PURPOSE To initiate action in civil court towards identified narcotics operations in privately owned buildings, commercial establishments and rental apartments owned by the New York City Housing Authority.

SCOPE The Narcotics Eviction Program involves a cooperative citywide effort between this Department and the respective District Attorney's Office with a goal of evicting drug dealers from dwellings and commercial locations through the initiation of proceedings in civil court. In practice, all narcotics related arrests/seizures made inside locations, and effected by members assigned to a narcotics borough, are reviewed by the District Attorney's Office for potential eviction proceedings. Incidents where there is a summary narcotics related arrest, or incidents of found narcotics/drug paraphernalia, found within a building by patrol personnel, requires the preparation of a precinct **COMPLAINT REPORT (PD313-152)**. This report serves as a mechanism for follow up by the affected command.

PROCEDURE When a uniformed member of the service, other than a member assigned to a narcotics borough, effects an arrest for any narcotics related offense, or finds narcotics/drug paraphernalia <u>within a building</u>:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with appropriate Department procedures, prepare precinct **COMPLAINT REPORT (PD313-152)**, in addition to any other required reports.
2. Include in "Details" section of the **COMPLAINT REPORT** any information or observations that may indicate that a narcotics operation is involved.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ SPECIAL OPERATIONS LIEUTENANT

3. Review **COMPLAINT REPORTS**, determine if the presence of a narcotics operation is indicated, based upon the information contained on the **COMPLAINT REPORTS** as well as other factors (i.e., previous incidents, community complaints, etc.).
4. Initiate further review of incident if the circumstances indicate that a narcotics operation is present.

SPECIAL OPERATIONS LIEUTENANT

5. Review facts and circumstances of incident.
6. Determine if appropriate for inclusion into the Narcotics Eviction Program.
7. Direct the concerned officer or designee to obtain all related information regarding the incident/location, if incident is determined to be appropriate for inclusion into the Narcotics Eviction Program.
   a. Include such items as <u>copies</u> of the **COMPLAINT REPORT**, **ON LINE BOOKING SYSTEM WORKSHEET (PD244-159)**, **PROPERTY CLERK INVOICE (PD521-141)**, community complaints, and any other information that would substantiate the determination and be supportive of civil action.

SPECIAL OPERATIONS LIEUTENANT (continued)

8. Package all related information and forward to the respective county District Attorney's Office, Attention: Narcotics Eviction Program Coordinator.
   a. Include a short cover letter, briefly describing the incident and location, identity of tenant of record and/or subject, if known.
9. Maintain file copies for reference and future review.

NOTE *The Narcotics Eviction Program Coordinator, Office of the District Attorney, will determine if the facts substantiate action in civil court. Determination of building ownership, along with all notifications required by statute, will be effected by the District Attorney's Office. Copies of all notification letters will be directed to the respective precinct for inclusion in its files.*

10. Advise Narcotics Eviction Program Coordinator, as appropriate, of any other incidents regarding either the building owner or the submitted location.
11. Document information in the appropriate file.

DIRECTOR, POLICE LABORATORY

12. Ensure that all found/investigatory controlled substances are maintained at the Police Laboratory or Property Clerk's Office for a minimum of three months from the date of the incident.

NOTE *Requests for laboratory analysis pursuant to civil or criminal court proceedings will be effected by the District Attorney's Office, and handled in the normal manner. When such request is made, the Police Laboratory will test up to felony weight, as applicable.*

SPECIAL OPERATIONS LIEUTENANT

13. Ensure that an effective liaison is maintained with the Narcotics Eviction Program Coordinator regarding ongoing efforts in this area.
14. Maintain appropriate contact with concerned narcotics borough regarding locations involved in this initiative.
15. Bring to the attention of the Precinct Management Team (PMT) appropriate efforts or initiatives relating to the Narcotics Eviction Program at the command.

UNIFORMED MEMBER OF THE SERVICE

16. Respond to all narcotics eviction related cases, including civil and criminal court, or District Attorney's Office for case preparation, as directed and notified by the Appearance Control Unit.

SPECIAL OPERATIONS LIEUTENANT

17. Contact the Narcotics Eviction Program Coordinator if any observations indicate renewed illicit activity when an eviction order has been obtained or the subject premise has been otherwise vacated.

NOTE *In instances such as described above, the command should establish liaison with the building owner/tenant group and emphasize the common goal of placing a desirable tenant in the location.*

COMMANDING OFFICER/ COUNTERPART

18. Include initiatives taken towards these locations as a topic for Precinct Management Team (PMT) meetings as appropriate.
19. Ensure that there is both an effective information exchange and cohesive effort between precinct and narcotics borough personnel as it relates to this effort.

ADDITIONAL DATA

When considering the circumstances of an incident, it should be noted that an eviction can be brought upon direct or circumstantial evidence that the premise is used for an illegal narcotic business.

EXAMPLES OF DIRECT EVIDENCE include:

a. Observations of the direct sale of narcotics, OR
b. Inculpatory statements by occupants regarding the sale of narcotics.

EXAMPLES OF CIRCUMSTANTIAL EVIDENCE, which supports most eviction proceedings, include:

a. Recovery of an amount of narcotics inconsistent with personal use (typically 1/8 of an ounce or more) OR,
b. Recovery of cutting agents, scales, strainers, pestles, empty or new glassine envelopes or vials, plastic bags, rubber stamps, drug records, and other items associated with the preparation, manufacture, packaging, or storage of narcotics.

Recovery of evidence that lacks indications of a business operation, and is more consistent with mere personal use of narcotics, would not support an eviction and should not be forwarded to the District Attorney's Office. Cases that pertain to narcotics activity outside of homes and stores (i.e., stairwells, hallways, street, etc.) would not support action unless there is evidence linking the activity to interior premises. Questions regarding this area may be directed to the respective District Attorney's Office.

The addresses of the respective county District Attorney's Narcotics Eviction Program Coordinators are as follows:

District Attorney
County of New York
1 Hogan Place
Special Projects Bureau
New York, NY 10013

District Attorney
Bronx County
215 East 161st Street
Room 3DA - 11
Bronx, NY 10451

District Attorney
Kings County
210 Joralemon Street
Room 610
Brooklyn, NY 11201

District Attorney
Queens County
125-01 Queens Blvd.
Civil Enforcement Bureau
Kew Gardens, NY 11415

District Attorney
Richmond County
36 Richmond Terrace
Staten Island, NY 10301

FORMS AND REPORTS	***COMPLAINT REPORT (PD313-152)*** ***ON LINE BOOKING SYSTEM WORKSHEET (PD244-159)*** ***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

Section: Quality Of Life Matters		Procedure No: 214-03	
GRAFFITI REWARD PROGRAM			
DATE ISSUED: 05/01/15	DATE EFFECTIVE: 05/01/15	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To reward individuals whose reports of acts of graffiti vandalism in progress result in arrests by members of this Department.

SCOPE Administrative Code section 10-117.2 authorizes the Mayor, upon recommendation of the Police Commissioner, to pay a reward of up to five hundred dollars for "information leading to the apprehension, prosecution or conviction of any person(s)" who violate the Administrative Code provisions regarding graffiti vandalism.

PROCEDURE When an individual reports an act of graffiti vandalism in progress to the Department:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to report of graffiti vandalism and arrest violator if still present.
2. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**, and, if applicable, comply with normal arrest processing procedures.
3. Photograph graffiti vandalism utilizing a Department issued digital camera and upload the digital photographs utilizing the "Graffiti Photo Upload" option found in the OMNIFORM Complaints menu.
4. Immediately notify the Citywide Vandals Task Force to respond for prisoner debriefing in all graffiti arrest cases.
   a. Obtain a log number from the Citywide Vandals Task Force member and enter it in the "Notifications" caption of the **COMPLAINT REPORT WORKSHEET**.

DESK OFFICER

5. Verify response of Citywide Vandals Task Force personnel for prisoner debriefing.
   a. Ensure uniformed member of the service complies with steps "2", "3", and "4", above.
6. Obtain a copy of arrest paperwork, attach a copy of ICAD Event Information, if arrest was made as a result of a radio run, and forward as follows:
   a. Commanding officer/executive officer
   b. Special operations lieutenant
   c. Commanding Officer, Citywide Vandals Task Force.

SPECIAL OPERATIONS LIEUTENANT

7. Ensure uniformed members of the service comply with the provisions of this procedure.
8. Maintain a file of arrest paperwork for arrests made pursuant to the Graffiti Reward Program.

COMMANDING OFFICER, CITYWIDE VANDALS TASK FORCE

9. Maintain the Graffiti Reward Program file and database of all reward recipients and pending cases.
10. Attend Graffiti Reward Program Board meetings, chaired by the Executive Officer, Office of the Chief of Department, and a representative from the New York City Police Foundation.

COMMANDING OFFICER, CITYWIDE VANDALS TASK FORCE (continued)

11. Maintain the Graffiti Reward Program bank account and issue all reward checks after approval by the Graffiti Reward Program Board.
12. Assign Citywide Vandals Task Force personnel to deliver reward payments.
    a. Ensure all reward payments are delivered and receipted for.
13. Comply with directions received from the Director, Audits and Accounts Unit pertaining to audits.

EXECUTIVE OFFICER, OFFICE OF THE CHIEF OF DEPARTMENT

14. Convene and chair Graffiti Reward Program Board meetings with the Commanding Officer, Citywide Vandals Task Force, and a representative from the New York City Police Foundation.

ADDITIONAL DATA

ELIGIBILITY

No police officer, peace officer, any other law enforcement officer, or other city employees acting within their official capacities are entitled, directly or indirectly, to collect or receive any reward under this program.

OPERATIONAL CONSIDERATIONS

In all cases where an individual may be eligible for a reward under the Graffiti Reward Program, the Citywide Vandals Task Force must be notified, and a copy of all arrest paperwork will be sent to the Commanding Officer, Citywide Vandals Task Force.

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)

NYPD

PURPOSE To establish guidelines for the utilization of auxiliary police volunteers as undercovers for "Quality of Life" enforcement (i.e., sale of alcoholic beverages, cannabis products, box cutters, spray paint cans/broad tip markers, etc.).

SCOPE A volunteer auxiliary police officer is eligible to participate in enforcement as an undercover if his/her age is within the limits specified by the statute of law being enforced. Auxiliary police officers will be considered eligible for these assignments only upon the recommendation of their precinct's special operations lieutenant and after receiving proper training by the Auxiliary Police Section.

PROCEDURE When considering an auxiliary police officer volunteer for possible use as an undercover in a 'Quality of Life' enforcement effort and when utilizing an undercover auxiliary police officer for a "Quality of Life" enforcement effort:

SPECIAL OPERATIONS LIEUTENANT OR DESIGNEE

1. Contact borough auxiliary police coordinator.
   a. Each coordinator maintains a list of the names, dates of birth, and telephone numbers of auxiliary police officers who are eligible for assignment. It is the responsibility of the borough Vice Module or precinct special operations lieutenant to determine whether the volunteer auxiliary police officer is within the age limitation of the "Quality of Life" statute being enforced and confirm reporting location, time and dress code. Each auxiliary police volunteer will report to his/her precinct unit or resident precinct, for pick-up by borough Vice Module or neighborhood police coordinator and returned to that location upon completion of tour.
   b. Volunteer auxiliary police officers will never be utilized for undercover operations involving prostitution and/or narcotics enforcement (cannabis products are not considered narcotics as defined by Chapter 3 of the New York State Cannabis Law).
   c. Volunteer auxiliary police officers utilized in undercover capacity will <u>not</u> operate in resident or assigned precinct.

