act as "Incident Commander" until relieved or until a higher ranking uniformed member from the Patrol Services Bureau, Housing Bureau, or Transit Bureau, assumes command.

NOTE

At the scene of an emergency incident to which a uniformed member of the service in the rank of captain or above is not responding, the platoon commander, or if not available, the patrol supervisor precinct / PSA / transit district of occurrence will assume command as the Incident Commander / Agency Incident Commander until a transfer of command or demobilization occurs.

Based upon the nature and size of the emergency incident, the patrol Duty Captain or Duty Inspector or Duty Chief or Patrol Borough Commanding Officer / Executive Officer may respond. The Patrol Borough Commanding Officer / Executive Officer or if not available, highest ranking patrol Duty supervisor at the scene of the emergency incident will:

1. assume command, or
2. designate the appropriate Incident Commander / Agency Incident Commander, or
3. direct that a transfer of command to an appropriate Incident Commander / Agency Incident Commander occurs.

The Incident Commander / Agency Incident Commander may only be superseded by the Police Commissioner, First Deputy Commissioner, Chief of Department or senior ranking operational Bureau Chief. Other deputy commissioners may render advice and assistance to the Incident Commander / Agency Incident Commander but may not assume command of the incident.

If the incident is of a nature where specialized knowledge or expertise is necessary for the most effective police response (i.e., subway accidents, emergencies in public housing developments, etc.), the Incident Commander shall designate an appropriate ranking member with the

NOTE (continued) *aforementioned skills as the Operations Section chief. In most cases, the designee will be the highest ranking member from the appropriate bureau or division involved (e.g., Housing Bureau for public housing incidents, Transit Bureau for subway incidents, etc.).*

DESK OFFICER, OPERATIONS UNIT

13. Notify:
    a. Affected patrol boroughs, divisions and/or bureaus concerned, (i.e., Housing Bureau, Transit Bureau, Office of the Chief of Special Operations, Traffic Management Center, etc.) to stage required personnel (see pages 7 through 11).
    b. Transit Bureau Patrol Operations Wheel to identify and stage Transit Bureau equipment vehicles necessary.

AFTER ACTIVATION OF A LEVEL 2, 3 OR 4 MOBILIZATION

TRANSIT BUREAU, PATROL OPERATIONS WHEEL

14. Confer, by telephone, with the desk officer of each Transit District concerned regarding the Transit Bureau location to which mobilized Transit Bureau personnel and equipment will respond.
    a. Stage disorder equipment vehicle(s), as required.

NOTE *Disorder equipment vehicles are available through the Operations Unit, twenty-four hours a day, seven days a week.*

DESK OFFICER, TRANSIT BUREAU

15. Notify affected patrol personnel of transit facility designated for response (see pages 7 through 11).
    a. Have notified personnel respond by transit system to chosen Transit Bureau location
    b. Notify command post of number of personnel available at chosen Transit Bureau location.

DESK OFFICER, ALL OTHER BUREAUS

16. Stage required personnel.
17. Inspect responding members for proper equipment.
18. Supply members with a van to respond to mobilization point.

NOTE *Housing Bureau and Transit Bureau personnel mobilized on a Level 3 mobilization will ONLY be utilized to secure their own respective facilities/developments. Housing Bureau and Transit Bureau personnel mobilized on a Level 4 mobilization can be used for other duties.*

19. Inspect responding members for proper equipment and direct members to respond to mobilization point.

MOBILIZED SERGEANTS

20. Respond, with necessary personnel, promptly, to the mobilization point, upon notification.
21. Ensure all responding members are properly equipped.

MOBILIZED SERGEANTS (continued)

22. Ascertain response route and radio frequency to be used from Communications Section dispatcher.
23. Advise members of the nature of the emergency and radio frequency to be used.

NOTE *Supervisors will direct members to tune radios to the frequency designated, although only the vehicle operator and the supervisor will have their radios on while responding to the scene. Transit Bureau supervisor at command post will coordinate communications between the command post and the mobilized Transit Bureau personnel present without citywide frequencies tuned into their radios.*

24. Prepare **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)** prior to arrival at the mobilization point.

FIRST PLATOON RESPONSE EXCEPTION

NOTE *One sergeant per mobile field force will respond to mobilization point with two police officers from the same precinct and a van. The patrol borough concerned will designate which precincts will supply sergeants and lieutenants. Patrol Borough Staten Island will send **only** one sergeant. All other bureaus/divisions will supply personnel as required (see pages 7 through 11).*

MOBILIZED SERGEANTS

25. Gather members from precincts as required to form a squad.
26. Receive instructions at mobilization point and proceed with squad to the staging area or post in van provided.
27. Comply with steps 21, 22 and 23, above.

NOTE *Mobilized lieutenants will be designated by their local patrol borough. On the 2nd and 3rd Platoon, three lieutenants per patrol borough will respond to the mobilization point and form their respective precinct squads into mobile field forces (see pages 12 and 13). On the 1st Platoon **only**, one lieutenant per patrol borough will respond with an RMP and form their respective precinct squads into patrol borough platoons. Patrol Borough Staten Island will supply one lieutenant on the 2nd and 3rd Platoons and no lieutenants on the 1st Platoon. Patrol Boroughs Queens North and Queens South will send only two lieutenants on the 2nd and 3rd Platoon and only one lieutenant on the 1st Platoon.*

ALL PLATOONS

MOBILIZED LIEUTENANTS

28. Respond to mobilization point when notified by patrol borough or Operations Unit of a Mobilization Level Three or Level Four (ALL PLATOONS).
29. Form uniformed members from precincts into mobile field forces as per "Mobile Field Force Assignments - Patrol Services Bureau" (pages 12 and 13).

NOTE *Patrol boroughs/Operations Unit are responsible to reallocate resources within the affected borough or throughout the City to maintain adequate levels of police service and adequate levels of supervision.*

ADDITIONAL DATA

PATROL BOROUGH OPERATIONAL COMMAND IN THE EVENT OF AN EMERGENCY RESPONSE PLAN ACTIVATION

1. Patrol Guide procedure 213-03, "Rapid Mobilization," states as follows, "At the scene of a large scale unusual disorder or other emergency incident, the highest ranking uniformed police supervisor is in command and will be designated as Incident Commander." It further states, "In most cases, the designee will be the highest ranking member from the bureau involved (e.g., the Housing Bureau for public housing incidents, the Transit Bureau for subway incidents, the Chief of Transportation for traffic emergencies, etc.)." Designating an Incident Commander provides centralized command at the scene of an emergency.

*2. If an incident occurs under the "stand-alone" model concept, patrol borough commander(s) will assume operational command of **ALL** Department resources within their geographical area of responsibility with the exception of Chief of Citywide Operations personnel, Facilities Management Division Personnel, and the Transit Bureau.*

a. The Transit Bureau will initiate citywide "stand-alone" operations at the Transit Bureau headquarters in Brooklyn.

3. Under this concept, the Chief of Department/designee will confer with the Deputy Commissioner, Management & Budget to determine which resources assigned to the Facilities Management Division can be made available to the appropriate patrol borough commander. As an event unfolds, follow-up conferrals can be conducted to adjust the availability of resources accordingly. The decision(s) reached by the Chief of Department/designee will be communicated to the appropriate patrol borough commander.

4. When it is determined that patrol borough(s) will operate under the "stand-alone" concept, patrol borough commands will activate borough command posts in accordance with standard operating procedures. Additionally, representatives will be assigned from the Detective Borough, Intelligence Division, Housing Bureau, Chief of Transportation, School Safety Division, Chief of Citywide Operations, and any other unit deemed appropriate by the patrol borough commander. An operational plan should be developed by each patrol borough to facilitate "stand-alone" operations. It should include, at minimum, pre-designated assignments among the borough staff and outside command representatives, identification of necessary equipment and support staff, as well as providing for a relief factor. Since each patrol borough is unique, the borough commander should tailor plans that will address the needs of that particular patrol borough, i.e., potential for civil disorder, public panic, the threat of secondary events, etc. However, patrol borough commanders must recognize that the NYPD Emergency Operations Center retains the authority to direct movement and allocation of resources out of the patrol borough in response to incidents elsewhere throughout the City.

ADDITIONAL DATA (continued)

ACCESS TO SUPPLEMENTARY RESTRAINT KITS

The Crowd Management Unit (CMU) is responsible for deploying specially trained uniformed members of the service to both spontaneous and planned mass demonstrations Citywide. In the event of a large gathering or demonstration where additional law enforcement presence is necessary, CMU is supplemented with borough based uniformed patrol personnel as Mobile Field Forces (MFF).

In order for deploying MFF's to have access to equipment, supplementary restraint kits have been placed in each patrol borough command and strategic locations across the City as follows:

a. PBMS - 230 East 21st Street, 13th Precinct
b. PBMN - 151 West 100th Street, 24th Precinct
c. PBBX - 450 Cross Bronx Expressway, 48th Precinct
d. PBBS - 2820 Snyder Avenue, 67th Precinct
e. PBBN - 179 Wilson Avenue, 83rd Precinct
f. PBQS - 71-01 Parsons Blvd, 107th Precinct
g. PBQN - 68-40 Austin Street, 112th Precinct
h. PBSI - 970 Richmond Avenue, 121st Precinct
i. 1 Police Plaza - Operations Unit (confines of 5th Precinct)
j. Randall's Island - Critical Response Command (confines of 25th Precinct)

Each supplemental restraint kit contains:

- *300 Flex handcuffs*
- *40 Flex handcuffs cutters*
- *40 "Cold Fire" fire extinguishers with holders*

The patrol borough, Operations Unit, incident commander, or other competent authority will dictate if supplementary restraint kits are needed and will direct a responding MFF to obtain and bring the equipment to the mobilization point. The use of supplemental restraint kit(s) will be documented in the Command Post Log.

At the conclusion of the incident/event, the incident commander will designate a uniformed member of the service to return the supplemental restraint kit to the command from where it was obtained. If supplementary restraint kit was used, a notification will be made by the patrol borough or counterpart to the Quartermaster Section to replenish the supplies.

LEVEL 1 STRATEGIC RESPONSE GROUP MOBILIZATION

AUTHORITY TO CALL
- PATROL SUPERVISOR

RESPONDING UNITS
- STRATEGIC RESPONSE GROUP
- 1-RADIO EMERGENCY PATROL (REP)
- 1-PATROL SUPERVISOR HOUSING PSA AND TRANSIT DISTRICT CONCERNED

ADDITIONAL SUPERVISORS
- DUTY CAPTAIN AND COMMAND POST STAFF

LEVEL 2 CITYWIDE STRATEGIC RESPONSE GROUPS MOBILIZATION

AUTHORITY TO CALL
- CAPTAIN OR ABOVE

RESPONDING UNITS
- STRATEGIC RESPONSE GROUP(S) AS DESIGNATED BY OPERATIONS UNIT
- 1-ESU SUPERVISOR AND TRUCK
- 1-REP PER STRATEGIC RESPONSE GROUP ACTIVATED
- 1-HELICOPTER
- 1-COMMAND POST VEHICLE
- 1-DECON TRUCK
- 1-BARRIER TRUCK (LOCAL PATROL BOROUGH)
- 1-SGT. AND 2 DETS. - TARU
- 1-ARREST PROCESSING VEHICLE
- 1-PATROL WAGON
- 1-PATROL SUPERVISOR HOUSING PSA AND TRANSIT DISTRICT CONCERNED, IF NOT ALREADY PRESENT
- 1-CITYWIDE TRAFFIC TASK FORCE SUPERVISOR

NOTE *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

ADDITIONAL SUPERVISORS
- DUTY INSPECTOR BOROUGH OF INCIDENT
- DUTY CAPTAIN AND COMMAND POST STAFF WITH EACH STRATEGIC RESPONSE GROUP MOBILIZED

LEVEL 3 LOCAL BOROUGH MOBILIZATION 2ND AND 3RD PLATOON

AUTHORITY TO CALL CAPTAIN OR ABOVE

RESPONDING UNITS

- 3 LIEUTENANTS (1 PER MOBILE FIELD FORCE) (PBQN AND PBQS ONLY 2 LIEUTENANTS EACH, PBSI SUPPLIES ONLY 1 LIEUTENANT, HOUSING BUREAU 1 LIEUTENANT PER 3 PSAs AND TRANSIT BUREAU 1 LIEUTENANT PER BOROUGH)
- 1 SERGEANT AND 8 POLICE OFFICERS PER PRECINCT AND HOUSING PSA WITHIN PATROL BOROUGH CONCERNED
- 1 SERGEANT AND 8 POLICE OFFICERS PER TRANSIT DISTRICT PURSUANT TO THEIR PLAN (SEE PAGE 13)
- 2 SERGEANTS AND 20 POLICE OFFICERS (HIGHWAY DISTRICT WITH RMPs)
- 1 SERGEANT AND 10 POLICE OFFICERS (STREET CRIME UNIT)
- 2 SERGEANTS AND 10 POLICE OFFICERS (MOUNTED UNIT)
- 1 SERGEANT AND 2 DETECTIVES TARU (IF NOT ALREADY PRESENT)
- 1-ESU SUPERVISOR
- 1-POT TRUCK OR PEACEKEEPER
- 1-MLG OR HELP CAR
- 1-REP OR TRUCK
- 1-PATROL WAGON
- 1-HELICOPTER (IF NOT ALREADY PRESENT)
- 1-COMMAND POST VEHICLE (IF NOT ALREADY PRESENT)
- 1-DECON TRUCK (IF NOT ALREADY PRESENT)
- 1-BARRIER TRUCK (IF NOT ALREADY PRESENT)
- 1-ARREST PROCESSING VEHICLE (IF NOT ALREADY PRESENT)

NOTE *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

ADDITIONAL SUPERVISORS

- DUTY CAPTAIN AND COMMAND POST STAFF (IF NOT ALREADY PRESENT)
- STAFF RESPONSIBLE FOR ASSISTING THE INCIDENT COMMANDER, AS NECESSARY
- CITYWIDE TRAFFIC TASK FORCE SUPERVISOR (IF NOT ALREADY PRESENT)

LEVEL 3 LOCAL BOROUGH MOBILIZATION 1ST PLATOON

AUTHORITY TO CALL
- CAPTAIN OR ABOVE

RESPONDING UNITS
- 3 SERGEANTS PER PATROL BOROUGH (1 PER MOBILE FIELD FORCE WITH VAN) (PBQN AND PBQS WILL SEND 2 SERGEANTS EACH, PBSI, HOUSING BUREAU AND TRANSIT BUREAU WILL SEND 1 SERGEANT EACH)
- 2 POLICE OFFICERS PER PRECINCT AND HOUSING PSA WITHIN PATROL BOROUGH CONCERNED BY RMP
- 2 POLICE OFFICERS PER TRANSIT DISTRICT PURSUANT TO THEIR PLAN (SEE PAGE 13)
- 1 SERGEANT AND 8 POLICE OFFICERS (HIGHWAY DISTRICT WITH RMPs)
- 1 SERGEANT AND 10 POLICE OFFICERS (STREET CRIME UNIT)
- 1-ARREST PROCESSING VEHICLE (IF NOT ALREADY PRESENT)
- 1-ESU SUPERVISOR
- 1-REP AND TRUCK
- 1-MLG OR HELP CAR
- 1-PATROL WAGON
- 1-HELICOPTER
- 1-BARRIER TRUCK (IF NOT ALREADY PRESENT)
- 1-COMMAND POST VEHICLE (IF NOT ALREADY PRESENT)