NOTE *Only auxiliary police officers who are on the list may be utilized as undercovers for "Quality of Life" operations. There are <u>no</u> <u>exceptions</u>. An auxiliary police officer notified for assignment and reporting to the precinct shall receive a minimum of four hours of credited time regardless of the actual extent of the operation.*

2. Ensure auxiliary police officer volunteer has received training in safety, tactics and integrity conducted by the Auxiliary Police Section, and has signed the required affidavits at the appropriate time if the 'Quality of Life' enforcement concerns underage sale of alcohol or cannabis products.

SPECIAL OPERATIONS LIEUTENANT OR DESIGNEE

a. Ensure a signed parental consent form is obtained if the volunteer auxiliary police officer is under the age of eighteen.

3. Ensure that the auxiliary police officer volunteer is within the age limits specified by the statute of law being enforced.
   a. Auxiliary police officers under eighteen years of age may be trained, however, they will not be utilized until they reach eighteen years of age.
4. Prohibit the auxiliary police volunteer from performing an undercover operation in either their precinct of assignment or precinct of residence.
5. Prepare an Auxiliary Police Roll Call APS #10, for the auxiliary volunteer to sign in upon pick-up as "On Duty" and for signing out when dropped off at the end of their tour.
   a. The Original APS #10 is to be forwarded to the borough auxiliary coordinator and a copy to the auxiliary coordinator of the precinct to which the auxiliary police volunteer is assigned, via Department mail.
6. Prepare a recapitulation of the enforcement activity.
   a. The neighborhood coordination supervisor will forward a copy of this recapitulation to the borough concerned auxiliary police coordinator.
   b. The vice supervisor forwards one to the narcotics borough concerned.
7. Interview auxiliary police volunteer prior to undercover operation.
   a. Ensure that the auxiliary police volunteer is thoroughly briefed as to all aspects of operation.
   b. Take a photograph of auxiliary police volunteer on day of enforcement along with a photocopy of the volunteer's **Auxiliary Police Identification Card (Misc. 3948)**. Both items will be filed in the arrest folder of defendant(s) apprehended.
8. Observe undercover at all times during the operation.
   a. Witnessing officer MUST observe the violation of the "Quality of Life" statute being enforced.
9. Comply with *P.G. 216-13, "Line of Duty Injury or Death – Auxiliary Police Officers*," in the event the auxiliary volunteer is injured or killed during the course of an undercover operation.

BOROUGH AUXILIARY COORDINATOR

10. Update approved list of auxiliary police volunteers semi-annually on the 5th day of January and July based on the recommendation of the precinct special operations lieutenant and completion of appropriate training.
    a. Forward copy of list to the Commanding Officer, Auxiliary Police Section, and commanding officer, narcotics borough concerned.
11. Ensure that each auxiliary police officer volunteer receives the proper training course regarding safety, tactics and integrity conducted by the narcotics borough.
12. Prepare and forward monthly enforcement recapitulation to Auxiliary Police Section by the tenth day of the month for the preceding month's operation(s).

COMMANDING OFFICER CONCERNED

13. Forward "MONTHLY RECAPITULATION OF AUXILIARY POLICE UTILIZATION IN UNDERAGE DRINKING ENFORCEMENT REPORT" to the Commanding Officer, Auxiliary Police Section by the 10th day of the month, for the preceding month.
14. Confer with the borough auxiliary coordinator and the Auxiliary Police Section, Training Unit as the pool of trained auxiliary police volunteers begins to diminish.
    a. Request recruitment of new volunteers and arrange for their training with the narcotics borough concerned.

NOTE *Commanding officer, borough Vice Module will make every reasonable effort to ensure an auxiliary's undercover duties and subsequent court appearances do not conflict with the auxiliary's school or work schedule.*

PRECINCT SPECIAL OPERATIONS LIEUTENANT

15. Direct the precinct's auxiliary coordinator to identify, by personnel data records and conferral with Auxiliary Police Section, those auxiliary police officers over eighteen and less than twenty years and six months of age for possible assignment.
16. Interview the prospective auxiliary police volunteer to determine suitability for this particular type of assignment.
17. Make selection of suitable auxiliary police volunteers based upon member's maturity, background, ability to make sound judgments, communication skills and demeanor.
18. Advise auxiliary police volunteer, prior to recruitment and during training, that he/she may be subpoenaed by the defendant to testify in criminal court or in a State Liquor Authority hearing.
19. Direct that the precinct auxiliary coordinator forward to the borough auxiliary coordinator and Auxiliary Police Section, Training Unit a list of selected auxiliary volunteers recommended for this assignment, semi-annually (by the 5th day of January and July).
20. Notify the borough auxiliary police coordinator, narcotics borough, and Auxiliary Police Section immediately, to remove an auxiliary police volunteer from this list, if their status changes, (i.e., age, suspended, arrested, leave of absence, dismissal, etc).
21. Prepare and forward report to the Commanding Officer, Auxiliary Police Section AND the borough auxiliary coordinator after each operation in which an auxiliary police officer is used as an undercover.
    a. Include officer's identity, unit, number of purchases attempted, number of purchases made, number of summonses issued, and any comments relative to the officer's performance as an undercover.
22. Forward **AFFIDAVIT OF SALE OF CANNABIS (PD180-061)** to:
    a. Civil Enforcement Unit
    b. Auxiliary Police Section
    c. Respective Patrol Borough.

PURPOSE To make every effort to assist homeless individuals in finding the services they need and record occurrences, and services rendered.

DEFINITIONS CONTACT - For the purpose of this procedure, a "contact" with the homeless shall include any interaction between a uniformed member of the service and a homeless individual, whereby the homeless individual is: transported to a shelter, arrested/summonsed, treated as an aided case or an emotionally disturbed person (EDP), or is requested to leave private property, or publicly owned property not usually open to the public, or not open to the public at the time of the encounter.

PROCEDURE When a uniformed member of the service assists an individual who is, or appears to be homeless, and records and documents services rendered:

UNIFORMED MEMBER OF THE SERVICE

1. Interview homeless individual to determine the need for medical attention, psychiatric treatment, shelter, or other services.
   a. Comply with *P.G. 216-01, "Aided Cases General Procedure"* and/or *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* as applicable.
   b. Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* if homeless individual is intoxicated, and leads you to believe that they are at risk of serious injury to him/herself or others.
   c. If homeless individual is identified as a client of the Department of Homeless Services, or other service provider, that agency will be contacted to respond, if available, to continue outreach efforts.
2. Advise homeless individual of available services.
   a. A homeless individual who refuses services after repeated encounters should be referred to Department of Homeless Services personnel.
3. If homeless individual requests to go to a shelter, or accepts an offer of shelter, comply with *P.G. 202-03, "Radio Motor Patrol Recorder,"* and provide transportation to nearest 24-hour Intake Shelter or Drop-in Center.
   a. All homeless male individuals in the borough of Queens will be transported to the 30th Street Men's Shelter.
4. Use radio code 10-97S when transporting a homeless individual to a homeless shelter for any reason (e.g., routine, "cold weather emergency," etc.).
5. Document each contact with a homeless individual on an **AIDED REPORT**, utilizing the Finest Online Records Management System (FORMS), unless arrest is effected or summons is issued (i.e., prepare arrest paperwork or summons as appropriate).
   a. Include in the "Details" section that the individual is not sick or injured, but is homeless.
      (1) Indicate whether or not homeless individual requested transportation to a shelter.
      (2) Indicate whether or not services were offered, and if accepted or refused.

NOTE *Contact with homeless individuals resulting from outreach efforts will be recorded by selecting the "Other (Explain in Details)" check box on **AIDED REPORT**, and including the circumstances of the contact under "Details" section of **AIDED REPORT**.*

UNIFORMED MEMBER OF THE SERVICE (continued)

6. Take appropriate enforcement action if homeless individual violates the law, including repeated minor violations.
   a. Request patrol supervisor to all arrest situations.
7. Contact Legal Bureau with any questions in regard to taking enforcement action, or when removing an individual to a shelter location.
   a. Legal Bureau attorneys are available Monday through Friday, from 0700 hours to 2230 hours, or at other times, the duty attorney may be reached through the Operations Division.
8. Make digital **Activity Log** entry for all homeless individual contacts.

NOTE *A homeless individual who is apparently physically and mentally sound, and refuses services, is either free to leave or remain at a location.*

<u>WHEN A "COLD WEATHER EMERGENCY" (TEMPERATURE REACHES OR FALLS BELOW 32 DEGREES FAHRENHEIT) IS DECLARED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, STEPS "9" THROUGH "11" WILL BE COMPLIED WITH:</u>

UNIFORMED MEMBER OF THE SERVICE

9. Be alert at all times (particularly between 1600 and 0800 hours) for homeless individuals with no available means of shelter from the elements.
10. Talk to homeless individual to ascertain if they have an available means of shelter.
    a. If homeless individual has no available means of shelter, and if they consent, transport individual to nearest 24-hour Intake Shelter OR Drop-in Center for Adults (see Additional Data).
    b. If homeless individual has no available means of shelter, and refuses offer of shelter, request patrol supervisor to respond to location.

PATROL SUPERVISOR

11. Respond to scene and make every effort to encourage homeless individual to accept offer of shelter.
    a. If homeless individual continues to refuse shelter, and it is determined that the individual appears to be either mentally ill or incapacitated by alcohol and/or substances, comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* and/or *P.G. 216-01, "Aided Cases General Procedure,"* as necessary.

DESK OFFICER

12. Review **AIDED REPORT** using FORMS, if prepared, and ensure that all required captions are complete and accurate, and that all proper notifications are made.
    a. If unable to verify completeness and accuracy, return to submitting uniformed member of the service for necessary attention.
13. Approve **AIDED REPORT** using FORMS, after verifying completeness and accuracy.

COMMANDING OFFICER

14. Report all locations of homeless street conditions or persistent congregations of homeless individuals to appropriate patrol borough command.

PATROL BOROUGH COMMAND

15. Maintain a record of all homeless street condition sites and persistent congregations reported by subordinate commands, and notify the Office of the Chief of Patrol.
16. Notify Operations Unit of all homeless contact information, upon conclusion of all "cold weather emergency" activations.
17. Report persistent locations to the Office of the Chief of Department via email, at [redacted].

OFFICE OF THE CHIEF OF DEPARTMENT

18. Coordinate multi-agency response for all persistent homeless locations.

ADDITIONAL DATA

All patrol, transit and housing commands will ensure "outreach cards," which are prepared by the New York City Department of Homeless Services and contain contact information for obtaining shelter, are made available to their personnel.

Homeless Outreach Unit personnel will provide information and training to command personnel regarding services available to homeless individuals, as well as strategies and tactics for interacting with homeless individuals. The unit is staffed and operational 24 hours a day, seven days a week.

HEALTH AND HOSPITALS CORPORATION HOSPITALS

BRONX

Jacobi Hospital
1400 Pelham Parkway South

Lincoln Hospital
234 East 149th Street

North Central Bronx
3424 Kossuth Avenue

BROOKLYN

Coney Island Hospital
2601 Ocean Parkway

Kings County Hospital
451 Clarkson Avenue

Woodhull Hospital
760 Broadway

MANHATTAN

Bellevue Hospital
462 First Avenue

Harlem Hospital
506 Lenox Avenue

Metropolitan Hospital
1901 First Avenue

ADDITIONAL DATA (continued)

QUEENS

Queens Hospital Center
82-68 164th Street

Elmhurst Hospital Queens
79-01 Broadway

STATEN ISLAND

Richmond University Medical Center

NYPD

PURPOSE To save manpower by reducing police response to locations when three or more alarms, within a three month period, were determined to be unnecessary/unfounded.

PROCEDURE Upon response to a radio code signal 10-11 (Alarm Condition) and investigation discloses transmission of alarm was unnecessary or unfounded:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **NOTICE OF UNNECESSARY ALARM (PD310-120)**, enter name of person served and complete appropriate captions.
2. Serve original copy of **NOTICE OF UNNECESSARY ALARM** to person qualified to accept service.

NOTE *Person Qualified to Accept Service of a **NOTICE OF UNNECESSARY ALARM** - owner, corporate officer, manager, and supervisor, or in their absence, adult employee of firm or adult resident of premises.*

3. Report disposition (code signal 10-90N - Notice Served - Unnecessary/ Unfounded Alarm) to Communications Section dispatcher.
4. Deliver remaining copies of **NOTICE OF UNNECESSARY ALARM** to desk officer for Crime Prevention Officer.

PERSON QUALIFIED TO ACCEPT SERVICE OF NOTICE OF UNNECESSARY ALARM NOT PRESENT:

UNIFORMED MEMBER OF THE SERVICE

5. Prepare **NOTICE OF UNNECESSARY ALARM** and place original in mailbox or under door.
6. Report disposition (code signal 10-90N - Notice Served - Unnecessary/ Unfounded Alarm) to Communications Section dispatcher.
7. Check box "DOOR SERVICE" on remaining copies of **NOTICE OF UNNECESSARY ALARM** and deliver to desk officer for Crime Prevention Officer.

NOTE *A **NOTICE OF UNNECESSARY ALARM** must be served for an unnecessary/unfounded alarm including an alarm caused by user error.*

UNABLE TO SERVE NOTICE OF UNNECESSARY ALARM (DEFERRED SERVICE):

UNIFORMED MEMBER OF THE SERVICE

8. Prepare **NOTICE OF UNNECESSARY ALARM** (Deferred Service) when qualified person not present or **NOTICE** cannot be placed in mailbox or under door.
9. Report disposition (code signal 10-90N3 - Deferred Service) to Communications Section dispatcher.
10. Deliver all copies of **NOTICE OF UNNECESSARY ALARM** to desk officer for deferred service by Crime Prevention Officer.

CRIME PREVENTION OFFICER

11. Inspect previous **COMPLAINT REPORT (PD313-152)** locations prior to having **NOTICE OF UNNECESSARY ALARM** (Deferred Service) delivered to premises, on next business day, to guard against improper service.

NOTE *No **NOTICE** is to be served to a premise where a crime was committed.*

12. Direct member making delivery to complete "Deferred Service" section of **NOTICE OF UNNECESSARY ALARM**.
    a. Serve original copy of **NOTICE** to person qualified to accept service, or
    b. Place original copy in mailbox or under door, if necessary, and check box "DOOR SERVICE" on remaining copies.
13. Have remaining copies of **NOTICE OF UNNECESSARY ALARM** delivered to desk officer.

NOTE *If investigation discloses evidence of a crime or attempted crime when a **NOTICE OF UNNECESSARY ALARM** (Deferred Service) is delivered to a qualified person or "door service" has been effected, uniformed member of the service making the delivery will prepare **COMPLAINT REPORT WORKSHEET (PD313-152a)**, if appropriate, and complete "Revised Disposition" section of **NOTICE OF UNNECESSARY ALARM**.*

14. Prepare and place an additional copy of **NOTICE OF UNNECESSARY ALARM**, for all "door service" cases in an envelope addressed to owner or manager, and forward via next Department mail to Mail and Distribution Unit, Police Headquarters, for postage mailing and indicate date forwarded on precinct copy of **NOTICE**.
15. Maintain **NOTICE OF UNNECESSARY ALARMS** master file in precinct for all:
    a. Personally served **NOTICES**
    b. "Door service" **NOTICES**
    c. "Deferred Service" **NOTICES**
    d. "Revised Disposition" **NOTICES**
    e. Executed "Termination" **NOTICES**.
16. Obtain "Abuser Alarm Location Notification" (Notice Memo) from FINEST printer each day.

NOTE *The Information Technology Services Division forwards the "Abuser Alarm Location Notification" listing to each command daily.*

17. Review "Abuser Alarm Location Notification" listing with precinct commanding officer to determine which locations to be terminated.
18. Prepare, and personally serve, **TERMINATION NOTICE - CHRONIC ALARM LOCATION (PD310-121)** to identified premises, only when directed by precinct commanding officer.

CRIME PREVENTION OFFICER (continued)

19. Maintain copy of "Abuser Alarm Location Notification" indicating continued response, or reinstatement.
    a. Maintain copy of Transmittal Letter (Misc. 1726) when reinstating without "Abuser Alarm Location Notification."
20. Provide assistance to persons seeking methods to improve alarm performance.
21. Perform alarm system and/or premises security surveys in appropriate instances.
22. Maintain record of all contacts regarding alarm abuse locations, e.g., information given to improve alarm performance, system modifications recommended and implemented, premises surveys and results, uncooperative or indifferent attitude, etc.
23. Enter/post to the Alarm Board Notification System Database, on a daily basis, all:
    a. Personally served **NOTICES**
    b. "Door service" **NOTICES**
    c. "Deferred Service" **NOTICES**
    d. "Revised Disposition" **NOTICES**
    e. "Termination" **NOTICES**
    f. "Continued Response" **NOTICES**
    g. "Reinstatement" **NOTICES**.

TERMINATING RESPONSE TO CHRONIC ALARM LOCATIONS:

PRECINCT OPERATIONS COORDINATOR

24. Verify that copy of **NOTICE OF UNNECESSARY ALARM** is on file for each unnecessary response listed on "Abuser Alarm Location Notification."
25. Personally review precinct records relative to premises identified by "Abuser Alarm Location Notification" as a "Chronic Alarm Location."
26. Ascertain, from precinct Crime Prevention Officer, if any inquiry was received from location identified as chronic regarding methods to improve alarm performance.
27. Evaluate any attempt at location to correct condition, e.g., system modifications, nature and extent of employee training in alarm use, etc.

PRECINCT COMMANDING OFFICER/ DESIGNEE

28. Meet with alarm abuser to stress the need for improvement in his/her system or personnel training, in appropriate cases.

PRECINCT COMMANDING OFFICER

29. Consider advisability of alternative action in lieu of termination response to location, in appropriate cases.
30. Direct crime prevention officer to have form **NOTICE OF CONTINUANCE/CHRONIC ALARM LOCATION (PD115-110)** served on alarm user when determination is made to continue response because premises/location is sensitive, e.g., hours of worship, certain types of business, etc.

PRECINCT COMMANDING OFFICER (continued)

31. Approve service of **TERMINATION NOTICE** when warranted, by personally signing original and duplicate of **NOTICE** immediately above "Delivery Endorsement" section.
    a. Sign "Abuser Alarm Location Notification" (Notice memo) and Transmittal Letter (misc. 1726).
32. Direct personal service of **TERMINATION NOTICE** to qualified person.

REINSTATEMENT OF RESPONSE FOR TERMINATED CHRONIC ALARM LOCATIONS:

PRECINCT COMMANDING OFFICER

33. Review all written requests and supporting documents, if any, received relative to reinstatement.
34. Review precinct records relative to terminated premises.
35. Confer with crime prevention officer to determine receipt of any additional unnecessary alarms since termination.
36. Review record of contacts between precinct crime prevention officer and person in charge at chronic alarm location.
37. Require alarm system and/or premises security survey prior to reinstatement, as appropriate.
38. Approve or disapprove a request for reinstatement.
    a. Have person qualified to accept service personally served with decision in writing.
    b. Inform crime prevention officer of decision to reinstate.
        (1) If reinstatement is approved, notify person in charge of premises at terminated location to anticipate a minimum of forty-eight hours delay before crime prevention officer can re-enter premises to a response mode.
    c. File copy in precinct, indicating firm name, name and address of person notified and time and date of notification on file copy.

ADDITIONAL DATA

When a signal "10-11" is received at precinct telephone switchboard, the job will be telephoned to 911 for Communications Section processing.

To facilitate proper transfer of the responsibilities and functions to the precincts, "HELP" desks have been established (Information Technology Bureau [ITB] Service Desk and Police Academy, Computer School) to assist precinct crime prevention officers in operating the program.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152a)
NOTICE OF CONTINUANCE/CHRONIC ALARM LOCATION (PD115-110)
NOTICE OF UNNECESSARY ALARM (PD310-120)
TERMINATION NOTICE - CHRONIC ALARM LOCATION (PD310-121)

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-09	
TAXI AND LIMOUSINE COMMISSION PADLOCK ENFORCEMENT PROGRAM			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To assist Taxi and Limousine Commission (T.L.C.) agents in the padlocking of unlicensed livery base locations.

SCOPE In an attempt to close unlicensed livery car base locations, the Taxi and Limousine Commission has instituted a padlock program for citywide enforcement. This Department, in its continuing policy of inter-agency cooperation, will assist the Commission in its endeavor whenever possible. Accordingly, when requested by the Taxi and Limousine Commission, uniformed members of the service will accompany that agency's representatives to the initial sealing of unlicensed premises. Uniformed members will also accompany them when they perform follow-up padlocking ten days after the initial padlockings. The function of uniformed members at these padlockings will be to preserve the peace and ensure that the Taxi and Limousine Commission representatives are not prevented from performing their duties. This Department will assist the Taxi and Limousine Commission with enforcement action if necessary. However, arresting officers and complainants will be provided by the Taxi and Limousine Commission.

PROCEDURE When a request is made by the Taxi and Limousine Commission to assist at the initial, and follow up, padlocking of an unlicensed livery base location:

UNIFORMED MEMBER OF THE SERVICE

1. Accompany the Taxi and Limousine Commission agents to the location and ensure they are not prevented from performing their duties.
2. Assist the Taxi and Limousine Commission agents in taking enforcement action, if necessary.

NOTE *In arrest situations, the arresting officer and the complainant will be provided by the Taxi and Limousine Commission.*

DESK OFFICER

3. Assign uniformed member of the service concerned to conduct daily inspections of the padlocked locations.

NOTE *If violations are observed, the Taxi and Limousine Commission will be notified by telephone. Violations observed after business hours will require a follow up notification the following day.*

ADDITIONAL DATA *The Taxi and Limousine Commission has informed this Department that any precinct command that has a problem regarding an unlicensed livery base may call them and request that they undertake enforcement action at the location.*

NYPD

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-10	
UNLAWFUL POSTING OF SIGNS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To prevent unlawful posting of signs on public streets.