NOTE *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

ADDITIONAL SUPERVISORS
- DUTY CAPTAIN AND COMMAND POST STAFF
- 1 LIEUTENANT (SELECTED BY PATROL BOROUGH CONCERNED EXCEPT PBSI)

LEVEL 4 CITY WIDE PRECINCT MOBILIZATION 2ND AND 3RD PLATOON

AUTHORITY TO CALL

- CAPTAIN OR ABOVE

RESPONDING UNITS

- 3 LIEUTENANTS (1 PER MOBILE FIELD FORCE) (PBQN AND PBQS ONLY 2 LIEUTENANTS EACH, PBSI SUPPLIES ONLY 1 LIEUTENANT, TRANSIT BUREAU 1 LIEUTENANT PER BOROUGH MOBILIZED)
- 1 HOUSING BUREAU LIEUTENANT PER 3 PSAs
- 1 SERGEANT AND 8 POLICE OFFICERS PER PRECINCT AND HOUSING PSA PER BOROUGH MOBILIZED
- 1 SERGEANT AND 8 POLICE OFFICERS PER TRANSIT DISTRICT PURSUANT TO THEIR PLAN (SEE PAGE 13)
- 1 SERGEANT AND 10 POLICE OFFICERS (HIGHWAY DISTRICT WITH RMPs [ADDITIONAL])
- 1 SERGEANT AND 10 POLICE OFFICERS (STREET CRIME UNIT [IF NOT ALREADY PRESENT])
- 2 SERGEANTS AND 10 POLICE OFFICERS (MOUNTED UNIT [ADDITIONAL])
- 1-ARREST PROCESS VEHICLE (ADDITIONAL)
- 1-SERGEANT AND 4 POLICE OFFICERS - PAFTS
- 1-ESU SUPERVISOR (ADDITIONAL)
- 1-POT TRUCK OR PEACEKEEPER (ADDITIONAL)
- 1-MLG OR HELP CAR (ADDITIONAL)
- 1-REP OR TRUCK (ADDITIONAL)
- 1-SERGEANT AND 2 DETECTIVES - TARU (IF NOT ALREADY PRESENT)
- 1-COMMAND POST VEHICLE (ADDITIONAL)
- 1-BARRIER TRUCK (IF NOT ALREADY PRESENT)
- 1-DECON TRUCK (IF NOT ALREADY PRESENT)
- 1-PATROL WAGON (ADDITIONAL)

NOTE *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

ADDITIONAL SUPERVISORS

- DUTY CHIEF
- DUTY INSPECTOR (BOROUGH OF INCIDENT)
- DUTY CAPTAIN AND COMMAND POST STAFF WITH EACH BOROUGH MOBILIZED, UNLESS ALREADY ON SCENE FROM LEVEL 2
- STAFF RESPONSIBLE FOR ASSISTING INCIDENT COMMANDER, AS NECESSARY
- 1 CAPTAIN HOUSING BUREAU AND TRANSIT BUREAU, IF AVAILABLE
- 1 CITYWIDE TRAFFIC TASK FORCE SUPERVISOR (IF NOT ALREADY PRESENT)

LEVEL 4 CITY WIDE PRECINCT MOBILIZATION 1ST PLATOON

AUTHORITY TO CALL CAPTAIN OR ABOVE

RESPONDING UNITS EACH DESIGNATED BOROUGH WILL SEND (PER PATROL BOROUGH):

- 3 SERGEANTS PER PATROL BOROUGH (1 PER MOBILE FIELD FORCE WITH VAN), PBQN AND PBQS WILL SEND 2 SERGEANTS EACH, PBSI, HOUSING BUREAU AND TRANSIT BUREAU WILL SEND 1 SERGEANT EACH
- 2 POLICE OFFICERS PER PRECINCT AND HOUSING PSA WITHIN PATROL BOROUGH CONCERNED BY RMP
- 2 POLICE OFFICERS PER TRANSIT DISTRICT PURSUANT TO THEIR PLAN (SEE PAGE 13)
- 1 SERGEANT AND 8 POLICE OFFICERS (HIGHWAY DISTRICT WITH RMPs [IF NOT ALREADY PRESENT])
- 1 SERGEANT AND 10 POLICE OFFICERS (STREET CRIME UNIT [IF NOT ALREADY PRESENT])
- 1-ESU SUPERVISOR (IF NOT ALREADY PRESENT)
- 1-REP AND TRUCK (IF NOT ALREADY PRESENT)
- 1-MLG OR HELP CAR (IF NOT ALREADY PRESENT)
- 1-PATROL WAGON (ADDITIONAL)
- 1-POT TRUCK OR PEACEKEEPER (ADDITIONAL)
- 1-HELICOPTER (IF NOT ALREADY PRESENT)
- 1-BARRIER TRUCK (IF NOT ALREADY PRESENT)
- 1-COMMAND POST VEHICLE (ADDITIONAL)

NOTE *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

ADDITIONAL SUPERVISORS

- DUTY CAPTAIN AND COMMAND POST STAFF
- 1 LIEUTENANT (SELECTED BY PATROL BOROUGH CONCERNED, EXCEPT PBSI)
- 1 CAPTAIN HOUSING BUREAU AND TRANSIT BUREAU, IF AVAILABLE

MOBILE FIELD FORCE ASSIGNMENTS
PATROL SERVICES BUREAU

		2ND & 3RD PLATOONS (1 SGT AND 8 POs PER PRECINCT)		1ST PLATOON (1 SGT PER MOBILE FIELD FORCE 2 POs PER PRECINCT)		
MOBILE FIELD FORCE NUMBER		**SGTs**	**POs**	**SGTs**	**POs**	**PCTS ASSIGNED**
PBMS	1	3	24	1	6	1-5-7
	2	4	32	1	8	6-9-10-13
	3	3	24	1	6	MTS-17-MTN
	SUB TOTAL	**10**	**80**	**3**	**20**	
PBMN	4	4	32	1	8	19-20-CPP-24
	5	4	32	1	8	26-30-33-34
	6	4	32	1	8	23-25-28-32
	SUB TOTAL	**12**	**96**	**3**	**24**	
PBBX	7	4	32	1	8	40-42-44-48
	8	4	32	1	8	41-43-45-49
	9	4	32	1	8	46-47-50-52
	SUB TOTAL	**12**	**96**	**3**	**24**	
PBBS	10	4	32	1	8	60-61-62-70
	11	5	40	1	10	66-68-72-76-78
	12	4	32	1	8	63-67-69-71
	SUB TOTAL	**13**	**104**	**3**	**26**	
PBBN	13	3	24	1	6	73-75-81
	14	4	32	1	8	77-79-84-88
	15	3	24	1	6	83-90-94
	SUB TOTAL	**10**	**80**	**3**	**20**	
PBQS	16	4	32	1	8	102-103-106-107
	17	4	32	1	8	100-101-105-113
	SUB TOTAL	**8**	**64**	**2**	**16**	
PBQN	18	4	32	1	8	104-108-114-115
	19	4	32	1	8	109-110-111-112
	SUB TOTAL	**8**	**64**	**2**	**16**	
PBSI	**20**	**3**	**24**	**1**	**6**	120-122-123
SUB TOTAL PSB		76	608	20	152	

TRANSIT BUREAU

MFF BELOW	1	3	24	1	6	PER TRANSIT PLAN
	2	4	32	1	8	DO
	3	4	32	1	8	DO
	SUB TOTAL	**11**	**88**	**3**	**22**	

HOUSING BUREAU

1	3	24	1	6	ANY 3 PSAs
2	3	24	1	6	DO
3	3	24	1	6	DO
SUB TOTAL	**9**	**72**	**3**	**18**	
GRAND TOTAL		**96**	**768**	**26**	**192**

NOTE *Mobile Field Forces are a method of organizing personnel into groups utilizing the "old" geographical patrol division format with the exception of Patrol Borough Queens North and Queens South. The Housing Bureau and Transit Bureau will organize their own mobile field forces as per their own in bureau plans.*

TRANSIT BUREAU RESPONSE PLAN

The Transit Bureau Patrol Boroughs do not currently correspond to the geographic and administrative patrol boroughs of the Patrol Services Bureau.

To address this the following response plan will be utilized:

PATROL BOROUGH MOBILIZED	2ND & 3RD PLATOON RESPONSE PER DISTRICT	1ST PLATOON RESPONSE PER DISTRICT	DISTRICT(S) REQUIRED TO RESPOND
PBMS	1 SGT & 8 POs	2 POs	2 & 4
PBMN	1 SGT & 8 POs	2 POs	1 & 3
PBBX	1 SGT & 8 POs	2 POs	11 & 12
PBBS	1 SGT & 8 POs	2 POs	32 & 34
PBBN	1 SGT & 8 POs	2 POs	30 & 33
PBQN AND PBQS	1 SGT & 8 POs	2 POs	20
PBSI	NONE	NONE	NONE

PURPOSE To alert units concerned that a mobilization has occurred and its companion readiness levels have been initiated.

PROCEDURE When a mobilization level has been activated and a readiness level is automatically initiated:

READINESS LEVEL 1

INCIDENT COMMANDER

1. Activate "Field Command Post."

COMMUNICATIONS SECTION

2. Notify Operations Unit of details, broadcast "Readiness Level One" on all frequencies within affected patrol borough and notify Strategic Response Group concerned.

OPERATIONS UNIT

3. Notify local patrol borough, Housing Bureau, Transit Bureau, Chief of Transportation and Office of the Chief of Special Operations.
4. Place all non-affected Strategic Response Groups and Transit Bureau task forces on alert.

PATROL BOROUGH COMMAND

5. Monitor incident and notify the following commands of the situation:
   a. Local Strategic Response Group, if not already on the scene
   b. Patrol borough duty inspector/captain
   c. Patrol borough community affairs personnel
   d. Patrol borough command post personnel (Alert Status Only)
   e. Community Affairs personnel - precincts concerned
   f. Detective borough concerned
   g. Platoon commander, precinct concerned, to respond.
      (1) If unavailable, notify platoon commander adjoining precinct to respond.

READINESS LEVEL 2

COMMUNICATIONS SECTION

6. Notify Operations Unit and broadcast "Readiness Level Two" on all frequencies.

OPERATIONS UNIT

7. Alert all non-mobilized Strategic Response Groups, including Transit Bureau task forces, as well as precinct and Housing Bureau personnel within patrol borough concerned, holding same beyond expiration of tour.

NOTE *The Operations Unit will release Strategic Response Groups, including Transit Bureau task forces, and precinct and Housing Bureau personnel ONLY after conferral between the Incident Commander and a supervisor from the Operations Unit.*

OPERATIONS UNIT (continued)

8. Staff Operations Unit command post and monitor situation.
9. Notify the following commands of the situation and their required response of equipment, supervisors and personnel:
   a. All patrol boroughs, Transit Bureau task forces, and Strategic Response Group to remain on alert or respond to scene
   b. Duty chief
   c. Office of the Chief of Special Operations
   d. Chief of Transportation
   e. First Deputy Commissioner
   f. Chief of Crime Control Strategies
   g. Deputy Commissioner - Legal Matters
   h. Deputy Commissioner, Community Affairs Bureau
   i. Deputy Commissioner - Public Information
   j. Chief of Department
   k. Chief of Patrol
   l. Chief of Housing Bureau
   m. Chief of Detectives
   n. Chief of Internal Affairs
   o. Chief of Transit Bureau
   p. Criminal Justice Bureau
   q. Property Clerk Division
   r. Fleet Services Division
   s. Communications Section
   t. Candidate Assessment Division
   u. Police Academy
   v. Quartermaster Section.

PATROL, HOUSING, AND TRANSIT BOROUGH COMMANDS

10. Notify the following commands of the situation:
    a. Precincts, police service areas, transit districts within affected patrol borough - alert for possible mobilization. (A response of one sergeant and eight police officers, with Department van, will stand-by at each precinct or affected command).
    b. Patrol borough, police service area or transit district commanding officer
    c. Duty inspector/captain
    d. Detective borough concerned
    e. Patrol borough and precinct community affairs personnel
    f. Precinct detective squads
    g. Chief of Transportation and precincts concerned - to staff route to mobilization point.

DETECTIVE BOROUGH

11. Designate one sergeant and three detectives to respond to Field Command Post to serve as intelligence staff.

READINESS LEVEL 3

COMMUNICATIONS SECTION

12. Notify Operations Unit and broadcast "Readiness Level Three" on all frequencies.

OPERATIONS UNIT

13. Staff Operations Unit command post and monitor situation.

NOTE *All uniformed members of the service assigned to commands within Patrol Services Bureau, Housing Bureau or Transit Bureau will be alerted and held beyond the expiration of their tour, if necessary. The Operations Unit will release such personnel ONLY after conferral between the Incident Commander and a supervisor assigned to the Operations Unit.*

14. Notify the following of developments and the need to staff the Operations Unit command post:
    a. Office of Community Affairs Bureau
    b. Office of Deputy Commissioner - Public Information
    c. Office of the Chief of Department
    d. Office of the Chief of Patrol
    e. Office of the Chief of Housing Bureau
    f. Office of the Chief of Detectives
    g. Office of the Chief of Personnel
    h. Office of the Chief of Transit Bureau
    i. Duty Chief
    j. Commanding Officer, Support Services Bureau.

NOTE *Citywide units previously notified, as per Readiness Level 2 will await deployment, as required, by the Operations Unit.*

PATROL BOROUGH COMMAND

15. Activate borough command post and staff with pre-designated or members designated by the Tactical Operations Coordinator.

NOTE *Members will fill positions as follows:*
a. Tactical Operations Coordinator
b. Operations Officer
c. Personnel/Administrative Officer
d. Logistics Officer
e. Intelligence Officer.

For further information regarding the above titles, see ADDITIONAL DATA.