PROCEDURE Upon observing an unauthorized sign posted on a gutter, lamppost, telephone pole or tree within the boundaries of a public street or highway:

UNIFORMED MEMBER OF THE SERVICE

1. Serve summons for Administrative Code Section 10-119 (a violation) to person observed posting sign.
2. Remove the sign, if possible, and place it in a trash basket.

NYPD

Section: Quality Of Life Matters	Procedure No: 214-11

ENFORCEMENT ACTIVITIES REGARDING OBSCENITY (PENAL LAW ARTICLE 235) AND PUBLIC DISPLAY OF OFFENSIVE MATERIAL (PENAL LAW SECTION 245.11)

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 2

PURPOSE To establish guidelines relating to the enforcement of laws regarding the public display of sexually explicit or offensive material.

PROCEDURE Whenever a uniformed member of the service observes or receives a complaint regarding the public display of sexually explicit or offensive material (i.e., photographs, magazines, videos and other related material displayed in store windows, magazine racks, newsstands, movie marquees or otherwise exposed to public view):

UNIFORMED MEMBER OF THE SERVICE

1. Immediately notify the patrol supervisor.

NOTE *Do not take any enforcement action, including effecting arrests, issuing summonses or seizing any suspected obscene materials or entering into the private areas of stores or other premises.*

PATROL SUPERVISOR

2. Respond to the location and determine if:
   a. The material or item is easily visible from any public street, sidewalk or transportation facility, or is displayed inside any premise that is accessible to members of the public without a fee for admission, AND
   b. The material depicts actual or simulated sexual conduct, including acts of masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or if such person be a female, breasts; or sadomasochistic abuse including flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or in the condition of being fettered, bound or otherwise physically restrained.
3. Make digital **Activity Log** entry regarding:
   a. Nature of the display
   b. Sexual activity depicted and the circumstances surrounding the display's public visibility (i.e., size of display, distance from the street or sidewalk, etc.,)
   c. Character of the location, such as commercial or residential, including the proximity of the display to schools, places of amusement, parks and playgrounds.
4. Consult with Legal Bureau upon completion of investigation.

NOTE *Patrol supervisors and other uniformed members of the service will take no enforcement action in this matter, including effecting arrests, issuing summonses, or seizing any suspected obscene material, or entering into the private areas of stores or other premises, without the specific direction of the Legal Bureau.*

ADDITIONAL DATA

While possession of obscene material may be illegal in some cases, an arrest for the violation of any provision of Penal Law Article 235 (Obscenity) can only be made following a judicial determination that the item is obscene. Subject items would need to be purchased, or otherwise obtained lawfully, and presented to a judge for review. Members of the service must not take any enforcement action in incidents involving the possession of suspected obscene materials or suspected obscene or offensive performances. In those circumstances the members concerned should notify the Legal Bureau.

While no summary enforcement action can be taken pursuant to Penal Law Article 235 (Obscenity), members of the service, under appropriate circumstances, may take summary enforcement action for the PUBLIC DISPLAY of offensive sexual material (Penal Law Section 245.11, entitled "Public Display Of Offensive Sexual Material", a class A misdemeanor). When contemplating enforcement of this penal law section, members of the service are to strictly adhere to the above guidelines.

NYPD

PROCEDURE To protect the rights of a person who is being or has been unlawfully evicted from his dwelling unit.

DEFINITIONS UNLAWFUL EVICTIONS - Purpose of the law is to discourage, through the imposition of substantial criminal and civil penalties, unlawful evictions to occupants of dwelling units, by methods which often involve:

a. Force and violence, or
b. The denial of essential services, or
c. Other serious Building Code and Health Code violations.

The law makes it unlawful for any person to evict or attempt to evict an occupant by:

a. Using or threatening to use force, or
b. Interruption or discontinuance of essential services (heat, electricity, water), or
c. Removing the occupant's possessions from the dwelling, or
d. Removing the entrance door, or
e. Removing, plugging or rendering inoperable the entrance door lock, or
f. Changing the lock on such entrance door without supplying the occupant with a key, or
g. Engaging in a course of conduct that interferes, or attempts to interfere, with the comfort, repose, peace or quiet of an occupant, or
h. Failing to take all reasonable and necessary action to restore an occupant of a dwelling to occupancy, should preceding subdivisions "a" through "g" occur.

Unless a Warrant of Eviction or Government Order to Vacate has been executed, the protective provisions of this law apply in the following circumstances:

a. When an individual occupies a dwelling unit pursuant to a lease; or
b. When an individual has lawfully occupied a dwelling unit for thirty or more consecutive days; or
c. When an individual occupies a dwelling unit within a hotel which is subject to registration under the rent stabilization law (generally single room occupancies [S.R.O.'S]) and has requested a lease pursuant to provisions of the rent stabilization law.

DWELLING - Any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings. Qualifying "dwellings" include:

a. One or two family homes
b. Multiple dwellings.

DWELLING UNIT - Any residential accommodation within a dwelling.

DEFINITIONS (continued)

MULTIPLE DWELLING - A dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied, or is intended, arranged or designed to be used or occupied, as the residence or home of three or more families living independently of each other. A multiple dwelling includes apartment buildings and hotels. A multiple dwelling does not include:

a. A hospital, convent, monastery, asylum or public institution, or
b. A fireproof building used wholly for commercial purposes except it may contain one janitor's apartment, and one penthouse occupied by not more than two families, or
c. Government owned housing, which is exempt from the unlawful eviction statute, and includes NYCHA housing, etc., or
d. Privately owned housing, even if receiving government funding, is not exempt from the unlawful eviction statute, and includes privately owned hotels receiving funds for housing residents referred by the Human Resources Administration, etc.

OWNER - Any person, firm or corporation directly or indirectly in control of a dwelling. A tenant who subleases his dwelling unit is in the position of an "owner" with respect to his sub-tenant.

PROCEDURE

When a uniformed member of the service has probable cause to believe that a person has been unlawfully evicted from his dwelling unit:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare summons in cases where the violator is properly identified and occupant is permitted to reenter the dwelling.
   a. Follow *P.G. 209-09, "Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court."*
   b. Prepare a separate summons for either NYC Administrative Code section 26-521, or NYS Real Property Actions and Proceedings Law section 768, for each offense.
   c. Make summons returnable to:
      (1) Summons Adjudication Part of Manhattan Criminal Court, if issued in Manhattan, Brooklyn, Bronx or Queens
      (2) Staten Island Criminal Court, if issued in Staten Island
      (3) Schedule Return dates at least twenty-one days from the date summons is issued, on the day of the week indicated, according to the borough where violation occurred:
         - **Manhattan** **Tuesday**
         - **Bronx** **Tuesday**
         - **Brooklyn** **Thursday**
         - **Queens** **Thursday**
         - **Staten Island** **First Wednesday of month**
   d. Complete "Complaint/Information" section on front of summons.
      (1) Specific details of the violation must be provided.
   e. Personally serve violator with Criminal Court (pink) copy of summons.
   f. Process remaining copies according to normal procedures.

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Effect an arrest where the violator:
   a. Cannot be properly identified, or
   b. Refuses to permit occupant to re-enter or who through physical obstruction prevents the occupant from re-entering.
      (1) When an arrest is necessary, the violator shall be brought to criminal court for prompt arraignment. A desk appearance ticket shall not be issued.
3. Refer evicted persons who are unable to secure temporary housing to the New York City Department of Homeless Services.

ADDITIONAL DATA

If offense was committed in the presence of officer, the officer will sign the "Complaint/Information" section of the summons. When not committed in officer's presence, the officer must ascertain that a crime was committed and request complainant to sign the "Complaint/Information" section. If complainant refuses, officer may sign, "based on information and belief," provided all details as related to the officer by the complainant are included in the "Complaint/Information" section.

If a civilian is the complainant, draw a line through the words "Complainant's" and "Complainant" and substitute the words "Officer's" and "Officer," as applicable, on the front of the summons. In addition, draw a line through the words, "I personally observed the commission of the offense charged herein" immediately above the "Complainant's Full Name Printed" caption. In addition, IN EVERY CASE IN WHICH A CIVILIAN COMPLAINANT IS INVOLVED, THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE COMPLAINANT WILL BE ENTERED ON THE BOTTOM REVERSE SIDE OF THE "ORIGINAL" SUMMONS UNDER THE CAPTIONS "COMPLAINANT'S FULL NAME PRINTED," "RANK/FULL SIGNATURE OF COMPLAINANT," "DATE AFFIRMED."

Unlawful eviction is a class "A" misdemeanor. However, it is not a fingerprintable offense.

Substantial civil penalties may also be sought through Corporation Counsel in appropriate cases.

When it has been determined that a continuous pattern of unlawful eviction activity exists at a particular location, the precinct commander will confer with Legal Bureau personnel regarding initiation of civil action through the Corporation Counsel. If there is a potential for violence between Family/Household members, the demanding of entrance under this procedure is not required. In Family/Household situations, members of the service are to follow Department domestic violence guidelines.

Members of the service should also refer to Legal Bureau Bulletin Vol. 49 No. 3, dated August 2019, for legal reference regarding unlawful evictions.

RELATED PROCEDURES

Family Offenses/Domestic Violence (P.G. 208-36)
Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)
Evictions, Repossessions and Other Civil Process (P.G. 214-13)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

FORMS AND REPORTS

COMMON SUMMONSABLE OFFENSES (PD160-102)

PURPOSE To protect life and property and preserve the peace when involved in the enforcement of eviction warrants or other civil process.

SCOPE Uniformed members of the service should be cognizant that incidents to which they respond may be the outgrowth of a civil process. The authority to break and enter pursuant to purely civil process such as repossessions, evictions and civil commitments is given to the city marshal/sheriff. The only assistance which the police must render to a marshal is the general mandate of the New York City Charter to preserve the peace and protect life and property.

PROCEDURE When requested to assist in the execution of an eviction warrant or other civil process:

DESK OFFICER

1. Assign uniformed member of the service to assist at location involved.

UNIFORMED MEMBER OF THE SERVICE

2. Respond to location and examine identification of city marshal/sheriff and if eviction is involved, examine warrant.

NOTE *The role of a uniformed member of the service when called to the scene of an eviction or other civil process situation is to preserve the peace and prevent the commission of a crime. The execution of a warrant of eviction is the sole responsibility of the city marshal/sheriff. Where a forced entry is authorized, a city marshal/sheriff is required to do so in the least disruptive way. Uniformed members of the service will not assist in breaking a door or damaging other property to effect a warrant of eviction. The city marshal is responsible for this action, when necessary and authorized.*

IF SUBJECT OF AN EVICTION OR OTHER CIVIL PROCESS REFUSES TO ALLOW ENTRY OR LEAVE VOLUNTARILY:

UNIFORMED MEMBER OF THE SERVICE

3. Notify desk officer and request response of a patrol supervisor, before any further action is taken.

PATROL SUPERVISOR

4. Respond to scene and assess situation.

NOTE *If subject of eviction warrant or other civil process appears to be emotionally disturbed comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

IF SUBJECT OF EVICTION OR OTHER CIVIL PROCESS ALLOWS ENTRY:

UNIFORMED MEMBER OF THE SERVICE

5. Enter premises with city marshal/sheriff and landlord/representative and remain until eviction or civil process is executed.
6. Make following entry in digital **Activity Log**:
   a. Name and shield number of city marshal/sheriff
   b. Time of entry into tenant's premises
   c. Location of tenant's premises in building
   d. Name of tenant
   e. Note if tenant is present or not
   f. Whether city marshal/sheriff or landlord/representative will be responsible for the tenant's property.
      (1) If the landlord/representative endorses the eviction warrant indicating that he takes responsibility for the property in the premises, the eviction is complete.
      (2) If the landlord/representative does not take responsibility for the property in the premises, the city marshal must arrange for removal.