DETECTIVE BUREAU

16. Assign one detective supervisor from detective borough to respond to the borough command post.

INTELLIGENCE DIVISION

17. Assign one uniformed member to respond to the borough command post.

NOTE *On duty uniformed members of the service assigned to non-uniformed units (e.g., Candidate Assessment Division, Detective Bureau, Police Academy, etc.) will respond to their command, change into uniform, and await deployment. Parent commands are responsible to consolidate personnel staffing figures and locations and notify the Operations Unit. Support units, such as the Property Clerk Division, Criminal Justice Bureau, Quartermaster Section, Community Outreach Division, Crime Prevention Division, Office of the Deputy Commissioner-Public Information, etc., will recall identified key personnel, contact the Operations Unit for instructions, and await deployment.*

PATROL BOROUGH COMMAND

18. Notify the following:
    a. Commanding officer - patrol borough concerned
    b. Duty inspector/captain - patrol borough concerned
    c. Operations Unit
    d. Precinct/borough detective units
    e. Precinct/borough community affairs personnel.

<u>READINESS LEVEL 4</u>

COMMUNICATIONS SECTION

19. Notify Operations Unit and broadcast "Readiness Level Four" on all frequencies.

OPERATIONS UNIT

20. Activate Operations Unit command post.
    a. Staff with previously designated members or those selected by Tactical Operations Coordinator to serve as:
        (1) Tactical Operations Coordinator
        (2) Operations Officer
        (3) Personnel/Administrative Officer
        (4) Logistics Officer
        (5) Intelligence Officer.

NOTE *For further information regarding the above titles, see ADDITIONAL DATA.*

21. Deploy personnel on stand-by as needed.

OPERATIONS UNIT (continued)

22. Notify:
    a. Police Commissioner
    b. First Deputy Commissioner
    c. Chief of Department
    d. Chief of Patrol
    e. Chief of Housing Bureau
    f. Chief of Detectives
    g. Chief of Personnel
    h. Chief of Internal Affairs
    i. Chief of Transit Bureau

NOTE *The Operations Unit will release personnel ONLY after conferral between the Incident Commander and a supervisor assigned to the Operations Unit.*

DETECTIVE BOROUGH CONCERNED

23. Assign one captain, one additional sergeant and three additional detectives to field command post to augment the Intelligence staff.

NOTE *Citywide units previously identified as per "Readiness Levels" will be deployed as required by the Operations Unit command post.*

ADDITIONAL DATA *The following are synopses of duties of ranking uniformed members of the service in connection with mobilizations and command post operations:*

INCIDENT COMMANDER *- the one position that will always be filled at every incident, regardless of size, by the* ***HIGHEST UNIFORMED RANKING POLICE SUPERVISOR ASSUMING COMMAND****, who has responsibility for overall management of incident in question.*

TACTICAL OPERATIONS COORDINATOR *- directs, supervises and ensures coordination of tasks performed by command post staff, except those areas reserved by Incident Commander.*

OPERATIONS OFFICER *- principal staff officer on matters pertaining to strategy, tactics and overall operations.*

PERSONNEL/ADMINISTRATIVE OFFICER *- primary advisor to the Incident Commander or the Tactical Operations Coordinator in all aspects of unit strength, management, personnel services support, administrative support and medical support. Responsible for prisoner issues and security of command posts.*

INTELLIGENCE OFFICER *- principal advisor to the Incident Commander on all intelligence and investigative matters relating to the disorder. Responsible for coordinating and directing efforts of detectives, community affairs, Deputy Commissioner - Public Information and Intelligence Division personnel.*

LOGISTICS OFFICER *- principal staff officer for the Incident Commander in matters of supply, maintenance, transportation and services. Responsible for security of all mobilization points, staging areas and designating the support corridor for staging the support units.*

PURPOSE To establish specific duties and responsibility with respect to uniformed members assigned to non-First Amendment Activity related unusual disorders.

PROCEDURE When directed to respond to a scene of a non-First Amendment Activity related unusual disorder:

UPON REPORT OF A LEVEL ONE OR HIGHER MOBILIZATION:

PCT. CO/ XO DUTY INSP./ DUTY CAPT./ OR UMOS OF HIGHER RANK

1. Report to the command post.
   a. Contact the command post by radio or telephone, while enroute, to get an assessment of the situation.
2. Upon arrival at command post:
   a. Assume the role of Incident Commander as per *P.G. 213-03, "Rapid Mobilization."*
   b. Designate suitable mobilization point.
      (1) Arrange for traffic posts and security posts at that location.
   c. Authorize the mobilization of additional personnel, if necessary, after briefing by patrol supervisor or Operations unit patrol borough representative.
   d. Debrief highest-ranking supervisor on scene.

NOTE *The responding uniformed member concerned need not be present at the scene to authorize a higher level of mobilization.*

For First Amendment Activity related unusual disorders, comply with P.G. 213-21, 'Tiered Response to Policing First Amendment Activities.'

3. Ensure that a properly staffed and operating command post has been established and:
   a. Identify location for command post.
   b. Request precinct, police service area, or transit district disorder plan be delivered to the command post.
   c. Organize the command post staff, if not already established, from available personnel to perform as:
      (1) Operations Officer - Tactical advisor
      (2) Intelligence Officer - Intelligence advisor
      (3) Personnel and Administrative Officer - Staffing advisor
      (4) Logistics Officer - Equipment advisor.
   d. Review disorder area.
      (1) Utilize maps, if unable to personally inspect area.
4. Establish communications by:
   a. Conferring with Communications Section for an appropriate citywide frequency.
   b. Having special or additional frequencies used for conversation between captains and above.

PCT. CO/ XO DUTY INSP./ DUTY CAPT./ OR UMOS OF HIGHER RANK (continued)

c. Using cellular telephones at command post to improve communications.

d. Having RMPs with mobile digital terminals utilized to bolster communication and deployed, by the personnel officer, where needed, e.g., mobilization point, borough and command post.

e. Implementing dual dispatch system, (i.e., high priority calls go to disorder control personnel; lower priority calls to precinct units).

NOTE *Communications Section must be conferred with regarding the frequency to be used during mobilization.*

5. Deploy responding uniformed members by:
   a. Formulating a plan of action.
   b. Estimating the size, movement, motivation, intent, and leadership of the disorderly group.
   c. Identifying:
      (1) The participants of the crowd or disorderly group,
      (2) Whether the majority of participants are engaged in disorderly behavior or the disorderly behavior is attributable to smaller groups and/or specific individuals,
      (3) Whether the disorder has escalated to violence or property damage, and
      (4) The geographical boundaries of the areas involved.
   d. Estimating the duration and intensity of the disorder.
   e. Beginning efforts to control the spread of rumors.

NOTE *Community affairs personnel with community leaders, as listed in Appendix "H" of the command's unusual disorder plan, can be used to dispel rumors and disseminate accurate information.*

   f. Identifying future locations the crowd or disorderly group may target, if applicable, by utilizing community affairs and detective personnel.
   g. Dividing the disorder area into sectors for mobile patrol by Strategic Response Group personnel, preferably in vans.
   h. Containing or excluding disorderly groups from specific areas, ordering disorderly groups to disperse, and making arrests when necessary and appropriate.
      (1) Contain and isolate disorderly groups by sectoring, perimeter security, or other appropriate manner when necessary.
   i. Having Strategic Response Group personnel use mobile tactics of speed, surprise and deception to accomplish their assignment.
      (1) Deploy personnel as a unit, when possible, to mobile or foot posts within the designated sectors.
   j. Directing that arrests be made, when appropriate.
   k. Deploying two-thirds of available enforcement personnel and holding one-third personnel in reserve.

PCT. CO/ XO DUTY INSP./ DUTY CAPT./ OR UMOS OF HIGHER RANK (continued)

l. Assigning additional personnel, if needed, when sufficient mobile forces are deployed in sectors, as follows:
   (1) Foot posts - assign one sergeant and eight police officers to posts of sufficient size.
   (2) Perimeter security posts - assign at least one disorder control squad, consisting of one sergeant and eight police officers, to each security post to perform the following:
      (a) Prevent disorderly persons from entering particular areas, creating dangerous crowding conditions, impeding traffic, etc.
      (b) Keep curiosity seekers and unauthorized persons out of area when dangerous conditions exist.
      (c) Reroute public or private transportation vehicles around the area as necessary.
      (d) Provide rooftop and overhead security.

6. MUST provide patrol borough and Operations Unit with regular updates on the progress of disorder control efforts, as well as unusual developments, or the need for additional resources.

7. Instruct all supervisors on the following:
   a. Nature of the disorder.
   b. Mission and objectives, including specific objectives for specialized units.
   c. Reminder that independent or unauthorized actions will not be tolerated.
   d. Use minimum force necessary to achieve objectives.
   e. Location of arrest processing areas.
   f. Location of command post and appropriate telephone numbers.
   g. Post or sector boundaries, radio call signals and designated frequency.
   h. Use of specialized equipment.
   i. Tactics that will be utilized.
   j. Reporting ring schedules for command post, staggered for enforcement units every thirty minutes; hourly for all other concerned units.
   k. Need to immediately report important or unusual events.

NOTE *Captains may be assigned as commanders of Strategic Response Groups or borough sized precinct personnel contingents and will maintain unity of assignment for the particular unit commanded. (Team assignments are listed in ADDITIONAL DATA).*

8. Prepare for relief as follows:
   a. Have commander ending his/her tour confer with new Incident Commander.
   b. Have both commanders debrief all field commanders concerning:
      (1) Changing patterns of disorder
      (2) Strength of disorderly groups
      (3) Any police related incidents occurring during tour
      (4) Any recommendation as to changes in overall strategies, etc.

LIEUTENANT

9. Respond quickly and safely to stationhouse, ascertain the mobilization point, and respond promptly by RMP.
10. Assume duties as mobile field force commander.

NOTE *Lieutenants will be responsible for the performance of squads under their command. Squads will consist of one sergeant and eight police officers from each precinct in the assigned mobile field force.*

11. Assist Incident Commander, in the operation of the field command post, if directed.
12. Assume duty as either the Operations, Personnel, Intelligence or Logistics Officer (see ADDITIONAL DATA), if assigned to the field command post.
13. Have helmet, baton, flashlight, **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)** and disorder control guidelines available on patrol in RMP.
14. Direct that Department vehicles be parked in designated spaces only, at mobilization point.
15. Follow instructions of captain/incident commander, instruct responding sergeants and collect **DETAIL ROSTER/ASSIGNMENT SHEETS**.
    a. Submit collected **DETAIL ROSTER/ASSIGNMENT SHEETS** to command post.
16. Instruct sergeants as to what radio frequency is being used and ensure that all radios are tuned to the designated frequency.
    a. Maintain radio discipline of subordinate members.
17. Inspect sergeants for required uniform and equipment.
    a. Warn sergeants against unauthorized radio transmissions which are potentially dangerous to all members assigned to disorder.
18. Have sergeants deliver vehicle keys to vehicle security detail, if required.
19. Explain instructions carefully to all sergeants and ensure that all subordinates, including police officers, receive these instructions and record pertinent information, such as:
    a. Importance of team concept in disorder control
    b. Post and/or sector boundaries
    c. Nature of disorder
    d. Mission of the team
    e. Location and telephone number of command post and arrest processing area
    f. Identification of Incident Commander, platoon-mobile field force lieutenant, and other key ranking officers
    g. Equipment information
    h. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.

NOTE *Squads will consist of one sergeant and eight police officers from the same precinct. Sergeants will be called by precinct designation, example "46 sergeant." Mobile field force will consist of precinct personnel as listed in ADDITIONAL DATA, page 10, e.g. 1st, 5th and 7th Precincts are designated the 1st mobile field force; 46th, 47th, 50th, and 52nd Precincts are designated the 9th mobile field force. Lieutenants will be called by lieutenant's mobile field force designation, example "9th mobile force lieutenant."*

LIEUTENANT (continued)

20. Instruct subordinate members of the following assignment guidelines:
    a. Do not act independently; follow direction and adhere to the team concept.
    b. Importance of de-escalation tactics and crowd psychology.
    c. Do not "punish," rather, be "professional" at all times.
    d. Ensure that only minimum force is used to achieve objectives.
    e. Be tolerant of verbal abuse uttered by civilians in crowd in attempting to provoke an incident.
    f. Maintain formation when advancing in a disorder situation.
    g. Maintain one arm's length distance between themselves and the adjoining member.
    h. "On guard" stance should be used by all members in either a line or wedge formation.
    i. Be aware of potential danger of rooftops and high ground locations, e.g., rock/bottle throwers, snipers, etc.
    j. MAINTAIN FIREARMS DISCIPLINE.

NOTE *Supervisors of arrest teams should not stray from police lines due to the possibility of being surrounded by crowd members. Supervisors should also ensure that arresting officers adequately observe and document the actions of those arrested, prior to and during the arrest.*

21. Instruct subordinate members of the following prohibited conduct:
    a. Do not permit any subordinate to become complacent, regardless of their particular assignment.
    b. Do not permit any subordinate to break from formation or act independently, i.e., "Think Team."
    c. Employ de-escalation tactics when possible.
    d. Do not permit sergeants to assign less than two officers to roof top posts, rear yards or alleys.
        (1) Ensure that only uniformed officers are given these assignments.
    e. Do not permit unnecessary conversation.
    f. Do not permit officers to congregate on post.
    g. Do not permit unauthorized radio transmissions.

NOTE *A lieutenant is responsible for overseeing one mobile field force consisting of three to five squads, each consisting of one sergeant and eight police officers. In disorder control situations, it is imperative that lieutenants reinforce the "team concept" of working together to form a larger team and not individually. Each mobile field force can be given a variety of assignments (see ADDITIONAL DATA for listing of team assignments).*

SERGEANT

22. Respond quickly and safely to stationhouse, form squad of eight police officers, ensure they are properly equipped and respond to mobilization point as directed by van.
23. Assume duties of squad sergeant.

NOTE *Sergeants will be responsible for the performance of the squad they are assigned. Each squad will consist of eight police officers from the sergeant's respective precinct.*

SERGEANT (continued)

24. Prepare **DETAIL ROSTER/ASSIGNMENT SHEET** enroute to mobilization point.
25. May be directed to assist the Incident Commander in the operation of the field command post.
26. Assume duty as either the Operations, Personnel, Intelligence, or Logistics Officer (see ADDITIONAL DATA), if assigned to the field command post.
27. Have helmet, baton, flashlight, **DETAIL ROSTER/ASSIGNMENT SHEET**, and disorder control guidelines available on patrol in RMP.
28. Follow instructions of supervisors, inspect members assigned, submit **DETAIL ROSTER/ASSIGNMENT SHEET**, etc.
29. Ensure that portable radio is on designated frequency and maintain radio discipline of subordinates.
30. Direct that Department vehicle is parked in designated area only.
31. Have vehicle keys delivered to security detail, if required.
32. Conduct thorough inspection of members assigned.
33. Explain instructions carefully to all police officers assigned, instructing uniformed members concerned to record important information such as:
    a. Importance of team concept in disorder control.
    b. Importance of de-escalation tactics and crowd psychology.
    c. Post and/or sector boundaries.
    d. Nature of disorder.
    e. Equipment information.
    f. Mission of squad.
    g. Location and phone number of command post and arrest processing area.
    h. Identification of Incident Commander, platoon-mobile field force lieutenant, and other key ranking officers.
    i. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.

NOTE *Each squad will consist of one sergeant and eight police officers from the same precinct. Sergeants will be called by precinct designation, example "46th sergeant". Mobile field force will consist of precinct personnel as listed in ADDITIONAL DATA, page 8, e.g. 1st, 5th and 7th Precincts are designated the 1st mobile field force; 46th, 47th, 50th, and 52nd Precincts are designated the 9th mobile field force. Lieutenants will be called by their mobile field force designation, example "9th mobile field force lieutenant". Captains will command three mobile field forces of each borough and will be called by their borough designations, e.g., "Bronx captain".*

34. Instruct subordinate members on the assignment guidelines as listed in step 20.
35. Instruct subordinate members on PROHIBITED CONDUCT as listed in step 21.

POLICE OFFICER

36. Have helmet, baton, flashlight and disorder control guidelines available in RMP on patrol.
37. Respond quickly and safely to stationhouse or mobilization point as directed.
38. Follow instructions of supervisors.
39. Have portable radio tuned to designated frequency, when directed.

POLICE OFFICER (continued)

40. DO NOT drive through a disorder area to reach a mobilization point or staging area.
41. Park Department vehicle in designated space ONLY.
    a. DO NOT BLOCK OTHER VEHICLES.
    b. Give keys of RMP to security detail, if required.
42. Listen to instructions carefully and record important information such as:
    a. Post and/or sector boundaries
    b. Nature of disorder
    c. Mission of the team
    d. Equipment information
    e. Location and phone number of command post and arrest processing area
    f. Identification of squad sergeant and other ranking officers.
    g. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.
43. Comply with instructions on the assignment guidelines listed in step 20.
44. Comply with instructions on PROHIBITED CONDUCT listed in step 21.

ADDITIONAL DATA

TEAM ASSIGNMENTS

- ***CROWD DISPERSAL*** *- Responsible for giving warnings to disorderly crowds, including instructions to step out of roadways or disperse from the area. Take action against unlawful and disorderly groups. In line or wedge formations, direct team to disperse a disorderly crowd.*

- ***MOBILE RESPONSE*** *- Required to create sectors in the disorder area for patrol by mobile response units. Also responsible to create a mobile reserve for emergency response and reliefs.*

- ***ARREST DUTY*** *- Required to implement appropriate arrest tactics under the supervision of sergeants and lieutenants.*

- ***GENERAL PATROL*** *- Responsible to provide teams assigned to foot patrol to create a sense of police presence in area. Required to select appropriate posts for patrol.*

- ***PROTECTING VULNERABLE, SENSITIVE OR CRITICAL LOCATIONS*** *- Responsible for correctly identifying locations and providing security for designated areas.*

- ***ESCORT DUTY*** *- Maintain a liaison with other agencies and utilities, and provide staging locations where the system of escorts can be administered.*

- ***PERIMETER DUTY*** *– Identify borders of the disorder and provide perimeter security on appropriate roadways to create a system to:*
- *a. Detour traffic around the disorder area*
- *b. Identify alternate routes to detour traffic*
- *c. Prevent unauthorized entry into the disorder area*
- *d. Prevent disorderly groups from entering specific areas.*

ADDITIONAL DATA (continued)

MOBILE FIELD FORCE ASSIGNMENTS
PATROL SERVICES BUREAU

MOBILE FORCE	FIELD NUMBER	2ND & 3RD PLATOONS (1 SGT. AND 8 POs PER PRECINCT) SGTs	POs	1ST PLATOON (1 SGT. PER MOBILE FIELD FORCE 2 POs PER PRECINCT) SGTs	POs	PCTS ASSIGNED
PBMS	1	3	24	1	6	1-5-7
	2	4	32	1	8	6-9-10-13
	3	3	24	1	6	MTS-17-MTN
SUBTOTAL		**10**	**80**	**3**	**20**	
PBMN	4	4	32	1	8	19-20-CPP-24
	5	4	32	1	8	26-30-33-34
	6	4	32	1	8	23-25-28-32
SUBTOTAL		**12**	**96**	**3**	**24**	
PBBX	7	4	32	1	8	40-42-44-48
	8	4	32	1	8	41-43-45-49
	9	4	32	1	8	46-47-50-52
SUBTOTAL		**12**	**96**	**3**	**24**	
PBBS	10	4	32	1	8	60-61-62-70
	11	5	40	1	10	66-68-72-76-78
	12	4	32	1	8	63-67-69-71
SUBTOTAL		**13**	**104**	**3**	**26**	
PBBN	13	3	24	1	6	73-75-81
	14	4	32	1	8	77-79-84-88
	15	3	24	1	6	83-90-94
SUBTOTAL		**10**	**80**	**3**	**20**	
PBQS	16	4	32	1	8	102-103-106-107
	17	4	32	1	8	100-101-105-113
SUBTOTAL		**8**	**64**	**2**	**16**	
PBQN	18	4	32	1	8	104-108-114-115
	19	4	32	1	8	109-110-111-112
SUBTOTAL		**8**	**64**	**2**	**16**	
PBSI	20	3	24	1	6	120-122-123
TOTAL PSB		**76**	**608**	**20**	**152**	
			TRANSIT BUREAU			
MFF	1	3	24	1	6	PER TRANSIT
	2	4	32	1	8	PLAN (SEE
	3	4	32	1	8	ADD. DATA,
TOTAL TD		**11**	**88**	**3**	**22**	page 9)
			HOUSING BUREAU			
	1	3	24	1	6	ANY 3 PSAs
	2	3	24	1	6	DO
	3	3	24	1	6	DO
TOTAL HB		**9**	**72**	**3**	**18**	
GRAND TOTAL		**96**	**768**	**26**	**192**	

NOTE *Mobile field forces are a method of organizing personnel into working groups utilizing the "old" geographical patrol division format with the exception of Patrol Borough Queens North and Queens South. The Housing Bureau and Transit Bureau will organize their mobile field forces as per their own Bureau plans.*

ADDITIONAL DATA (continued)

TRANSIT BUREAU RESPONSE PLAN

The Transit Bureau patrol boroughs do not currently correspond to the geographical and administrative patrol boroughs of the Patrol Services Bureau. To address this, the following response plan will be utilized:

PATROL BOROUGH MOBILIZED	2ND & 3RD PLATOON RESPONSE PER DISTRICT	1ST PLATOON RESPONSE PER DISTRICT	DISTRICT(S) REQUIRED TO RESPOND
PBMS	1 SGT. & 8 POs	2 POs	2 & 4
PBMN	1 SGT. & 8 POs	2 POs	1 & 3
PBBX	1 SGT. & 8 POs	2 POs	11 & 12
PBBS	1 SGT. & 8 POs	2 POs	32 & 34
PBBN	1 SGT. & 8 POs	2 POs	30 & 33
PBMS AND PBQS	1 SGT. & 8 POs	2 POs	20
PBSI	NONE	NONE	NONE

NYPD

PURPOSE To establish a coordinated arrest processing procedure for situations in which the number of arrests effected is, or anticipated to be, in excess of twenty persons.

DEFINITIONS MASS ARREST PROCESSING CENTER (MAPC) – Location(s) designated by the Criminal Justice Bureau (CJB) for the processing of arrests stemming from First Amendment Activities, demonstrations, or other large scale events. MAPC is activated by the Chief of Department via the Operations Unit.

PROCEDURE When it is anticipated that a large number of arrests will be effected:

BOROUGH COURT SECTION SUPERVISOR

1. Establish and maintain a list of all commands within patrol borough, in priority order, for utilization to process up to twenty persons in mass arrest situations.
   a. Establish priority of commands to be utilized based on ability to simultaneously process multiple prisoners with minimal interference to that command's day to day operations.
   b. Forward list of commands to Operations Unit.

NOTE *When determining the priority order that commands will be utilized in each patrol borough, consideration will be given to the command's physical layout, ability to secure multiple prisoners at one time, and the space available for arresting/assigned officers to prepare required arrest related forms and reports. Geographical considerations may also be given at the actual time of incident to determine which commands are utilized (i.e., utilize a nearby facility with sufficient active cells).*

Whenever a MAPC is established related to a First Amendment Activity, ensure that enough members of service are available to staff the telephone line, fax, and email to ensure prompt and accurate communication with members of the public and attorneys contacting the MAPC about an arrestee or arrestees. Receipt of invocations of representation as to arrestees by legal counsel whether received in-person, via fax, or e-mail must be promptly accepted and acknowledged. Members of the service must respond to requests for information from legal counsel and, where appropriate, other members of the public, including family members and/or elected officials and comply with P.G. 208-09, "Rights of Persons Taken Into Custody," as required.

A MAPC shall continue to have and provide to all people held:
a. Clean water,
b. Food, if held more than 2 hours,
c. Personal protective equipment (PPE),
d. Prompt access to telephones,
e. Adequate medical care, and
f. Restrooms.

BOROUGH COURT SECTION SUPERVISOR (continued)

2. Notify Deputy Commissioner, Public Information to disseminate the activation of a MAPC via Department social media accounts including:
   a. Phone,
   b. Address,
   c. Fax, and
   d. Email.

INCIDENT COMMANDER

3. Have groups of no more than twenty prisoners with their arresting/assigned officers and one arrest supervisor transported from scene of arrest to designated command(s) via patrol wagon.

NOTE *Every effort will be made to have arresting/assigned officers process no more than five prisoners and the arrest supervisors assigned no more than four arresting/assigned officers, when practical.*

4. Ensure arresting/assigned officers have definite knowledge of arrest and can articulate factual elements of offense for which arrests were effected.
5. Have desk officer of processing precinct notified of number of prisoners that are en-route to command for processing.

NOTE *Precinct commanders will ensure that their commands have an adequate supply of arrest related forms and reports readily available in the event their command is utilized.*

ARREST SUPERVISOR

6. Ensure that the arresting/assigned officer is photographed next to each prisoner by using their assigned Department smartphone before boarding patrol wagon.
   a. Ensure a **MASS ARREST PEDIGREE LABEL (PD244-093)** is completed and affixed to each individual prisoner's property, when necessary.
7. Determine if prisoners will be processed as on-line arrests or be issued **DESK APPEARANCE TICKETS (PD260-121)** and/or Criminal Court Summonses, if qualified, upon arrival at arrest processing facility.
   a. Comply with *P.G. 208-27, "Desk Appearance Ticket - General Procedure"* and all other procedures as outlined in P.G. Section 208, *"Arrests,"* as appropriate.
8. Directly supervise all arrest processing, as per borough's arrest processing procedures.

NOTE *The precinct arrest processing officer (APO), if available, will assist the arrest processing supervisor and arresting/assigned officer and ensure all necessary forms are prepared so that the District Attorney's Office will be able to prepare a sworn complaint. The primary function of the APO is to return the arresting/assigned officer to patrol. The arrest processing supervisor will identify another member of the service, who is qualified in Livescan, to fingerprint all prisoners who are required to be fingerprinted.*

ARREST SUPERVISOR (continued)

9. Review and sign, where appropriate, all arrest related documents and forms for accuracy and completeness upon completion of arrest processing, including **DESK APPEARANCE TICKETS (PD260-121)** and Criminal Court Summonses.
10. Notify Incident Commander/Command Post when prisoners are released and include:
    a. Number of **DESK APPEARANCE TICKETS** issued,
    b. Number of Criminal Court Summonses issued, and
    c. Total number of prisoners released.

NOTE

When a large scale arrest situation is anticipated, the commanding officer/incident commander concerned is to notify the concerned Borough Court Section supervisor, via telephone message, with all pertinent information, including the date and time of scheduled event. The Borough Court Section will then make appropriate notifications to the District Attorney's Office and Office of Court Administration to ensure all arrests are processed expeditiously.

If large scale arrest situations are scheduled sufficiently in advance, a centralized processing area may be utilized and coordinated through the concerned Borough Court Section.

Activation of a MAPC in Connection with a First Amendment Activity Event

Members of the service are reminded that only the First Amendment Activity Senior Executive, or their designee, can authorize the establishment of MAPC at a First Amendment Activity event. The decision and justification to activate a MAPC shall be documented in ***FIRST AMENDMENT ACTIVITY/CITYWIDE EVENT AFTER ACTION REPORT (PD 692-150)****.*

The arrest processing time for adults arrested for violations or misdemeanors at a First Amendment Activity event shall not exceed seven hours and thirty minutes unless the prisoner has an out-of-state warrant, receives emergency medical treatment, or is ineligible for a Desk Appearance Ticket pursuant to Criminal Procedure Law 150.20.

Juveniles arrested at a First Amendment Activity event will be removed to the precinct of arrest, if feasible and space constraints permit. Members of the service shall comply with P.G. 215-09, "Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender)" and expedite the arrest processing of any juvenile or adolescent arrested at a demonstration/protest to ensure that any period of detention is no longer than necessary to complete the processing of that individual's arrest.

PURPOSE To formulate plans for suppressing unusual disorder.

PROCEDURE When commanding officers concerned (see *ADDITIONAL DATA*) are required to formulate and maintain unusual disorder plans:

BUREAU CHIEF/ BOROUGH COMMANDER/ COUNTERPART

1. Direct commanding officers of subordinate commands to formulate and submit an unusual disorder plan following the outline listed in *ADDITIONAL DATA*.

PRECINCT/ UNIT COMMANDER

2. Evaluate current unusual disorder plan of command.
3. Formulate new plan following the outline listed in *ADDITIONAL DATA*.
4. Prepare plan utilizing current Department word processing software.
   a. DO NOT skip any appendix listed in outline.

NOTE *If an appendix does not apply, prepare a blank page listing the appendix and the statement "DOES NOT APPLY TO THIS COMMAND."*

5. Forward disk, if available, and a printed copy of plan to bureau chief/ borough commander or counterpart.

BUREAU CHIEF/ BOROUGH COMMANDER/ COUNTERPART

6. Consolidate and review all unusual disorder plans for completeness and accuracy.

BOROUGH COMMANDER/ COUNTERPART

7. Have a file created for unusual disorder plans at the patrol borough Strategic Response Group command and borough command post vehicle.

8. Formulate and prepare an unusual disorder plan for the borough utilizing the appropriate appendices in *ADDITIONAL DATA* to convey instructions and advice to subordinate commands regarding borough policies and procedures.

NOTE *The borough commander will ensure that supplemental restraint kit(s) are present and accounted for by January 15th of each year.*

9. Have borough unusual disorder plan prepared utilizing current Department word processing software.

BUREAU CHIEF/ BOROUGH COMMANDER/ COUNTERPART

10. Submit disks, if available, and printed copies of plans to Office of the Chief of Department for review.

NOTE

Unusual disorder plans will be updated yearly with changes noted on a cover sheet and forwarded to the Office of the Chief of Department by February 1st each year. Bureau/borough/unit commanders may conduct a more frequent review of disorder plans, as necessary.