NOTE *The city marshal/sheriff or the landlord/representative is not permitted to place the property from the premises on the sidewalk. A vehicle must be on the scene and property loaded immediately.*

   g. Name and address of moving company
   h. Name of the driver of each moving van
   i. Time each moving van left
   j. Location of warehouse where property will be stored.

7. Notify desk officer when the eviction is competed.

RELATED PROCEDURES

Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Motor Vehicles Repossessed/Parking Violations Scofflaw Removal Program (P.G. 212-48)
Unlawful Evictions (P.G. 214-12)
Hostage Barricaded Person(s) (P.G. 221-14)

PURPOSE To permit owner or lessee of residential property, containing no more than two dwelling units, to have unoccupied vehicle(s) blocking entry or exit to their driveway towed by either licensed tow car of their choice or next available tow company in Rotation Tow Program.

PROCEDURE Upon being directed to respond to a blocked driveway assignment:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain if unoccupied vehicle is reported stolen and comply with appropriate procedures.
2. Determine if registered owner of vehicle is also owner/lessee of premises involved.

NOTE *Registered owners of vehicles are permitted to park in front of own driveway.*

3. Issue summons for violation "Obstructed Driveway" (Section 4-08F2 Traffic Rules) if vehicle is not reported stolen and owner/lessee is not involved.
4. Adhere to applicable provisions of *P.G. 218-21, "Rotation Tow."*

NOTE *The owner/lessee has the option of removing a vehicle by a licensed tow operator of own choice after a summons has been issued. In such cases, the provisions of the Rotation Tow procedure will not apply, including the transfer of the vehicle from the private tow to the Property Clerk's Auto Pound on weekdays commencing on the eighth day and ending on the thirtieth day, even when the private tow selected by the owner/lessee is a participant in the Rotation Tow Program. As per the State Lien Law, the private tow company is entitled to a lien against the unclaimed vehicle.*

5. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** and enter 'Driveway Tow' in the 'Remarks' section, if vehicle removed by Rotation Tow.
   a. If vehicle is locked and secure, do not attempt to enter vehicle. In such cases, the responsibility for safeguarding property within vehicle rests with tow company.
   b. If property is clearly visible within vehicle and such vehicle is unlocked and entry is easily accessible, invoice property on separate **PROPERTY CLERK INVOICE WORKSHEET**.
6. Deliver **WORKSHEET(S)** to desk officer, precinct of occurrence.

DESK OFFICER

7. Notify the Stolen Property Inquiry Unit for each vehicle removed under the provisions of Administrative Code 19-169.1, whether removed by a rotation tow operator or by a licensed private tow.

NOTE *If a rotation tow operator unjustifiably refuses a "Driveway Tow" assignment, the desk officer shall forward a* ***REPORT OF VIOLATION (PD672-151)*** *to the Department of Consumer and Worker Protection. In the event that a rotation tow operator responds to a location and the vehicle has been removed, the tow operator will not be charged a turn and will be returned to the top of the rotation list.*

DESK OFFICER (continued)

8. Insert the words, "DRIVEWAY TOW" under "Remarks", in the **ROTATION TOWING LOG (PD571-1412),** if vehicle is removed under the Rotation Tow Program.
9. Ensure **PROPERTY CLERK INVOICE WORKSHEETS** are entered into the Property and Evidence Tracking System.

ADDITIONAL DATA

A licensed tow operator who removes a vehicle pursuant to this section may collect the appropriate charges from the owner or other person in control of such vehicle, payable before the vehicle is released. If a vehicle was removed under the Department's Rotation Tow Program and is not claimed, the tow operator is required to bring the vehicle to a Department Auto Pound on weekdays, commencing on the eighth day and ending on the thirtieth day. The owner, the owner's agent or an insurance company representative must pay the NYPD Rotation Tow fees, in addition there may be third party transfer and storage fees, at the Department Auto Pound concerned in order to reclaim a vehicle. If the vehicle remains unclaimed after fifteen days from its delivery date to a Department Auto Pound, the vehicle will be disposed of according to law. Administrative Code Section 20-519 (c) advises that in no event shall a tow company be entitled to charge the Police Department for storage charges incurred after the tenth day of storage.

A licensed tow operator may not tow a vehicle pursuant to this law without the express written authorization of the owner/lessee of the property. An authorization form must be carried by the tow operator and shall include the location of the vehicle to be removed, the make, model, color and license plate of the vehicle and a statement that the vehicle was removed pursuant to a notice of parking violation (summons). This form MUST be signed by the owner/lessee of the property, prior to removal of the vehicle.

Administrative Code 19-169.1 does not permit owners/lessees of the same property to have this statute enforced against each other.

If a private tow operator, not in the Rotation Tow Program, removes a vehicle, it must be taken directly to his storage facility. Within thirty minutes of the vehicle's arrival, the tow operator must notify the precinct in which the storage facility is located, of all information contained on the authorization form, including the name of the person who signed the form. The desk officer will record this information in the Command Log.

If the registered owner or other person in control of the vehicle arrives at the scene prior to the removal of the vehicle, and such vehicle is connected to any apparatus for removal, the vehicle shall be disconnected from such apparatus and such registered owner or other person in control of such vehicle shall be allowed to remove the vehicle from the premises without interference upon payment of a reasonable service fee of not more than one-half of the charge allowed for removal as provided in Administrative Code Section 19-169.1, subdivision (g), for which a receipt shall be given.

ADDITIONAL DATA (continued)

The Local Law does not apply to law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles which are marked as such but does apply to non-emergency vehicles of any governmental entity identifiable as such.

Administrative Code Section 19-169.1 allows the owner of private property, or a person acting as his agent, to remove vehicles improperly parked from such property pursuant to a written contract with a licensed towing company. Relevant provisions of Section 19-169.1 are as follows:

Subd. b.
Owners or operators of parking facilities may not have improperly parked vehicles towed under this section unless the owner or operator maintains a conspicuously posted sign on the private property stating:
(1) Name, address, and telephone number of the tow company
(2) Hours of operation for vehicle redemption
(3) Towing and storage fees of the tow operator
(4) Hours vehicle are prohibited from parking and subject to tow.

Subd. d.
Prohibits vehicle removal if it is occupied by any person.

Subd. f.
Requires the tow company to notify the local precinct covering the place of removal within thirty (30) minutes of the vehicle's arrival at the tow operator's storage facility as to:
(1) Name and address of tower
(2) Storage site
(3) Location from which vehicle removed
(4) Name of person who authorized removal
(5) Removal was pursuant to a contract with the owner of the private property.
(6) Year, make and color of vehicle
(7) Registration plate number
(8) Name of member of the service notified at Stolen Property Inquiry Unit.

The desk officer will make a Command Log entry and notify Stolen Property Inquiry Unit of the above information utilizing the FINEST System.

Subd. g.
Tow operators are required to carry a copy of Chapter 1, Title 19, Administrative Code with them and show it to the vehicle owner or other person in control of the vehicle.

Subd. i.
An owner of private property, or an agent, or a tow operator who removes a vehicle in violation of this section shall be liable to the vehicle owner for any amounts actually paid for the removal or storage of the vehicle, as well as any damage resulting from the removal or storage.

Subd. j.
Any person who violates Administrative Code Section 19-169.1 shall be punished as follows: for the first violation, a fine of five hundred dollars; for the second violation within a period of twelve months of the date of the first violation, a fine of one thousand dollars; and for any additional violations within a period of twenty-four months of the date of the first violation, a fine of one thousand dollars.

ADDITIONAL DATA (continued)

<u>Subd. k.</u>
Exempts certain vehicles from tow, including police, fire, civil defense, emergency ambulance, sanitation and environmental emergency.

RELATED PROCEDURES

Preliminary Investigation, Recording and Transmission of Alarms for Stolen Vehicles (P.G. 207-11)
Vehicles Stolen and Recovered Within New York City (P.G. 218-14)
Rotation Tow (P.G. 218-21)

FORMS AND REPORTS

PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
REPORT OF VIOLATION (PD672-151)
ROTATION TOWING LOG (PD571-1412)

NYPD

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-16	
CONSTRUCTION SITES			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To protect pedestrian and vehicular traffic in the vicinity of construction sites.

DEFINITION CONSTRUCTION SITE - Any construction, alteration, demolition, street opening, paving or related matter for which a permit from a city department is required.

PROCEDURE Upon becoming aware of a condition endangering safety or impeding vehicular traffic:

UNIFORMED MEMBER OF THE SERVICE

1. Request supervisor on patrol to respond.

PATROL SUPERVISOR

2. Investigate and determine action to be taken.
3. Direct referral to department concerned if pedestrian or traffic safety not involved.
4. Verify that referrals and/or notifications are recorded in **HIGHWAY CONDITION RECORD (PD311-151)**.
5. Direct preparation of **ADMINISTRATIVE CODE VIOLATION NOTICE (PD372-151)** if arrest or summary action is taken.

UNIFORMED MEMBER OF THE SERVICE

6. Make digital **Activity Log** and other necessary entries.

ADDITIONAL DATA

Members of the service shall NOT enforce violations of the Administrative Code for which only a civil penalty may be imposed. If requested, members of the service will assist representatives of other City departments on official business at construction sites only so far as security to the representative's person is concerned.

In an emergency situation at a construction site during non-working hours, take necessary action and notify the telephone switchboard operator by telephone for notification to departments concerned. If necessary, the Communications Section may be notified by radio. The Communications Section will notify departments concerned and in addition, the telephone switchboard operator of precinct of occurrence.

FORMS AND REPORTS

ADMINISTRATIVE CODE VIOLATION NOTICE (PD372-151)
HIGHWAY CONDITION RECORD (PD311-151)

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-17	
VACANT BUILDINGS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To inform the Department of Buildings of recently vacated buildings and unsecured hazardous vacant buildings.

PROCEDURE Upon observing a vacated building, while on patrol:

UNIFORMED MEMBER OF THE SERVICE

1. Examine building to determine if it is properly secured.
2. Notify supervisor on patrol if hazard exists.
3. Make digital **Activity Log** entry.
4. Report the facts to the member on telephone switchboard duty if not previously reported or if the building presents a substantial hazard.

PATROL SUPERVISOR

5. Respond to location and determine degree of hazard.
6. Direct placement of barriers and assignment of officers if necessary.
7. Call Emergency Service Unit, if required.

TELEPHONE SWITCHBOARD OPERATOR

8. Enter information on **HIGHWAY CONDITION RECORD (PD311-151)**.
9. Telephone information to Department of Buildings and complete entries on **HIGHWAY CONDITION RECORD**.

COMMANDING OFFICER

10. Review vacant house list and **HIGHWAY CONDITION RECORD** periodically, noting locations and hazardous vacant buildings added since previous review.