CHIEF OF DEPARTMENT

11. Review unusual disorder plans submitted from bureau chiefs/borough commanders or counterparts.
12. Forward approved plans to bureau chief/counterpart or borough commander/ counterpart concerned, through channels.
    a. Forward copies of all completed unusual disorder plans and disks to the Crowd Management Unit.

BUREAU CHIEF/ BOROUGH COMMANDER COUNTERPART

13. Ensure approved disorder plans are available on a twenty-four hour basis.
14. Have the unusual disorder plan, in a binder, maintained at the desk and in patrol supervisors' RMPs.
15. Instruct members of the command of:
    a. The location and routes to the precinct mobilization points
    b. Emergency routes, particularly those which pass through the confines of precinct.
16. Have a map with the mobilization points displayed in the sitting room.

ADDITIONAL DATA

Commanding officers of the following commands are required to formulate and maintain unusual disorder plans:

a. All patrol precincts
b. All patrol boroughs
c. All Strategic Response Groups
d. Detective Bureau
e. Missing Persons Squad
f. Housing Bureau (response to a city-wide condition)
g. Transit Bureau (response to a city-wide condition)
h. All police service areas
i. All transit districts and task forces
j. Criminal Justice Bureau
k. Fleet Services Division (including Fuel Control Unit)
l. Property Clerk Division
m. Quartermaster Section
n. Office of the Chief of Special Operations (including sub-units not listed)
o. Emergency Service Unit (including all sub-units)
p. Street Crime Unit
q. Harbor Unit
r. Aviation Unit
s. Chief of Transportation (including sub-units not listed)
t. Highway District
u. Mounted Unit

ADDITIONAL DATA (continued)

v. Candidate Assessment Division
w. Deputy Commissioner - Legal Matters
x. Deputy Commissioner, Community Affairs Bureau
y. Communications Division
z. Electronics Section
aa. Operations Division.

FORMAT TO BE FOLLOWED WHEN PREPARING UNUSUAL DISORDER PLAN

SECTION I

APPENDIX A

INTRODUCTION AND INSTRUCTIONS

(1) PATROL PRECINCTS, POLICE SERVICE AREAS AND TRANSIT DISTRICTS
- *(a) Describe precinct, police service area and transit district demographics including:*
  - *Physical description*
  - *Ethnic breakdown*
  - *Religious breakdown*
- *(b) Include important characteristics or short historical analysis of past disorders, feuds, bias problems, etc.*
  - *Include **recent** events where appropriate.*
- *(c) Outline duties and local tactics to be followed when disorder is:*
  - *Localized*
  - *Enveloping the entire command*
  - *Involving multiple precincts, districts or police service areas*
- *(d) Sectoring, perimeter checkpoints and linear strategy should be evident in these plans.*

(2) OTHER THAN COMMANDS LISTED ABOVE (I.E., DETECTIVE BUREAU, PROPERTY CLERK DIVISION, ETC.)
- *(a) Describe your anticipated participation in an unusual disorder response and how you intend to accomplish your mission.*
- *(b) How many personnel will be rescheduled if required and available for deployment?*
- *(c) What procedures will be instituted to ensure sufficient personnel to carry out your anticipated mission in an unusual disorder response?*

APPENDIX B

VULNERABLE LOCATIONS

(1) Each group of locations should be listed in priority order, with supplied post lists, for patrol coverage, i.e.:
- *(a) COMMERCIAL — PRIORITY 1*
  PRIORITY 2
- *(b) OTHER LOCATIONS — PRIORITY 1*

APPENDIX C

SENSITIVE LOCATIONS

(1) List sensitive locations, with appropriate post lists, by type in priority order, as follows:
- *(a) Gun shops*

ADDITIONAL DATA (continued)

(b) Sensitive religious locations
(c) Public utilities
(d) Sensitive diplomatic locations
(e) Storage sites of large quantities of hazardous materials
(f) Any other locations deemed necessary by the commanding officer.

APPENDIX D

MOBILIZATION POINTS - HELICOPTER LANDING ZONES

(1) Identify two mobilization points in your command with staffing levels and post lists for traffic control and security.
(2) Identify alternate staging areas with post lists for security and traffic control.
(3) Identify rest areas, i.e., two city schools within your command to be used as rest/staging areas for reporting members.
(a) Include posts/ staffing to provide security.
(4) Identify a "Helicopter Landing Zone" with post lists to secure location.
*(a) Submit proposed helicopter landing zone information on **Typed Letterhead** to the Commanding Officer, Aviation Unit for final approval.*
(5) Identify docking locations for Harbor Unit in precincts that border water.

NOTE *When creating post assignments as required in Appendices B, C, and D, remember the principle of economy of force. Utilize the minimum number of officers for defensive post assignments using the one sergeant and eight police officer squad concept.*

APPENDIX E

SPECIAL TACTICAL PLANS

(1) Include a summary of specialized plans already existing in your command, such as Halloween, yearly, or frequent protest rally plans including plans used to regulate them for the past three years.

APPENDIX F

EQUIPMENT/SPECIALIZED UNIT REQUIREMENTS NEEDED TO EFFECTIVELY IMPLEMENT PLANS AND TACTICS

*(1) List **all** motor vehicles, bicycles, boats, aircraft, number of animals assigned to command by type*
(2) List number of portable radios
(3) List additional equipment needed to implement plans and tactics.
(a) Include location(s) of supplemental restraint kit(s) within the patrol borough in compliance with P.G. 213-03, "Rapid Mobilization," and notate Property Clerk Division seal serial number(s).

APPENDIX G

DETENTION FACILITIES

(1) List detention facilities within your command boundaries not including those in your building suitable for processing of prisoners, after conferral with Criminal Justice Bureau.
(a) Include security post list for each facility.

ADDITIONAL DATA (continued)

APPENDIX H

PERSONS KEY TO COMMUNITY STABILITY

(1) Lists should include telephone number, beeper number (if available), address, etc. Persons listed should be grouped as follows:

- *Elected officials*
- *Clergy*
- *Community Council members*
- *Community Board members*
- *School officials*
- *Other community/civic organizations*
- *Other prominent persons*

.

Include instructions, after conferral with borough commander, on how to notify those persons listed above.

SECTION II

APPENDIX I

COORDINATION OF EFFORTS WITH OTHER AGENCIES OR POLICE DEPARTMENTS OPERATING WITHIN THE AFFECTED AREA.

(1) List contact persons and telephone numbers.

(2) Describe the role and contribution of these agencies during an unusual disorder.

(a) Confer with these agencies.

(3) List locations and designations of local agency sites (i.e., firehouses, sanitation garages, ambulance bases, etc.).

(4) List vehicle fueling locations at other agencies within your command.

APPENDIX J

KEY PERSONNEL (PRECINCT OR UNIT)

(1) List key personnel, with home telephone numbers and addresses, i.e., operations coordinator, special operations coordinator, etc.

(a) Include notification instructions for each mobilization level.

APPENDIX K

PRECINCT SECTOR DESCRIPTIONS, (OR EQUIVALENT FOR HOUSING BUREAU AND TRANSIT BUREAU), BOUNDARIES, MAPS

APPENDIX L

EMERGENCY TRANSPORTATION AVAILABLE IN YOUR COMMAND.

(1) Include commercial buses, ferries and heliports.

APPENDIX M

LOCAL HOSPITALS\NURSING HOMES

(1) List all hospitals\nursing homes, with a list of each hospitals\nursing homes' key administrators, within your command.

(a) List established emergency routes to local hospitals\nursing homes.

(b) List the facilities that may require assistance in the event of a power outage or interruption.

ADDITIONAL DATA (continued)

(2) Include a floor plan (a clear, legible and simplified sketch) of hospital emergency room and telephone numbers of key departments within each hospital.

NOTE *Include an 8 ½ x 11 inch map with Appendix "B," "C," "D," and "K." Each map should be specific to the information in that appendix.*

NYPD

PURPOSE To provide readily available clerical supplies and Department forms for use at unusual disorder scenes.

COMMANDING OFFICER

1. Maintain at a readily available storage location, with command post log and flag, an unusual disorder kit containing the following:

ITEM	AMOUNT
Copy of precinct/police service area/ transit district "Unusual Disorder Plan"	1

NOTE *An additional copy of precinct/police service area/transit district Unusual Disorder Plan will be separated by Appendix, placed in individual manila folders, and appropriately labeled according to area. Folders will be delivered to, and available for, reference at field command post.*

Copy of Patrol Guide 213 Series	1
Precinct/police service area/transit district map (large laminated - see ADDITIONAL DATA)	2
Precinct/police service area sector map (small, reproduced on photocopy machine)	75
Number 1 book	2
Writing tablet, lined, 8 ½" X 14"	4
Multi-service envelope	15
Paper clips	2 boxes
Stapler	1
Staples	1 box
Dry eraser markers	1 set
Index cards, 4" X 6"	200
Rubber bands	1 box

COMMANDING OFFICER (continued)

DEPARTMENT FORMS	**AMOUNT**
ACCIDENT REPORT - CITY INVOLVED (PD301-155)	50
AIDED REPORT WORKSHEET (PD304-152B)	200
COMPLAINT REPORT WORKSHEET (PD313-152A)	200
DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)	200
IDENTIFICATION TAG (PD317-091)	100
MISSING - UNIDENTIFIED PERSON REPORT (PD336-151)	50
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)	200
TAG (PD521-091)	300

2. Instruct desk officers to dispatch unusual disorder kit to a scene of an unusual disorder, when required.
3. Obtain additional supplies, if required during an unusual disorder, from command post vehicle, adjoining commands or Quartermaster Section.
4. Replace expended supplies without delay.
5. Cause semiannual inspection of unusual disorder kit and place supplies that are missing, obsolete, deteriorated, etc.

ADDITIONAL DATA

Large laminated maps will be prepared as per P.G. 213-07, "Unusual Disorder Maps."

RELATED PROCEDURES

Command Post Operations (P.G. 213-01)
Emergency Incidents (P.G. 213-02)
Rapid Mobilization (P.G. 213-03)
Mobilization Readiness Levels (P.G. 213-04)
Duties At Unusual Disorder (P.G. 213-05)
Unusual Disorder Plan - Formulating Plan (P.G. 213-08)
Unusual Disorder Maps (P.G. 213-07)
Unusual Occurrence Reports (P.G. 212-09)
Mayor's Plan For Coordinated Action At Emergencies (A.G. 316-06)

PURPOSE To provide police presence and crowd control at special events.

DEFINITIONS For the purposes of this procedure, the following definitions will apply:

INCIDENT COMMANDER - The highest ranking uniformed police supervisor responsible for the command, control and coordination of all incident operations. For planned events such as parades, demonstrations, and similar situations, the precinct commanding officer will ordinarily be designated as incident commander. If the event occurs in two or more commands within the same patrol borough, the patrol borough commander will be designated as incident commander, and in cases where the event affects more than one patrol borough, the Chief of Patrol will be designated as incident commander.

PLACES OF PUBLIC ASSEMBLY: Locations where events open to the public are held. Examples include, but are not limited to: stadiums, theaters, arenas, school auditoriums, gymnasiums, meeting halls, ballrooms, armories, field and street areas where events are held, etc.

SPECIAL EVENT: An event which, based on an evaluation of factors including but not limited to the following, would lead a commanding officer to reasonably believe that special police coverage, presence, or response may be needed, based on the following factors:

a. Size and demographics of crowd expected to attend event
b. Size and layout of the event facility
c. Past critiques of similar events
d. Criminal history of location
e. Availability of alcohol
f. Presence of notables/personalities, live music or entertainers
g. Previous history of disruption or problems associated with or due to reputations of, or specific issues related to speaker or performers
h. Manner of ticket sales (box office, advance tickets, door sales, mail, lottery, outlets, etc.)
i. Manner of admission (advance tickets, door sales, free admission, etc.)
j. Nature or sensitivity of the event
k. Presence of private security
l. Presence or possibility of opponents or counterdemonstrators.

Such events may be either routine or outside of the normal course of business of the facility concerned.

PROCEDURE Upon receiving information that a special event will be held at a location of public assembly:

MEMBER RECEIVING INFORMATION

1. Provide all pertinent information to incident commander concerned.
   a. Notify Operations Unit direct if time is a factor.

INCIDENT COMMANDER

2. Assign a supervisor to conduct pre-event survey.
   a. Forward copy of information received to Intelligence Bureau.

NOTE *Provide basic information regarding event site from precinct file, if available.*

SUPERVISOR ASSIGNED

3. Confer with community affairs officer(s), operator of facility, event sponsor(s), security coordinators and other parties involved with event.
4. Review event preparations with operator of facility.
5. Conduct pre-event survey of location, when appropriate.
6. Report results to incident commander concerned.

INCIDENT COMMANDER

7. Review information received and make preliminary determination of what, if any, Department resources are required, e.g., special attention, assignment of detail, special equipment, etc.
8. Notify next higher command, of information received and preliminary determination.

WHEN NECESSITY OF PRE-EVENT PLANNING CONFERENCE IS INDICATED:

INCIDENT COMMANDER

9. Convene planning conference, at facility where event is to be held, with operator, event sponsor(s), security coordinator, representative of next higher command, Operations Division, and other parties involved.

NOTE *If pre-event survey indicates possibility of large crowd exceeding facility capacity or medical assistance being needed, the Fire Department will be notified to have a representative at the conference.*

10. Request to have representative(s) present at inter-agency conference with the event organizers and facility management, if pre-event survey indicated that other city agencies may be needed.
11. Evaluate the event, by determining the following:
    a. Organizer's past experience with similar events
    b. Likelihood of planned event drawing large crowds
    c. Demographics of crowd likely to attend the event.
12. Obtain information regarding admission to event and determine:
    a. If paid or by free admission
    b. Amount of advance sale tickets anticipated
    c. Anticipated ticket sales at gate on day of the event and ticket sale locations at site, as well as ticket pickup locations
    d. Number of entrances available for ticket holders
    e. Plans, if any, for non-ticket holders, waiting lines, ropes, ushers, security personnel, etc.
    f. If magnetometers are to be used at event.

INCIDENT COMMANDER (continued)

13. Determine if all necessary permits have been requested and/or obtained.
14. Determine if security force is armed.
15. Ascertain if alcoholic beverages are going to be served at the event.
16. Confer with Intelligence Bureau to determine past history of similar events, if deemed appropriate.
    a. Conduct background checks on armed security (if known), event sponsors and the premises, if necessary.
17. Notify next higher command concerned of pre-event planning conference findings.

NOTE *In appropriate cases, the Intelligence Bureau will be conferred with to check the history of past events. The Police Department will not engage in any investigation of political activity except through the Intelligence Bureau and such investigation will be conducted as set forth in the guidelines contained in P.G. 212-72, "Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities."*

<u>WHEN RESULTS OF PRE-EVENT SURVEY OR CONFERENCE INDICATE NECESSITY OF POLICE PRESENCE</u>:

18. Ensure other city agencies NOT represented at the pre-event planning conference (Fire Department, Parks Department, New York City Transit, Department of Sanitation, etc.,) have been notified, and receive all pertinent information, as necessary.
19. Request Deputy Commissioner Public Information disseminate appropriate information to the media regarding police presence, contact information, zero tolerance enforcement policy, etc.

NOTE *In cases in which the special event is a demonstration, information on expected street and sidewalk closings and information on how the public may access a demonstration site will be disseminated to the media and event organizers and should, if possible, be posted on the Department's website. Officers assigned to such events should be given detailed instructions on such closings and points of access prior to assignment. Detail supervisors should also be advised of street closures and points of access and any changes of points of access which occur during the event and which were not previously anticipated and publicized. Officers assigned to such events shall provide information to the public at the event about available points of access.*

20. Request all necessary personnel and equipment (e.g., command post vehicles, portable radios, bullhorns, sound equipment, barriers, vehicles, lighting, etc.), through patrol borough concerned.
21. Develop pre-event plan to include, but not be limited to, the following:
    a. Designation of security arrangements and responsibilities
    b. Identification of all contact persons, including telephone numbers
    c. Command post locations, if necessary
    d. Internal and external radio communication plan, including dual dispatch protocol, if necessary
    e. Entrance and exit locations and their capacities

INCIDENT COMMANDER (continued)

f. Floor plans, including legal capacity of facility based on the Certificate of Occupancy
g. Ensure that a sufficient number of police barriers are requested for the event, if appropriate
h. Develop a barrier configuration plan that ensures:
   1) Orderly movement by persons attending the event.
   2) Safety lanes and frozen areas to provide access for police personnel.
   3) Barrier configuration for demonstrations should not unreasonably restrict access to, and participation in, the event. For example, attendees should be permitted to leave a barriered area at any time. In addition, if crowd conditions and other circumstances permit, participants should be permitted to leave and return to the same area. Sufficient openings in the barricades should be maintained for the purpose of permitting attendees to leave expeditiously and return to the event.
i. Parking area locations and their capacity
j. Plan to provide for fluid flow of vehicle traffic which will include emergency access routes
k. Public transportation availability and locations, including route or schedule adjustments
l. Mobilization location, if one becomes necessary
m. Medical aid stations and locations
n. Crowd control plan
o. Type of seating which will be afforded to attendees
p. Provision for media access
q. Counter-demonstration activities and locations
r. Provision of live video feeds or other event monitoring and recording techniques
s. Aviation Unit and/or rooftop surveillance
t. Plainclothes surveillance and/or enforcement
u. Any other factors deemed necessary.

22. Establish a post event patrol plan, if necessary.
   a. Include scheduling and deployment of Strategic Response Group, where appropriate.

NOTE *Where the use of the Mounted Unit becomes necessary for crowd control purposes, incident commanders are reminded that if Mounted officers are deployed for such purposes, it is important to ensure that a crowd or group to be dispersed has sufficient avenues of egress available to them and has had a reasonable chance to disperse.*

SUPERVISOR NEXT HIGHER COMMAND

23. Review event coverage requirements and recommendations.
   a. Assign detail and forward request for necessary equipment, when appropriate.

ADDITIONAL *Where circumstances indicate that the continued sale and consumption of alcoholic*

DATA

beverages pose a threat to public safety, the Department may suspend the sale of alcoholic beverages for a period of time necessary to address the public safety concerns.

Prior to the beginning of the event, the incident commander will ensure that communication is established with the operators and security coordinators of the event.

When necessary the incident commander may decide to establish internal communications via portable radio at the scene with a police observer team or security liaison. Police observers at the special event shall maintain radio communication with the incident commander. They will not be used to perform the functions of inside security, which is the responsibility of the facility operator and security coordinator. If any person present at the event is injured or endangered, the incident commander will immediately take all necessary steps to provide assistance, regardless of the type of location or facility.

When notified that a demonstration is to occur, incident commander will cooperate with persons in charge to the extent possible, balancing their right to free expression with the need to maintain public safety. The Legal Bureau should be contacted as soon as possible to assist in planning and arrange for response of a Department attorney if needed.

The following factors will be considered in determining the suitability of a demonstration location:

a. Time and date
b. Volume of vehicular and pedestrian traffic
c. Proximity of any other related or unrelated events
d. Schools, hospitals, houses of worship, or large public or business facilities nearby
e. Any other condition which may create a hazard or serious inconvenience to the public or participants.

The Legal Observer Program is a system of legal support coordinated by the National Lawyers Guild (NLG) and the New York Civil Liberties Union (NYCLU). Recognizing the importance of their work, the Department permits properly identified legal observers free access through police lines at the scene of any demonstration. Legal observers generally wear bright green hats (NLG) or blue hats and blue vests (NYCLU). All members of the service will extend every courtesy and cooperation to observers. Observers shall be permitted to remain in any area, or observe any police activity, subject only to restrictions necessitated by personal safety factors, as determined by the incident commander.

In those circumstances when the request to search the property of a person is due to an established security perimeter or security checkpoint (e.g., transit bag checks, large scale events, school security, etc.), uniformed members of the service are not required to make such request in a prescribed manner or to provide a ***RIGHT TO KNOW BUSINESS CARD (PD142-012)****, or* ***RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)****, unless requested.*

RELATED PROCEDURES

Guidelines for the Use of Video/Photographic Equipment by Technical Assistance Response Unit (TARU) Personnel at Demonstrations (P.G. 212-71)

RELATED PROCEDURES (continued)	*Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities (P.G. 212-72)* *Emergency Incidents (P.G. 213-02)* *Rapid Mobilization (P.G. 213-03)* *Mobilization Readiness Levels (P.G. 213-04)* *Duties and Responsibilities at Special Events (P.G. 213-15)* *Citywide Incident Management System (CIMS) (P.G. 220 Series)*
FORMS AND REPORTS	***RIGHT TO KNOW BUSINESS CARD (PD142-012)*** ***RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)***

NYPD

PURPOSE To expedite movement of traffic and reduce danger to persons or damage to property during adverse weather or street conditions.

DEFINITION PLAN "A" - for hazardous road conditions caused by freezing rain, snow or ice.
PLAN "B" - for dangerous street conditions caused by hurricanes, storms and floods.
PLAN "C" - for traffic congestion and other conditions caused by unusually heavy traffic.

PROCEDURE Upon receipt of FINEST message activating Plan "A" "B" or "C":

DESK OFFICER

1. Notify commanding officer and other units located in same building.
2. Make assignments of personnel in accordance with prioritized traffic post list maintained at the desk for each emergency plan or as conditions warrant.
   a. Give priority to school crossings during school hours, and
   b. Assign personnel to strategic locations to periodically report on prevalent conditions, if necessary.

NOTE *Patrol borough offices will coordinate the assignment of personnel to traffic posts when Plan "A" is implemented. During emergency periods, personnel assigned to Strategic Response Groups may be temporarily assigned to priority traffic posts, if necessary, with the approval of the patrol borough commander.*

3. Assign personnel to survey parkways and expressways to aid stranded motorists.
   a. Ensure personnel are supplied with an appropriate amount of **SAFETY X STICKER (PD371-061)**, if possibility of vehicles being abandoned exists.
4. Direct personnel on patrol and special emergency plan assignment to submit reports of occurrences and action taken, including recommendations.
   a. File reports in Log at desk.
5. Notify patrol borough office initially and each hour thereafter of the following:
   a. Traffic conditions,
   b. Detours established,
   c. Intersections and traffic junctions covered,
   d. Serious incidents or conditions, and
   e. Additional manpower or equipment required.

NOTE *Patrol borough office notifies Operations Unit direct via telephone.*

6. Direct that Department property be safeguarded against adverse weather conditions.

DESK OFFICER (continued)

7. Maintain special log at desk to record incidents which occur while the emergency plan is in effect and caption log across a double page as follows:

TIME	INCIDENT	NOTIFICATION	DISPOSITION	TIME CORRECTED	REMARKS

8. Notify Operations Unit of persons in need of temporary shelter, emergency transportation, etc.
9. Ascertain that assignments are made according to emergency plan, and/or as appropriate, due to existing conditions.
10. Survey conditions within command and record incidents and situations requiring further attention.
11. Direct patrol supervisor to survey assigned area and report observations and recommendations.

UNIFORMED MEMBER OF THE SERVICE

12. Contact command for possible reassignment upon learning of the activation of emergency plan.
    a. Remain at intersection if assigned to traffic duty.
    b. Remain on school crossing until completion, if so assigned.
13. Continue to perform routine patrol duties unless on special assignment, and
    a. Keep intersections clear and traffic moving,
    b. Advise persons to safeguard property against high winds, floods, etc.,
    c. Visit construction sites and advise person in charge to secure cranes, scaffolding, building material, etc.,
    d. Remove portable traffic equipment from roadways, if required, and
    e. Safeguard fallen electric wires, notify utility concerned, and Emergency Service Unit.
14. Report the following to the desk officer:
    a. Unusual or hazardous conditions,
    b. Serious traffic congestion,
    c. Slippery grades,
    d. Dangerous bridge conditions, and
    e. Conditions requiring the attention of other agencies.
15. Search any abandoned vehicle for signs of life during or after an event that creates a hazardous condition (e.g., hurricane, severe weather condition, natural disaster, etc.) or a state of emergency.
    a. Affix **SAFETY X STICKER** onto vehicle's front driver side window indicating that vehicle has been searched, type of emergency, (i.e., safety hazard or natural disaster, if victims were removed from vehicle, and if vehicle is eligible for towing, etc.).

NOTE *The use of a **SAFETY X STICKER** is not dependent on an Emergency "A," "B," or "C" plan being activated. The **SAFETY X STICKER** may be used during any emergency event where vehicles are abandoned and not during routine patrol.*

ADDITIONAL DATA (continued)

Available patrol and traffic personnel will be utilized during activation of emergency plan "A", "B" or "C."

Plan "A", "B" or "C" may be activated by the Chief of Transportation or higher authority, on a citywide basis or within a borough as required. The plans may also be implemented by a borough commander within the borough or any part thereof.

When an emergency plan is activated or discontinued, the commanding officer authorizing such action will notify the Operations Unit.

When any traffic related problem is observed, or information is received indicating such a problem, the radio dispatcher will be notified via radio or landline. Corrective action is to be taken by the members concerned.

When a precinct commander determines that coverage of a previously established prioritized traffic post for plan "A" is no longer warranted, or that a new location should be added, he will amend the post list accordingly and forward a revised copy to the patrol borough commander. The patrol borough commander shall endorse the revised post list and forward a copy to the Patrol Services Bureau, Traffic Management Center and the Traffic Enforcement District.

PURPOSE To ensure the orderly passage of participants, the safety of spectators and the efficient rerouting of traffic at parades, demonstrations, and other large scale special events.

DEFINITION INCIDENT COMMANDER - The highest ranking uniformed police supervisor responsible for the command, control and coordination of all incident operations. For planned events such as parades, demonstrations, and similar situations, the precinct commanding officer will ordinarily be designated as incident commander. If the event occurs in two or more commands within the same patrol borough, the patrol borough commander will be designated as incident commander, and in cases where the event affects more than one patrol borough, the Chief of Patrol will be designated as incident commander.

PROCEDURE When commencing police operations at the scene of a special event:

INCIDENT COMMANDER

1. Coordinate participation of the following agencies at all major special events: Fire Department, Department of Traffic, Department of Buildings, Department of Sanitation, Emergency Medical Service, and any other agencies deemed necessary.
2. Request NYC Transit to post appropriate signage regarding all adjustments to bus and subway routes or schedules
3. Inspect event location or parade route, including parade formation and dismissal areas.
4. Divide entire area affected by event into sectors.
5. Include the following in event sectors:
   a. Public transportation facilities located within and one block of these areas.
   b. Streets and avenues within formation and dismissal areas and public transportation facilities within one block of these areas.

NOTE *When practical, assign the same sector and unit commanders to the same event area or parade route at each succeeding event regardless of regular assignment. This will enable commanders to become familiar with all conditions within their sectors.*

6. Designate location of main and sector command posts at appropriate points within event area or along parade route.
   a. Place command post near reviewing stands
   b. Designate parking area for official cars
   c. Notify Operations Unit of location and telephone number of main and sector command posts
   d. Comply with *P.G. 213-01, "Command Post Operations."*

INCIDENT COMMANDER (continued)

7. Cause event area or parade route to be re-inspected twenty-four hours prior to event and note conditions requiring special attention or change in plans (e.g., construction detours, etc.).
8. Direct precinct commanders, through whose commands the parade will pass to:
   a. Post temporary parking restriction signs sufficiently in advance of parade.
   b. Assign personnel to prevent parking along parade route, formation and dismissal areas, and if necessary, cross and parallel streets one block either side of route.
9. Designate important cross streets as "through streets" for buses, fire apparatus, ambulances and other emergency vehicles and notify appropriate agencies of these designated locations.
   a. Exclude spectators for a distance of one hundred feet, from parade route on side streets which are bus, fire, ambulance and other emergency vehicle "through streets" and twenty-five feet on parade route from corners of such "through streets".
10. Assign members of the service to traffic duty at intersections along the route or in the vicinity of the event location and on blocks at either side, as necessary for control of vehicular traffic.
11. Confer with Operations Unit prior to commencement of event regarding local or citywide conditions or incidents that may affect police operations.

NOTE

In cases in which the special event is a demonstration, information on expected street and sidewalk closings and information on how the public may access a demonstration site will be disseminated to the media and event organizers and should, if possible, be posted on the Department's website. Officers assigned to such events should be given detailed instructions on such closings and points of access prior to assignment. Detail supervisors should also be advised of street closures and points of access and any changes of points of access which occur during the event and which were not previously anticipated and publicized. Officers assigned to such events shall provide information to the public at the event about available points of access.

Barrier configuration for demonstrations should not unreasonably restrict access to, and participation in, the event. For example, attendees should be permitted to leave a barriered area at any time. In addition, if crowd conditions and other circumstances permit, participants should be permitted to leave and return to the same area. Sufficient openings in the barricades should be maintained for the purpose of permitting attendees to leave expeditiously and return to the event.

Where the use of the Mounted Unit becomes necessary for crowd control purposes, incident commanders are reminded that if Mounted officers are deployed for such purposes, it is important to ensure that a crowd or group to be dispersed has sufficient avenues of egress available to them and has had a reasonable chance to disperse.