FORMS AND REPORTS ***HIGHWAY CONDITION RECORD (PD311-151)***

NYPD

Section: Quality Of Life Matters		Procedure No: 214-18	
STOP WORK ORDERS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To assist the Department of Buildings in enforcing stop work orders at construction or renovation sites.

PROCEDURE When notified by a Department of Buildings representative that a stop work order has been issued or a previously issued stop work order is being violated:

DESK OFFICER

1. Direct a uniformed member of the service to respond to the location and meet the Department of Buildings representative.

UNIFORMED MEMBER OF THE SERVICE

2. Assist representative in enforcing the stop work order and preserve the peace while representative serves "Request to Appear" notice (formerly known as court summons), if necessary.
3. Enter in digital **Activity Log** facts including name of Department of Buildings representative.

NYPD

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-19	
USING CHAINS AND PADLOCKS TO SECURE COMMERCIAL PREMISES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To maintain the availability of uniformed personnel by securing commercial premises with padlocks and chains, when necessary.

PROCEDURE When a uniformed member of the service observes, becomes aware of, or receives a call of a front break at a commercial premise:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to scene and evaluate condition.
2. Request patrol supervisor to respond.

PATROL SUPERVISOR

3. Determine if premise can be secured by installing padlock and chain.

NOTE *Patrol supervisor should consider the number of breaks, location of breaks and whether there is a security gate for securing breaks to glass, e.g., glass doors, windows, etc.*

4. Request response of Emergency Service Unit when it is determined that premise can be secured with padlock and chain.
5. Direct owner be notified that premise is being secured with padlock and chain.

EMERGENCY SERVICE UNIT

6. Respond to scene and secure premise with padlock and chain.
7. Attach **NOTIFICATION TO OWNER (MISC. 3930)** to either the chain and/or lock.
8. Deliver padlock key to desk officer, precinct of occurrence after padlock and chain are installed.

DESK OFFICER

9. Make entry in Command Log indicating presence of Emergency Service Unit with padlock key and safeguard key in stationhouse.
10. Deliver key to premise to assigned member and direct padlock and chain be removed from premise when owner present and notified.
11. Notify the appropriate Emergency Service Unit squad when the padlock, chain and key are ready to be picked up.

FORMS AND REPORTS ***NOTIFICATION TO OWNER (MISC. 3930)***

Section: Quality Of Life Matters	Procedure No: 214-20

REPAIR OF ENTRANCES DAMAGED DURING FORCED WARRANT ENTRY INTO WRONG PREMISES OR DURING AN ENTRY MADE DURING EXIGENT OR OTHER UNUSUAL CIRCUMSTANCES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/19/13	08/19/13		1 of 2

PURPOSE

To repair, at an owner/tenant's request, property damaged during the course of the execution of an arrest or search warrant, or during an entry made under exigent or other unusual circumstances, when the wrong premise is entered.

SCOPE

As a result of drug and fugitive initiatives, the Department executes many search and arrest warrants, citywide. Occasionally, due to bad information, lack of address numbering, or other errors, uniformed members of the service force entry into the wrong premise. When this occurs and it is clear that the Department has erroneously caused damage to property, there is an obligation to make appropriate repairs, as soon as possible.

PROCEDURE

When a uniformed member of the service executes an arrest or search warrant or forcibly enters a wrong premise under exigent or other unusual circumstances and damages a door, lock or other material, and that specific damage should not have occurred or, it is in the best interests of the Department to repair or replace such damage immediately:

SUPERVISOR CONCERNED

1. Ascertain from owner/tenant of damaged property if owner/tenant:
   a. Prefers to make arrangements for repairs, **or**,
   b. Requests that the Department make immediate repairs.
2. Notify the precinct commander/duty captain if immediate repairs are requested.
3. Direct a uniformed member of the service to prepare **ACCIDENT REPORT - CITY INVOLVED (PD301-155)** and comply with the provisions of *P.G. 217-04, "Accidents and Collisions - City Involved."*

COMMANDING OFFICER/ DUTY CAPTAIN

4. Confer with the supervisor on the scene and determine the following:
   a. Assessment of the damage caused by the actions of the uniformed member(s) of the service.
   b. Need for involvement of Department personnel in the repair/replacement of materials.
5. Ensure that supervisor on scene is complying with provisions of *P.G. 217-04, "Accidents and Collisions - City Involved"*, and has informed owner of property of procedure to file claim against the City, if immediate involvement of police personnel is **not** needed.
6. Notify Operations Unit and request assistance of Building Maintenance Section personnel if circumstances require immediate repairs.
   a. Include in notification:
      (1) Description of damage to be repaired, and
      (2) Whether a Department locksmith, glazier or carpenter will be required.

OPERATIONS UNIT

7. Notify the Commanding Officer, Building Maintenance Section of the request for assistance.

COMMANDING OFFICER BUILDING MAINTENANCE SECTION

8. Confer with the precinct commander/duty captain.
9. Determine if Building Maintenance Section personnel should respond to the scene.
10. Advise supervisor on scene to request desk officer, precinct of occurrence/police service area, to assign precinct/police service area uniformed member of the service, if not already present, to safeguard scene.

NOTE *If the damaged premises are within a New York City Housing Authority development, repairs will be performed by New York City Housing Authority maintenance staff. The local management office concerned, or Housing Authority Emergency Service Office will be notified by the PSA supervisor concerned, if available.*

DESK OFFICER

11. Assign uniformed member(s) of the service to location until Building Maintenance Section or New York City Housing Authority personnel, if appropriate, complete assignment.

NOTE *A uniformed member of the service from the precinct of occurrence or police service area concerned will be assigned to secure the location as soon as possible after the forced entry was made. The uniformed member of the service will remain at the location until Building Maintenance Section (who may be civilian members of the service) or Housing Authority personnel make the repairs and secure the location.*

COMMANDING OFFICER BUILDING MAINTENANCE SECTION

12. Notify Operations Unit and desk officer, precinct of occurrence, when repairs/replacements are completed.
13. Report on a quarterly basis, through channels, to the Deputy Commissioner, Management and Budget, the cost to make repairs in connection with this procedure.

RELATED PROCEDURE *Accidents and Collisions - City Involved (P.G. 217-04)*

FORMS AND REPORTS ***ACCIDENT REPORT-CITY INVOLVED (PD301-155)***

NYPD

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-21	
PROJECT SAFE - ESCORTS FOR SAFE HORIZON CLIENTS AND LOCKSMITHS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To prevent assaults and other criminal acts against Safe Horizon clients and authorized locksmiths (Project SAFE).

SCOPE PROJECT SAFE is a program administered by Safe Horizon that provides lock replacements and counseling to victims of domestic violence and other crimes. This Department will assist in this endeavor by providing a police escort.

PROCEDURE When a request is received from Safe Horizon to escort a client and authorized locksmith:

DESK OFFICER

1. Record notification from Safe Horizon in Telephone Record.

NOTE *Safe Horizon will telephone in advance to notify desk officer of the pending arrival of the locksmith and client.*

2. Identify the client and locksmith, when they arrive at the precinct.

NOTE *Safe Horizon policy is to ensure that domestic violence victims still cohabiting with the batterer must have an exclusionary Order of Protection in order to have their locks changed. Desk officers will ensure that this policy is enforced.*

3. Assign the precinct crime prevention officer or the precinct domestic violence officer to escort the client and locksmith, if time permits.
4. Assign a uniformed member of the service to provide the escort, if the crime prevention officer or the domestic violence officer is not available.

UNIFORMED MEMBER OF THE SERVICE

5. Escort identified client and locksmith to location and notify radio dispatcher.
6. Have client ride in Department vehicle to the location, if necessary.
7. Remain at location until locksmith has completed the work.
8. Escort locksmith from premises.
9. Notify radio dispatcher that escort is completed.
10. Report completion of assignment to desk officer.

Section: Quality Of Life Matters		Procedure No: 214-22	
WEEKLY STREET CONDITIONS SURVEY & DAILY OBSERVATIONS OF HIGHWAY CONDITIONS REQUIRING CORRECTIVE ACTION			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To notify agencies concerned of Highway/Community conditions under their jurisdiction which require corrective action.

DEFINITION WEEKLY STREET CONDITIONS SURVEY - a survey of street conditions conducted by radio motor patrol units on the second platoon, each Sunday, and reported on **WEEKLY STREET CONDITIONS SURVEY REPORT (PD311-150)**.

PROCEDURE Upon making daily observations or receiving information regarding highway/community conditions requiring correction:

UNIFORMED MEMBER OF THE SERVICE

1. Take corrective action, if possible, and make digital **Activity Log** entry of condition and location.
2. Notify telephone switchboard operator for entry on **HIGHWAY CONDITION RECORD PD311-151)**.

TELEPHONE SWITCHBOARD OPERATOR

3. Notify agency/member concerned as outlined in step 7 and complete entries on **HIGHWAY CONDITION RECORD**.

WEEKLY STREET CONDITIONS SURVEY REPORT

SUPERVISOR, SECOND PLATOON, SUNDAY

4. Direct members assigned to radio motor patrol units to conduct a survey of sector on second platoon, each Sunday, and prepare **WEEKLY STREET CONDITIONS SURVEY REPORT** in duplicate.

MEMBER ASSIGNED TO RMP UNIT

5. Submit completed **WEEKLY STREET CONDITIONS SURVEY REPORT** to desk officer.

DESK OFFICER

6. Review **WEEKLY STREET CONDITIONS SURVEY REPORTS** and:
   a. Make immediate notification to agencies concerned for serious emergencies.
   b. Forward **WEEKLY STREET CONDITIONS SURVEY REPORTS** to precinct operations coordinator.

OPERATIONS COORDINATOR

7. Ensure that each Monday the **WEEKLY STREET CONDITIONS SURVEY REPORTS** are reviewed and the following agencies/members are notified:

CONDITION	AGENCY
• **Inoperative/damaged signal light**	➢ **NYC Dept. of Transportation**
• **Inoperative/damaged street light**	➢ **NYC Dept. of Citywide Administrative Services**

CONDITION	AGENCY
• **Defective/damaged roadway surface**	➢ **NYC Dept. of Transportation**
• **Inoperative/damaged parking meters [note meter number]**	➢ **NYC Dept. of Transportation**
• **Manhole covers**	➢ **Note identifying initials and notify agency/utility**
• **Recently vacated/unsecured hazardous building**	➢ **NYC Dept. of Buildings**
• **Obstruction of traffic control device [E.g., tree, sign, etc.]**	➢ **NYC Dept. of Transportation** **Note: Commanding officer will have report prepared requesting correction of condition and forwarded to Commanding Officer, Traffic Management Center**
• **Obstruction on roadway**	➢ **NYC Dept. of Transportation (Bureau of Highway Operations),** **NYC Dept. of Sanitation**
• **Dumpster**	➢ **Refer non-emergency conditions to local district office, Dept. of Sanitation**
• **Dead animal on street**	➢ **Dept. of Sanitation**
• **Flooding, streets, limited access highways. Clogged sewers or street drains. Leaking/broken hydrants or drains**	➢ **NYC Dept. of Environmental Protection**
• **Derelict auto**	➢ **Local district office, Department of Sanitation**
• **Missing/damaged traffic control devices [other than signal lights]**	➢ **Precinct Traffic Safety Officer/designated alternate**

TRAFFIC SAFETY OFFICER/ DESIGNATED ALTERNATE

8. Have entries completed on **WEEKLY STREET CONDITIONS SURVEY REPORT** and:
   a. Forward original copy of **WEEKLY STREET CONDITIONS SURVEY REPORT** to telephone switchboard operator to be maintained chronologically in folder similar to that used to maintain **HIGHWAY CONDITION RECORD**.
   b. File duplicate copy.
9. Inspect **HIGHWAY CONDITION RECORD** and **WEEKLY STREET CONDITIONS SURVEY REPORT** to determine if missing/damaged traffic control devices (other than signal lights) have been reported.
10. Prepare **MISSING TRAFFIC CONTROL DEVICE (PD620-150)** and:
   a. Forward two copies of the form directly to appropriate Department of Transportation/Borough Engineer as follows:

TRAFFIC SAFETY OFFICER/ DESIGNATED ALTERNATE (continued)

BOROUGH	ADDRESS
Manhattan	51 Chambers Street New York, NY 10007
Brooklyn	56 Court Street Brooklyn, NY 11201
Bronx	215 E. 161st Street Bronx, NY 10452
Queens	120-55 Queens Boulevard Queens, NY 11424
Staten Island	Boro Hall, Room 303 Staten Island, NY 10309

b. File pink copy of form in command.