SECTOR COMMANDER

12. Report to main or sector command post within area of assignment as designated by the incident commander. If no sector command post is assigned, work out of main command post.
13. Prior to the start of the event, survey assigned areas for any situation/condition that may present a potential hazard for marchers, spectators, the general public, or the police.
    a. Implement preventive measures to preclude bystanders from standing or climbing upon structures.
    b. Immediate remedial police action shall be taken to correct any unusual/hazardous condition, and the incident commander shall be notified immediately.
    c. Make command post log entry of results and actions taken.
14. Assign personnel to:
    a. Prevent overcrowding on sidewalk and to keep a clear passageway along the building lines.
    b. Protect fire alarm boxes and other city property.
15. Distribute **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)** to each supervisor in charge of a post or detail of police officers
16. Conduct roll call, utilizing subordinate supervisors to instruct all members assigned on:
    a. Nature of event.
    b. Past history of this event or others involving this location or organization.
    c. Importance of the team concept in successful event management.
    d. Mission of the team (traffic, escort, crowd management, etc.).
    e. Enforcement guidelines.
    f. Responsibility to take proper police action, regardless of assignment, whenever circumstances indicate life or property may be endangered.
    g. Post and sector boundaries.
    h. Location and telephone number of main and sector command post, precinct, arrest processing area, etc.
    i. Identification of incident commander, sector/unit commander in charge, and other key personnel.
    j. Radio frequencies to be utilized.
    k. Adjustments to bus or subway routes or schedules.

SUPERVISOR ASSIGNED

17. Instruct members assigned to detail to prevent:
    a. Persons or organization from joining parade at other than formation area.
    b. Persons from crossing police lines after start of event.
    c. Spectators from standing near excavation or on top of walls, boxes, etc.
    d. Climbing on trees, poles or other structures.
18. Comply with instructions on **DETAIL ROSTER/ASSIGNMENT SHEET**, record names of members assigned, and distribute form as indicated.

SECTOR COMMANDER

19. Place completed **DETAIL ROSTER/ASSIGNMENT SHEETS** inside front cover of command post log for ready reference during event.
20. Ensure all supervisors are equipped with radios tuned to designated frequency.

SECTOR COMMANDER FORMATION AREA

21. Transmit message via detail radio frequency before start of event to notify sector commanders to:
    a. Institute traffic detours.
    b. Exclude pedestrians from parade roadway.

SECTOR COMMANDER

22. Halt parade contingents a minimum of one block before any emergency incident such as fire, collision, etc.
    a. Divert marching units into side street when necessary.
    b. Clear area affected of spectators.
    c. Keep command post informed of developments.
23. Arrange to have parade resume as soon as conditions permit and upon direction of incident commander.
24. Assign members to public transportation terminals and stations, as necessary.
25. Permit persons and vehicles to cross parade route at intersections, during breaks in parade contingents, or as conditions warrant.
26. Assign personnel to divert pedestrian traffic onto side streets if conditions on affected streets or sidewalks become too crowded.
27. Anticipate impact of adjustments on crowd conditions and deploy personnel to manage and direct crowds as they develop.
28. Prevent unauthorized maneuvers or exhibitions, which may cause large gaps between parade contingents.
29. Monitor progress of parade through sector and correct any conditions impeding progress.
30. Notify Operations Unit and main command post when:
    a. Parade enters and leaves sector.
    b. Any collision, arrest, incident or unusual situation occurs.
31. Continuously survey assigned sector for conditions requiring police service or attention.
32. Contact adjoining sector commanders ascertaining conditions in their sectors.
33. Assemble and account for assigned personnel and equipment when event has ended and spectators leave.
    a. Notify incident commander of results.
34. Dismiss personnel as directed by incident commander.
    a. Dismiss detail assigned to reviewing stand and official parking area only after dignitaries have left and conditions are normal.

NOTE *Incident commander must confer with Operations Unit prior to dismissal of detail personnel. The Operations Unit will grant permission only if conditions occurring elsewhere do not require response by personnel to be dismissed.*

INACTIVE

INCIDENT COMMANDER

35. File completed **DETAIL ROSTER/ASSIGNMENT SHEETS** at precinct of record after assignment is completed.
36. Prepare and submit to patrol borough command a critique including, but not limited to, the following:
    a. Whether sufficient personnel and equipment were assigned (identify commands responsible for shortages and measures taken to ensure response).
    b. Any incident requiring particular police attention.
    c. Other problems encountered.
    d. Evaluation of police services rendered.
    e. Recommendations for policing this or similar events in the future and possible adjustment in personnel and equipment in subsequent similar parades.
    f. Overtime incurred by members assigned will be reported under the following headings:

RANK NUMBER TOTAL HRS. O/T TOTAL HRS PORTAL TO PORTAL

PATROL BOROUGH COMMANDER

37. Review and endorse critique submitted by sector commanders and forward through channels to Operations Unit.

ADDITIONAL DATA

TEAM ASSIGNMENTS

** SPECTATOR MANAGEMENT - Using courtesy, professionalism and respect towards the spectators viewing or participating in the event.*

** MOBILE RESPONSE - Allowing for a quick response of assigned members to another area of this event or another event elsewhere.*

** ENFORCEMENT DUTY - Required to implement appropriate arrest tactics or summons activity under the supervision of sergeants and lieutenants as enforcement teams or during preplanned or spontaneous arrest situations.*

** PROTECTING VULNERABLE, SENSITIVE OR CRITICAL LOCATIONS - Responsible for correctly identifying locations and providing security for designated areas.*

** ESCORT DUTY - Identify and provide a system of escorts for other service providers, protected persons or sensitive groups.*

** TRAFFIC DUTY - Identify borders of the event, assigning members to appropriate roadways to:*
a. Detour traffic around the area
b. Facilitate use of alternate routes
c. Prevent injury to pedestrians by creating a system of controlled crossings.

RELATED PROCEDURES

Command Post Operations (P.G. 213-01)
Emergency Incidents (P.G. 213-02)
Rapid Mobilization (P.G. 213-03)
Mobilization Readiness Levels (P.G. 213-04)
Policing Special Events/Crowd Control (P.G. 213-11)
Command Post Duties and Responsibilities (P.G. 213-14)

FORMS AND REPORTS

DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)

NYPD

PURPOSE To inform members of the service of the procedure to be followed when vehicles are relocated due to special events (i.e., Presidential visits, parades, or movie/TV productions, etc.) and to account for all vehicles relocated through proper documentation by utilizing the Tow Pound Information System (TOPIS).

PROCEDURE Upon learning of a special event affecting patrol boroughs or precincts, in which vehicles need to be relocated

PATROL BOROUGH COMMANDER

1. Establish a No Parking Detail to handle the removal of vehicles and the safeguarding of the affected route, if necessary.
2. Confer with precinct commanding officer to ensure that vehicles relocated are accounted for and that the affected area is properly maintained.
3. Confer with the Commanding Officer, Citywide Traffic Task Force and request necessary personnel and equipment (i.e., tow trucks and traffic enforcement agents, etc.).

NOTE *The number of personnel assigned to a No Parking Detail will be determined by the patrol borough commander/counterpart for large events (parades, Presidential visits, etc.) or the precinct commander for smaller events.*

COMMANDING OFFICER, CITYWIDE TRAFFIC TASK FORCE

4. Determine necessary personnel and equipment needed and deploy personnel as per arranged schedule to assist the patrol borough/precinct commanding officer.

PRECINCT COMMANDING OFFICER

5. Assign a supervisor to coordinate the No Parking Detail.
6. Ensure that "No Parking" signs are posted and that vehicles are accounted for, when relocated.

NOTE *Parking garages, hotels and businesses within the affected area must be notified that because of anticipated traffic congestion, vehicular access to and from their location may not be possible.*

SUPERVISOR ASSIGNED

7. Have "No Parking" signs posted at least two days prior to the start of an event.

NOTE *Missing and/or damaged signs are to be replaced on subsequent tours, as necessary. The patrol supervisor on each subsequent tour is to survey the affected area at the beginning and end of each tour to ensure that "No Parking" signs are properly posted.*

SUPERVISOR ASSIGNED (continued)

8. Have vehicles relocated from the affected area.
   a. Ensure that tow operators have a sufficient number of **Notice of Relocation (Misc. 4208)** stickers.
   b. Make sure each vehicle relocated has a **Notice of Relocation** affixed to alert other NYPD or law enforcement personnel that the vehicle was relocated as a result of police action.
9. Assign a uniformed member of the service to accompany each tow truck operator when a vehicle is removed and relocated.

NOTE *A vehicle bearing a handicap plate or Department of Transportation Special Vehicle Identification permit will be relocated as close as possible to its original spot. Every effort will be made to ensure that vehicles relocated are parked legally. Vehicles will not be double-parked, parked at a hydrant, bus stop, or crosswalk.*

UNIFORMED MEMBER OF THE SERVICE

10. Accompany tow truck operator with vehicles to be relocated.
11. Prepare and affix **Notice of Relocation** stickers on each vehicle moved.
12. Prepare (print legibly) and provide the supervisor in charge with a completed copy of the **VEHICLE RELOCATION REPORT**.
13. Verify that doors to all vehicles relocated are properly locked.

SUPERVISOR ASSIGNED

14. Verify that each **VEHICLE RELOCATION REPORT** is legible and contains a full description of the vehicle and damages, if any.
15. Enter vehicle relocation information, via FINEST, for vehicles relocated into TOPIS, by using function 231, "Log-In Vehicle Street Relocation."
16. Forward a copy of the list of relocated vehicles to the field command post so that uniformed members of the service may inquire via radio as to the location of a relocated vehicle.

NOTE *Members of the service can access TOPIS through the FINEST by bringing up the shield and entering MIS; clearing the screen and entering "NTOW"("NTOW" must be entered, in capital letters, for the TOPIS system to open up). Use code 23 at the main menu to access the Vehicle Relocation Function. Members of the service having any problems accessing TOPIS can call the Information Technology Bureau (ITB) Service Desk.*

17. Have "Vehicle Relocation Notice" signs posted indicating that vehicles were relocated from the affected area and that interested persons should contact the precinct concerned.
18. Ensure that "No Parking" signs are removed upon completion of the event.

NOTE *The "Vehicle Relocation Notice" signs should remain in place for forty-eight hours before being removed.*

19. Confer with precinct commanding officer regarding the overall operation, including critique and suggestions.

ADDITIONAL DATA

*Since **VEHICLE RELOCATION REPORTS** contain additional information not captured by the TOPIS entry, these reports will be maintained for forty-five days, on a clipboard secured at the desk. After forty-five days, these reports should be discarded. Members of the service receiving a report of a stolen vehicle, in addition to following the applicable Patrol Guide procedures, will conduct a check via FINEST (through TOPIS) to confirm whether the vehicle has been towed as a result of an event requiring relocation of vehicles.*

FORMS AND REPORTS

VEHICLE RELOCATION REPORT (PD571-155)
Notice of Relocation (Misc. 4208)

NYPD

Section: Mobilization/Emergency Incidents		Procedure No: 213-17	
NOTIFICATIONS REGARDING TRAFFIC RELATED ACTIVITIES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To ensure the proper collection, coordination, and dissemination of information about Department activities that might affect the movement of traffic (either vehicular or pedestrian).

PROCEDURE Whenever police operations, whether planned or unplanned, may have an effect on the movement of vehicular or pedestrian traffic:

FOR SCHEDULED EVENTS (E.G., DETAILS, CHECKPOINTS)

SUPERVISOR IN CHARGE

1. As soon as the event is scheduled, notify the Traffic Management Center by telephone of all pertinent information, including:
   a. Date, time, and location of planned operation or event.
   b. Nature of operation.
   c. Command(s) participating.
   d. Supervisor in charge.
   e. Scope of anticipated or actual disruption.
   f. Anticipated length of event or operation.

TRAFFIC MANAGEMENT CENTER

2. Compile information regarding scheduled events reported by commands in the form of a daily "Traffic Brief."
3. Send the "Traffic Brief" to the Operations Unit daily, via e-mail or facsimile machine.

FOR UNSCHEDULED EVENTS

SUPERVISOR IN CHARGE

4. Notify the Operations Unit upon becoming aware of unscheduled police operations that may have an effect on the movement of traffic.

OPERATIONS UNIT

5. Upon receiving notification of unscheduled police operations that may affect traffic movement, notify the Traffic Management Center.

TRAFFIC MANAGEMENT CENTER

6. Upon receiving notification from Operations Unit, make appropriate notifications to units within the Chief of Transportation, and to other agencies as appropriate.

1. In light of the ongoing threat of terrorist attacks against the City of New York, the New York City Police Department has created "Citywide Security Alert Levels" similar to those used by the Federal Office of Homeland Security. These alert levels are discussed in detail in a newly published document to be distributed in book form. This book will replace the "Citywide Security Assessment Plan." As such, with the publication and distribution of the new book, post assignments will no longer be referred to as ALPHA, BRAVO, GAMMA, OR OMEGA. The new alert levels are as follows:

ALERT LEVEL	RISK CONDITION	
Green	Low	Low Risk Of Terrorist Attacks
Blue	Guarded	General Risk Of Terrorist Attacks
Yellow	Elevated	Significant Risk Of Terrorist Attacks
Orange	High	High Risk Of Terrorist Attacks
Red	Severe	Severe Risk Of Terrorist Attacks

Post assignments made in connection with these new alert levels shall be referred to by the appropriate color code. Commanding officers will ensure that all personnel are properly trained in the new system of alert levels.

2. The Intelligence and Counterterrorism Bureau has compiled into book form a series of responsibilities for various bureaus/commands, indicating actions to be taken under each security level. These books have been distributed to affected commands, through the appropriate bureau chiefs/deputy commissioners and will be maintained in the "Command Reference Library" as per *Administrative Guide procedure 325-18*.

3. The City of New York, which has been the target of terrorists four times in recent years, twice successfully, is currently at threat level "Orange." Any changes in the threat level for the City of New York will be transmitted via a FINEST Message.

1. There will be times during an emergency situation where it will be necessary for personnel from the New York City Fire Department to communicate directly with a New York City Police Department counterpart. Examples of emergency situations include, but are not limited to, terrorist attacks, major building collapses, and large structural fires. To facilitate this communication, a series of N.Y.P.D. interoperability radio channels are available.

2. In the event of such a situation, members of the New York City Fire Department, at the level of Battalion Chief and above, and Emergency Medical Service (EMS) Chief Officer, have been issued radios that are programmed with all interoperability frequencies. To activate the frequency, the F.D.N.Y. Incident Commander, or Emergency Medical Service, Chief Officer will notify the Fire Department Operations Center (FDOC), and request the activation of an interoperability frequency. The FDOC will then notify the N.Y.P.D. Communications Division and request activation. The Communications Section platoon commander will notify the Operations Unit, the Electronics Section, and the N.Y.P.D. Incident Commander on the scene. The Communications Section platoon commander will then activate the frequency concerned and assign a dispatcher to that position. Should the incident escalate and it is determined that a second frequency is required, an additional interoperability frequency will be utilized. When the need for interoperability capability ceases, the ranking members of each agency on the scene will notify the appropriate dispatcher to terminate. Should the situation be reversed, and the N.Y.P.D. Incident Commander determines that interoperability is needed, the procedure will mirror the above, whereby the N.Y.P.D. Incident Commander will make the request through the Communications Section dispatcher, who will then notify the platoon commander. The platoon commander will notify the Operations Unit, the Electronics Section and the FDOC. The Communications Section platoon commander will then activate the frequency concerned and assign a dispatcher to that position. In that case, the duty captain or above may request activation of the interoperability system.

3. In the event of a second incident, the Communications Section platoon commander may place both incidents on the same interoperability frequency. In such cases, the Incident Commanders shall name each incident so that they are clearly identifiable to the users on the channel. Listed below are the channels as programmed in the portable radios of captains and above.

PRESENT CHANNELS	NEW CHANNELS
CW I/O	CW I/O (NYMAC1)
QNS I/O	CW I/O2 (NYMAC3)
MAN I/O	RW I/O (NYMAC2)
BRX I/O	(NYMAC4)
BRK I/O	(NYMAC5)
SI I/O	(NYMAC6)

PURPOSE To establish the duties and responsibilities of members of the service assigned to First Amendment Activities.

SCOPE Under the First Amendment of the United States Constitution and the New York State Constitution, all people are afforded the right to free speech, to peaceably assemble, and to petition the Government for redress of grievances. Members of the service will be deployed to First Amendment Activities in a manner consistent with the Department's tiered response. Members of the service must take care not to intrude upon the rights of expression or association of attendees while remaining neutral and maintaining the peace.

DEFINITIONS FIRST AMENDMENT ACTIVITY: Any protest or demonstration at which individuals are expressing their rights under the First Amendment to the United States Constitution and the New York State Constitution.

FIRST AMENDMENT ACTIVITY SENIOR EXECUTIVE: The senior-level designee within the Office of the Chief of Department holding the rank of deputy chief or higher with significant operational decision making authority relating to First Amendment Activities.

FIRST AMENDMENT ACTIVITY DESIGNEE: A uniformed member of the service in the rank of captain or above who has been designated by and reports directly to the First Amendment Activity Senior Executive. The uniformed member must have received executive training in First Amendment Activity and cannot serve as incident commander for a First Amendment Activity that they are delegated as a designee.

DE-ESCALATION: Taking action in order to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional members of the service and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, and to reduce or eliminate the necessity to use force.

INCIDENT COMMANDER: The highest ranking uniformed police supervisor responsible for the command, control and coordination of all police operations at a First Amendment Activity. The precinct commanding officer or executive officer will ordinarily be designated as the incident commander. If the First Amendment Activity occurs or is scheduled to occur in two or more commands within the same patrol borough, the patrol borough commander or designee holding the rank of captain or higher will be designated as incident commander, and in cases where the activity affects or is scheduled to affect more than one patrol borough, the Chief of Patrol or designee will be designated as incident commander.

NOTE

If a First Amendment Activity is not expected to escalate beyond a Tier One response (as described in P.G. 213-21, "Tiered Approach to Policing First Amendment Activities"), a uniformed member of service holding the rank of sergeant or higher may be designated as the incident commander.

In the event that the incident commander was initially a sergeant, but the First Amendment Activity has escalated beyond a Tier One response, the sergeant shall remain the incident commander until such time as a higher-ranking individual arrives.

DEFINITIONS (continued)

NONVIOLENT PARTICIPANT: An individual who participates in a First Amendment Activity without the use of violent behavior.

PROTEST LIAISON: A First Amendment Activity trained uniformed member of the service assigned to the Community Affairs Bureau whose focus is to communicate with and understand the aims of the protesters. To the extent possible, protest liaisons should establish a dialogue with protest leaders. If a protest leader cannot be identified, outreach should be attempted with multiple protesters.

VIOLENT BEHAVIOR: Includes, but is not limited to, the use of physical force, or tangible objects to hurt persons, damage property, cause fire, or the incitement or encouragement of such behaviors.

PROCEDURE

When directed to respond to the scene of a First Amendment Activity:

UPON BECOMING AWARE OF A SCHEDULED FIRST AMENDMENT ACTIVITY:

UNIFORMED MEMBER OF THE SERVICE

1. Notify the Citywide Event Planning and Coordination Section.
2. Notify precinct commanding officer.

COMMANDING OFFICER

3. Direct a precinct-level member of the service assigned to a community affairs role to attempt to contact the activity's organizers and report back any pertinent information if not previously conducted, where appropriate.
   a. Ensure pertinent information is relayed to the Citywide Event Planning and Coordination Section.

CITYWIDE EVENT PLANNING AND COORDIN-ATION SECTION

4. Determine what resources will be necessary for scheduled activity based on type, location, anticipated participants and other relevant factors.
   a. Liaise with commands and units as necessary to ensure appropriate staffing for scheduled activity.
   b. Notify affected agencies and municipalities if necessary (e.g. Metropolitan Transportation Authority, Port Authority, New York City Transit etc.).

CITYWIDE EVENT PLANNING AND COORDIN-ATION SECTION (continued)

5. Notify and confer with the First Amendment Activity Senior Executive, Borough Command and Bureau concerned, Community Affairs Bureau, Legal Bureau, Strategic Response Group (SRG) and Intelligence Division.

MEMBERS OF THE SERVICE ASSIGNED TO CRIMINAL JUSTICE BUREAU

6. Notify District Attorney's Office concerned, if Mass Arrest Processing Center (MAPC) is activated by the First Amendment Activity Senior Executive or designee.

NOTE *Legal Bureau will confer with concerned District Attorney's office when MAPC is not activated.*

COMMUNITY AFFAIRS BUREAU/PCT COMMUNITY AFFAIRS PERSONNEL

7. Report to location and provide resources as requested by Citywide Event Planning and Coordination Section, incident commander, or other competent authority.
8. Assign First Amendment Activity trained member(s) of the service from Community Affairs Bureau as protest liaison(s).

PROTEST LIAISON

9. Wear uniform of the Community Affairs Bureau that clearly displays rank, name, shield number, and command.
   a. Protest liaisons may not wear civilian attire.
10. Make attempts to contact and establish a rapport with leaders of First Amendment Activity before, during, and after activity, if identifiable.

NOTE *The purpose of establishing a rapport with First Amendment Activity group leaders is to foster cooperation in supporting the group's activities and to attempt to have group leaders intervene before activities become unlawful.*

INCIDENT COMMANDER

11. Respond to location of activity ahead of scheduled time and assume command of all police operations.
12. Determine if additional personnel and resources are needed.
    a. Liaise with Citywide Event Planning and Coordination Section in determining appropriate staffing and resources.
13. Consider all available information and prepare plan of action after consulting with the First Amendment Activity Senior Executive or designee, Citywide Event Planning and Coordination Section, Community Affairs Bureau, Legal Bureau, and borough commander or designee.

INCIDENT COMMANDER (continued)

a. Develop a barrier configuration plan, if necessary, that ensures:
   1) Orderly movement of persons attending event, as well as, those attempting to pass by or leave event, and
   2) Safety lanes and frozen areas to provide access for police personnel.

NOTE *The plan of action should account for any possibility of counter-demonstration activities and their locations; including a contingency plan for unforeseen events (i.e., larger crowds, change of route, etc.). Barrier configuration for demonstrations should not unreasonably restrict access to, and participation in, the event. For example, attendees should be permitted to leave the event area at any time. In addition, if crowd conditions and other circumstances permit, participants should be permitted to leave and return to the same area. Sufficient openings in the barricades should be maintained for the purpose of permitting attendees to leave expeditiously and return to the event.*

14. Ensure uniformed supervisors account for responding personnel by utilizing **DETAIL ROSTER/ASSIGNMENT SHEETS (PD406-141)**.
15. Instruct responding members of the service regarding First Amendment Activity.
    a. Advise members of the service of engagement strategies and the duty to balance participants' rights to free expression with the need to maintain public safety for both participants and non-participants alike.
16. Comply with *P.G. 213-21, "Tiered Response to Policing First Amendment Activities.*"

NOTE *Protest liaisons must be deployed if uniformed members of the service are assigned to vehicular and/or pedestrian traffic duty.*

UNIFORMED MEMBERS ASSIGNED TO EVENT

17. Respond to location of scheduled First Amendment Activity as directed by competent authority.
18. Follow instructions of incident commander.
19. Comply with *P.G. 213-21, "Tiered Response to Policing First Amendment Activities.*"
    a. Wear dual purpose protection/scooter helmet at own discretion, if it is reasonably believed that safety is endangered or conditions warrant.
20. Ensure participants' First Amendment rights to free expression are balanced with the need to maintain public safety.
21. Attempt de-escalation techniques wherever encountering violent subjects, if feasible.
22. Remain apprised of changing conditions.

UPON BECOMING AWARE OF A SPONTANEOUS FIRST AMENDMENT ACTIVITY:

UNIFORMED MEMBER OF THE SERVICE

23. Notify patrol supervisor.
24. Respond to the location of the First Amendment Activity and take appropriate police action, as necessary.
    a. Comply with *P.G. 213-21, "Tiered Response to Policing First Amendment Activities*," as appropriate.
25. Notify Communications Section and request command resources to respond to location as necessary.

NOTE *If appropriate, command personnel assigned in a community affairs role will be requested to respond to spontaneous First Amendment Activity.*

PATROL SUPERVISOR

26. Respond to location of First Amendment Activity and take command of all police operations until relieved by higher authority.
27. Notify desk officer of available information including:
    a. Location of activity
    b. Activity type,
    c. Purpose of activity,
    d. Size and demeanor of group,
    e. Planned routes, and
    f. Other pertinent information.

DESK OFFICER

28. Notify and relay information provided by the patrol supervisor to:
    a. Commanding Officer,
    b. Operations Unit, and
    c. Overhead command.

OPERATIONS UNIT

29. Notify the following commands:
    a. Community Affairs Bureau
    b. Intelligence Division,
    c. Citywide Event Planning and Coordination Section, and
    d. First Amendment Activity Senior Executive or designee.

INCIDENT COMMANDER

30. Respond to location and relieve patrol supervisor by taking command of all police operations.
31. Follow steps "12" through "16."

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO EVENT

32. Report to location of First Amendment Activity as directed by Citywide Event Planning and Coordination Section/Operations Unit or competent authority.
33. Follow instructions of incident commander.
34. Comply with *P.G. 213-21, "Tiered Response to Policing First Amendment Activities*."

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO EVENT (continued)

a. Wear dual purpose personal protection/scooter helmet at own discretion, if it is reasonably believed that safety is endangered or conditions warrant.

35. Ensure participants' First Amendment rights to free expression are balanced with the need to maintain public safety.
36. Attempt de-escalation techniques whenever encountering violent subjects, if feasible.
37. Remain apprised of changing conditions.

COMMUNITY AFFAIRS BUREAU PERSONNEL

38. Report to location and provide resources as requested by the Citywide Event Planning and Coordination Section/Operations Unit or other competent authority.

INCIDENT COMMANDER/ DESIGNEE

39. Assign First Amendment Activity trained member(s) of the service from the Community Affairs Bureau as protest liaison(s).
40. Prepare **FIRST AMENDMENT ACTIVITY/CITYWIDE EVENT AFTER-ACTION REPORT (PD692-150)** when required.

PROTEST LIAISON

41. Make attempts to contact and establish a rapport with leader(s) of First Amendment Activity before, during, and after activity, if identifiable.

NOTE

The purpose of establishing a rapport with First Amendment group leaders is to foster cooperation in supporting the group's activities and to attempt to have group leaders intervene before activities become unlawful. Command personnel assigned to a Community Affairs role will work in conjunction with the Community Affairs Bureau.

ADDITIONAL DATA

Citywide Events Planning and Coordination Section is available from 1000 hours to 1800 hours Monday through Friday. All other times, notify the Operations Unit.

Where appropriate and consistent with personal safety, de-escalation techniques may reduce or eliminate the need to use force and increase the likelihood of gaining a subject's voluntary compliance. In all cases, the primary duty of all members of the service is to protect human life. Where tensions should rise during a First Amendment Activity, members of the service will prioritize in de-escalation whenever possible.

Responding members of the service assigned to the Community Affairs Bureau, or to a community affairs role at their command, will not be assigned to patrol or enforcement functions except in exceptional circumstances during a First Amendment Activity.

When notified that a First Amendment Activity is to occur, the incident commander will cooperate with leaders of the First Amendment Activity to the extent possible, balancing their right to free expression with the need to maintain public safety. Citywide Events Planning/Coordination Section or Operations Unit will notify Legal Bureau as soon as possible to assist in planning and to arrange for response of a Department attorney, if needed.

ADDITIONAL DATA (continued)

Members of the service are reminded to comply with P.G. 213-21, "Tiered Response to Policing First Amendment Activities," as necessary.

While discretion is frequently exercised at First Amendment Activity, this procedure does not limit the authority of members of the service to effect arrests or take other enforcement action for unlawful acts committed during such activities, particularly, if such unlawful acts are likely to cause public unrest or prevent law enforcement from maintaining the peace, consistent with Red Light/Green Light provisions during a First Amendment Activity.

For any person arrested at a First Amendment Activity, the arresting officer shall check to ensure that any handcuffs used are not too tight on an arrestees' wrist at least during the following intervals: (1) upon entering a transport van; (2) upon exiting a transport van; and (3) regularly after arriving at the applicable arrest processing location(s).

Members of the service are reminded that body-worn cameras should not be activated at a demonstration unless engaged in one of the actions listed in step "4" of P.G. 212-123, "Use of Body-Worn Cameras." Members are additionally reminded that in accordance with the Handschu Consent Decree, investigations involving political activity may not be conducted without the express written approval of the Intelligence and Counterterrorism Bureau as per P.G. 212-72, "Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities."

The Legal Observer Program is a comprehensive system of legal support coordinated by the National Lawyers Guild (NLG) and the New York Civil Liberties Union (NYCLU). Recognizing the importance of their work, the Department permits properly identified legal observers free access through police lines at the scene of any First Amendment Activity. Legal observers generally wear bright green hats (NLG) or blue hats and blue vests (NYCLU). All members of the service will extend every courtesy and cooperation to observers. Observers shall be permitted to remain in any area, or observe any police activity, subject only to restrictions necessitated by personal safety factors, as determined by the incident commander.

When the incident commander is assigned to a group starting in one borough and traveling over a bridge or walking into a contiguous borough, the transition of the march/protest between incident commanders must be a direct transfer and include a full debrief on the condition experienced, including but not limited to demeanor of the group, damage to property, and any other attribute that would suggest unlawful activity, deployment decisions made, and any other relevant information. A transfer of command between incident commanders shall be documented by a radio transmission via the Communications Division. If there is no relieving incident commander, the initial commander will remain with the group and notify the Operations Unit. The Operations Unit will facilitate identifying a relieving incident commander, if available.

Should there be a need to relieve personnel resources following a march across contiguous boroughs, the Operations Unit will facilitate identifying relieving personnel. If there is no personnel available, the current personnel assigned will remain with the First Amendment Activity.