NOTE *Upon completion of required work, the borough engineer concerned will return a copy of the form which will be attached to, and filed with, the related pink copy.*

DESK OFFICER, SECOND PLATOON, MONDAY

11. Review **HIGHWAY CONDITION RECORD and WEEKLY STREET CONDITION REPORT** (original copy) for completeness, sign and file.

ADDITIONAL DATA

*Uniformed members of the service observing or being informed of conditions which may adversely affect the community and for which no specific referral is available, will make a digital **Activity Log** entry describing the condition and obtain the complainant's name, address and telephone number.*

*The telephone switchboard operator will be notified and entries made on the **HIGHWAY CONDITION RECORD** of the following:*

a. Condition
b. Identity of complaint
c. Rank, name and command of reporting officer.

*The precinct community affairs officer shall examine the **HIGHWAY CONDITION RECORD/WEEKLY STREET CONDITIONS SURVEY REPORT** and confer with complainants and agencies concerned, where appropriate. Member concerned will keep the precinct commander informed, and if the condition cannot be resolved, the precinct commander shall submit a report on **Typed Letterhead** to the Chief of Department describing the condition and action taken. The Chief of Department will, when appropriate, forward a copy of the report to the agency concerned for further necessary attention.*

ADDITIONAL DATA (continued)

Patrol borough commands will summarize and consolidate each category of the precinct ***WEEKLY STREET CONDITIONS SURVEY REPORTS*** *and submit results to the Office of Chief of Patrol on a monthly basis. The Office of Chief of Patrol will consolidate the reports received from the borough commands and forward a consolidated report to the Office of the Police Commissioner (through channels).*

RELATED PROCEDURES

Construction Sites (P.G. 214-16)
Vacant Buildings (P.G. 214-17)

FORMS AND REPORTS

HIGHWAY CONDITION RECORD PD311-151)
WEEKLY STREET CONDITIONS SURVEY REPORT (PD311-150)

NYPD

PURPOSE To preserve a high quality of life and enforce provisions of the New York City Administrative Code prohibiting unreasonable noise.

DEFINITIONS

UNREASONABLE NOISE - Any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, or injures or endangers the health or safety of a reasonable person of normal sensitivities, or damages property or business.

SOUND REPRODUCTION DEVICE - A device intended primarily for the reproduction of sound, including, but not limited to, a radio or other apparatus used for the amplification of sound.

PRIVATE PREMISES - A premises that has closed doors, locked gates, or invitation-only entry indicates that only invited guests are permitted entry and that the owner and/or residents of the premises have an expectation of privacy. In these cases, uniformed members of the service may NOT enter without a warrant unless consent is obtained or an exigency exists.

PREMISES OPEN TO THE PUBLIC - Owners of property open to the public have a diminished expectation of privacy. Uniformed members of the service may enter a fenced in backyard/driveway if it is clearly open to the public. Advertisements inviting the general public, an open, unmanned gate and the free flow of people coming and going from the property are indications that it is open to the public.

ABANDONED PROPERTIES - There is no reasonable expectation of privacy in vacant lots or abandoned warehouses and warrantless entry is permissible.

PROCEDURE When a uniformed member of the service hears, observes, or receives a complaint of unreasonable noise:

UNIFORMED MEMBER OF THE SERVICE

1. Interview all complainants/violators about noise.
2. Determine if the noise is unreasonable.

NOTE *To determine whether the noise is unreasonable, consider whether a reasonable person would be disturbed by the noise. In making this assessment, the following factors should be considered:*

a. Time of day;
b. Character of the neighborhood or area, (e.g., residential, commercial);
c. Ordinary noise level of the area, (e.g., busy Manhattan streets);
d. Number of persons complaining about the noise; and,
e. Whether the person responsible for the noise has been asked by others to cease or lower the sound level and has refused to do so.

NOTE (continued)

*Warrantless entry into a private premises is **NOT** authorized solely for the purpose of abating a noise condition, or seizing a sound reproduction device.*

Uniformed members of the service must have consent to enter or an exigent circumstance.

*Noise alone is **NOT** such an exigency.*

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Attempt to correct the condition by warning violator.
4. If unable to correct condition and violator is eligible, issue summons as follows:
   a. If sound reproduction device involved:
      (1) Serve Criminal Court summons for violation of Administrative Code Section 24-244(a)
      (2) If able to lawfully access device, seize device for evidentiary purposes.
   b. If no sound reproduction device involved or seized:
      (1) Serve Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for violation of Administrative Code Section 24-218(a) (see *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings [OATH] - General Procedure - Non-CJRA Offenses."*)
   c. If the violation is not personally observed, issue a Civil Summons Returnable to OATH.

NOTE

*If violator is a juvenile at least 7 but less than 18 years of age, a **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** shall be completed instead of a summons, and the sound reproduction device **will NOT** be seized.*

In limited circumstances involving violators 18 years of age or older, it may be appropriate to seize an unamplified device (e.g., acoustic instrument, etc.). In that circumstance, a Criminal Court Summons should be issued.

5. If a sound reproduction device or an unamplified device is seized:
   a. Enter in the narrative portion of Criminal Court Summons:
      (1) Circumstances that make the sound unreasonable
      (2) Number of people who complained of the noise
      (3) Refusals to comply by respondent
      (4) Distance the noise could be heard (e.g., from 100 ft. away)
      (5) Description of the sound reproduction device (e.g., radio, bullhorn, wall of speakers, etc.), if appropriate.
   b. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for a seized sound reproduction device and check "EVIDENCE" box.
      (1) Give appropriate copy of **INVOICE** to person from whom the device was seized as a receipt.

UNIFORMED MEMBER OF THE SERVICE (continued)

(2) Mark the volume control on the device, without causing damage to it, to demonstrate that volume level at which the device was being operated at the time of the offense.

(3) If it is impractical to seize the sound reproduction device, attempt to seize a portion of the device that renders it inoperable, such as a power cable.

(4) Photograph the entire sound reproduction device for evidentiary purposes.

(5) Voucher the photograph as evidence.

c. Inform violator that seized property may be reclaimed at precinct of occurrence, or at Property Clerk's Office.

6. Make digital **Activity Log** entry and include the following:
   a. Name and address of complainants/violators
   b. Number of calls and/or people complaining, if known
      (1) ICAD Incident number(s)
   c. Circumstances that make the sound unreasonable
   d. Refusals to comply by respondent
   e. Distance the noise could be heard
   f. If incident involved a sound reproduction device or unamplified device, include description of device (e.g., radio, bullhorn, speakers, etc.).

7. If unable to correct the condition, or additional resources are required, notify the patrol supervisor/lieutenant platoon commander.

PATROL SUPERVISOR/ LIEUTENANT PLATOON COMMANDER

8. Assess the situation and attempt to correct the condition.

9. Notify commanding officer/duty captain if unable to correct the condition, and/or warrantless entry may be required and it is unclear if the premises are:
   a. Private,
   b. Open to the public,
   c. Abandoned, or
   d. Whether an exigency exists.

COMMANDING OFFICER/ DUTY CAPTAIN

10. Determine whether a warrantless entry is permissible based on type of premise:
    a. Private,
    b. Open to the Public,
    c. Abandoned Property.

11. Request the response of other Department resources (e.g., Strategic Response Group, Vice Enforcement Unit, Detective Bureau, etc.), as appropriate.

12. Determine if exigent circumstances exist that would authorize a warrantless entry such as:
    a. Dangerous overcrowding condition (request response of FDNY)
    b. Minors who appear intoxicated (e.g., vomiting, unsteady on their feet, etc.)

COMMANDING OFFICER/ DUTY CAPTAIN (continued)

c. Intoxicated persons who appear to be incapacitated or otherwise in need of immediate medical attention
d. Presence of weapons or physical violence
e. Reliable information that violent behavior by known criminals is imminent
f. Allegations of sexual assaults occurring
g. Any other dangerous condition (e.g., detonation of fireworks, open fires, etc.).

13. Evaluate the situation to determine if other violations exist at the locations.
    a. The following list of laws and violations, while not inclusive, should be considered:
        (1) Unlicensed Sale of Alcohol, Alcohol Beverage Control Law (ABC) 100(1)
        (2) Sale of Alcohol to Persons Under 21, ABC 65(1)
        (3) Procuring Alcohol for Persons Under 21, ABC 65-a
        (4) Possession of Alcohol by Persons Under 21, ABC 65-c(1)
        (5) Unlicensed Bottle Club, ABC 64-b(1)
        (6) Unlicensed Warehousing of Alcohol, ABC 96(1)(a)
        (7) Unlawfully Dealing with a Child in the 1st Degree, NYS Penal Law (PL) 260.20 and 2nd Degree, NYS PL 260.21 (1)
        (8) Endangering the Welfare of a Child, NYS PL 260.10
        (9) Employment of or acting as an unlicensed security guard, General Business Law, 89-p.
14. Contact the Legal Bureau direct, Monday to Friday, 0700 to 2300 hours, and through the Operations Unit at other times, to address any questions regarding the legality of warrantless entry into a premises.
15. If unable to gain entry to correct the condition, direct uniformed members of the service to respond to the location the following day and issue summonses to person responsible for the premises, as follows:
    a. Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for violation of Administrative Code Section 24-218(a), (see *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings [OATH] - General Procedure - Non-CJRA Offenses."*)

COMMANDING OFFICER

16. Address chronic locations that may require a more comprehensive approach by:
    a. Contacting the Legal Bureau, Civil Enforcement Unit, to initiate further remedies under the Nuisance Abatement Law of the New York City Administrative Code.
    b. Coordinating a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation at chronic commercial locations.
        (1) Refer to *P. G. 214-39, "Criteria for Selecting a Location for Inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation."*

ADDITIONAL DATA

Uniformed members of the service equipped with a Body-Worn Camera (BWC) are reminded that the activation, and use, of a BWC is mandatory during enforcement situations (e.g., arrests, issuance of summons returnable to Criminal Court or to the Office of Administrative Trials and Hearings, etc.).

BWCs may also be activated during a non-enforcement situation at the members own discretion, as long as the activation is not prohibited (e.g., performance of administrative duties or non-enforcement functions, routine activities within Department facilities, etc.). For a complete list of mandatory and prohibited BWC uses, uniformed members of the service should refer to P.G. 212-123, "Use of Body-Worn Cameras."

Additionally, uniformed members of the service are also permitted, but are not required, to use Department smartphones/tablets to photograph and/or video record these situations. Uniformed members of the service should be aware that the recording/photographing of these situations may help to provide overall context to the enforcement encounter (e.g., that the location was open to the public, a bouncer was allowing the public entry, the noise could be heard from a distance, etc.). Subject to tactical and safety considerations, as well as overall situational awareness, uniformed members of the service are permitted, but are not required, to use Department smartphones/tablets to photograph or video record these situations.

RELATED PROCEDURES

Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - Criminal Justice Reform Act (CJRA) (P.G. 209-03)
Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)
Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - Graphic (P.G. 209-14)
Use of Body-Worn Cameras (P.G. 212-123)
Police Action in Premises (Licensed or Unlicensed) Where Alcoholic Beverages are Sold (P.G. 214-34)
Criteria for Selecting a Location for Inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation (P.G. 214-39)
Department Mobile Digital Devices (P.G. 219-32)

FORMS AND REPORTS

JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
PROPERTY CLERK INVOICE (PD521-141)

Section: Quality Of Life Matters		Procedure No: 214-24	
SERVICE OF CIVIL SUMMONS RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) FOR VEHICLE ALARMS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To take enforcement action when an audible vehicle alarm is activated and does not cease to sound within three minutes or when an audible status indicator is operated on a vehicle.

DEFINITION AUDIBLE STATUS INDICATOR - For the purpose of this procedure, any sound reproduction device on a motor vehicle that emits or causes to be emitted any continuous or near continuous sound for the purpose of warning that an audible burglar alarm has been installed on such motor vehicle and is operational or for creating the appearance that such an alarm has been installed on such motor vehicle and is operational.

PROCEDURE When a uniformed member of the service is notified or becomes aware that an audible vehicle alarm has been activated or audible status indicator has been activated and the vehicle is parked on a public highway or in a parking lot open to the public:

UNIFORMED MEMBER OF THE SERVICE

1. Make entry in digital **Activity Log** of time when the member first observed the audible alarm.
2. Comply with the provisions of *P.G. 214-25, "Deactivation of Motor Vehicle Alarms."*

IF AUDIBLE STATUS INDICATOR IS OPERATED ON THE VEHICLE OR IF ALARM IS STILL AUDIBLE AFTER THREE MINUTES:

UNIFORMED MEMBER OF THE SERVICE

3. Take all reasonable steps to disconnect the alarm or indicator without damaging the vehicle.
4. Prepare a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for violation of Administrative Code Section 24-238(a) Improper Audible Burglar Alarm with No Automatic Termination:
   a. Enter the three-digit OATH Violation Code "N68" in the field labeled, "OATH Code"
   b. Check the box for "Admin. Code" and, in the field labeled "Section/Rule," write "24-238(a)"
   c. In the field labeled "Mail-In Penalty," write $280 and in the field labeled "Max. Penalty," write $2100, or,

   for violation of Administrative Code Section 24-238(b) Audible Status Indicator on Motor Vehicle in Operation:
   a. Enter the three-digit OATH Violation Code "N71" in the field labeled, "OATH Code"
   b. Check the box for "Admin. Code" and, in the field labeled "Section/Rule," write "24-238(b)"
   c. In the field labeled "Mail-In Penalty," write $280 and in the field labeled "Max. Penalty," write $2100.

UNIFORMED MEMBER OF THE SERVICE (continued)

5. When entering the "Details of Charges," be guided by the following sample narrative:
   "At the time and place of occurrence, I observed the audible alarm of the vehicle described above operating continuously in excess of three minutes."

NOTE *The time of violation entered on the Civil Summons Returnable to OATH summons must correspond with the end of the three minute observation period in the case of an alarm summons. Additionally, a complete description of the vehicle must be indicated on the summons.*

6. Affix the WHITE CARDBOARD (agency) copy of the summons to the vehicle in a conspicuous place.
7. Distribute remaining copies of Civil Summons Returnable to OATH as follows:
   a. WHITE (OATH) copy - To command of occurrence at end of tour, or as directed by commanding officer.
   b. YELLOW (officer) copy - Retained by issuing member
   c. PINK (respondent) copy - Retain with **CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)**.
8. Place vehicle in Rotation Tow Program, if unable to disconnect the alarm or audible status indicator.

NOTE *Administrative Code Section 24-239 (b) provides that the operator of any motor vehicle on which an audible burglar alarm has been installed shall, when parked on a public highway or in a parking lot open to the public, prominently display the number and telephone number of the owner's local police precinct where information shall be on file to permit communication with the owner of such vehicle. The member of the service concerned should attempt to contact the owner of the vehicle, if the above information is available.*

9. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
   a. Indicate on **WORKSHEET** that the vehicle was towed as a result of a ringing alarm or audible status indicator operation.
10. Have an "Impound" screen entered into the FINEST System.
11. Have a notification made to the owner of the vehicle that the vehicle was towed.

ADDITIONAL DATA *The issuance of a Civil Summons Returnable to OATH is not mandatory in all cases when a motor vehicle alarm is activated. The action of a uniformed member of the service should be based on discretion and/or the direction of a ranking supervisor.*

If the alarm sounds for less than three minutes, resets and sounds again repeatedly, it shall be deemed as one continuous action and the subject of enforcement.

Authorized personnel of the Department of Transportation may request a member of the service to arrange for the removal of such vehicle. When removal of the vehicle is performed pursuant to the Rotation Tow Program for operation of an audible burglar alarm in violation of Administrative Code Section 24-238 (a) or for the operation of an audible status indicator in violation of Section 24-238 (b), the Civil Summons Returnable to OATH shall state that a member of the New York City Police Department took all reasonable and necessary steps to disconnect such alarm or audible status indicator without success.

RELATED PROCEDURES	*Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) – General Procedure – Non-CJRA Offenses (P.G. 209-12)* *Deactivation of Motor Vehicle Alarms (P.G. 214-25)* *Rotation Tow (P.G. 218-21)*
FORMS AND REPORTS	***CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)*** ***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***

NYPD

Section: Quality Of Life Matters		Procedure No: 214-25	
DEACTIVATION OF MOTOR VEHICLE ALARMS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To take corrective action when a vehicle alarm is activated and the owner cannot be located.

PROCEDURE When a uniformed member of the service is notified or becomes aware that a motor vehicle alarm has been activated and the owner is not present:

UNIFORMED MEMBER OF THE SERVICE

1. Immediately attempt to locate owner of the vehicle.

NOTE *The owner of a vehicle with an anti-theft alarm installed is required to prominently display the telephone number of his local precinct inside the vehicle when parked on a public street, highway, or in a parking lot opened to the public. In addition, each patrol precinct, if notified by an owner of such vehicle, will maintain a Motor Vehicle Alarm File which will list the name, address, telephone number and license plate number of residents who have had anti-theft vehicle alarms installed.*

2. Contact the desk officer of precinct concerned and request owner be notified to immediately disconnect alarm.

DESK OFFICER

3. Check the Motor Vehicle Alarm File, when maintained, and notify the owner to immediately deactivate the alarm.

NOTE *Vehicle alarms should automatically deactivate within ten minutes. However, a uniform member of the service may attempt to disconnect the alarm within the first ten minutes. Do not intentionally damage the vehicle in an attempt to deactivate the alarm.*

UNIFORMED MEMBER OF THE SERVICE

4. Attempt to disconnect the alarm wire from battery cables, if owner cannot be immediately located.
5. Request response of Emergency Service Unit if difficulty is encountered in entering engine or passenger compartment of motor vehicle to disconnect alarm.
6. Make comprehensive digital **Activity Log** entry of efforts to deactivate alarm and any damage to vehicle which resulted from such efforts.
7. Continue for a reasonable period of time to attempt to notify owner after alarm is deactivated.
   a. Prepare a hand written notification and place under windshield wiper explaining action take, if personal notification is not made.

ADDITIONAL DATA

The issuance of a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) is not mandatory in all cases when an anti-theft device on a motor vehicle is activated. The action of a uniformed member of the service should be based on discretion and/or the direction of a ranking supervisor. A Civil Summons Returnable to OATH, if issued, should be made in conformance with P.G. 214-24, "Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for Vehicle Alarms."

Uniformed members of the service are not permitted to deactivate building alarms but may issue a summons if the alarm does not deactivate within fifteen minutes.

RELATED PROCEDURES

Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for Vehicle Alarms (P.G. 214-24)
Chronic Abuser Alarm Procedures (P.G. 214-08)

NYPD

Section: Quality Of Life Matters		Procedure No: 214-26	
SNOW EMERGENCY REGULATIONS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To assist in snow removal operations and expedite the movement of traffic on major thoroughfares during a declared snow emergency.

PROCEDURE When a FINEST message is transmitted announcing that the Commissioner of the Department of Transportation has declared a snow emergency:

DESK OFFICER

1. Notify members of the service performing patrol duty.
2. Issue instructions necessitated by precinct conditions.

UNIFORMED MEMBER OF THE SERVICE

3. Issue summonses for:
   a. Abandoning vehicle or parking illegally on "snow street" or "snow route" [N.Y.C. Traffic Regulations Section 4-12(k)(1)]
   b. Operating vehicle without snow tires or skid chains on "snow street" or "snow route" and vehicle is stuck [N.Y.C. Traffic Regulations Section 4-12(k)(2)].

NOTE *When a vehicle is observed in operation on a snow street or snow route without snow tires or skid chains and the vehicle is not immobilized, warn the operator that a snow emergency is in effect and direct him to leave the snow street or snow route at the nearest exit.*

ADDITIONAL DATA *A uniformed member of the service who issues a summons for violation of snow emergency regulations may be required to testify that the drive, traction or powered wheels were equipped with regular tires without skid chains, or that snow tires were worn or damaged to preclude effective traction.*

NYPD

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-27	
SNOW REMOVAL			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To have snow removed from sidewalks and around fire hydrants after a snowfall.

PROCEDURE When snow has stopped falling:

UNIFORMED MEMBER OF THE SERVICE

1. Inform householders, storekeepers, etc., of their legal obligation to remove snow and ice from the sidewalk and around fire hydrants.
2. Serve summons for Administrative Code Section 16-123 (a violation), if snow is not removed four hours after the snow stops falling, when appropriate.
3. Prevent the throwing of snow into roadways, which have been cleared.

NYPD

PURPOSE To provide guidelines regarding vehicles determined to be derelict that have registration plates.

DEFINITION DERELICT VEHICLE - A vehicle that is so dilapidated, burned out, stripped, vandalized, etc., as to be of no apparent value other than scrap. Derelict vehicles will be taken into custody by this Department only when required as evidence.

PROCEDURE Upon observing a derelict vehicle bearing registration plates:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if vehicle has been reported stolen via appropriate Department resources (i.e., databases, **COMPLAINT REPORTS [PD313-152]**, **VEHICLE THEFT PRELIMINARY INVESTIGATION/ SUPPORTING DEPOSITIONS [PD371-084]**, etc.).
   a. Comply with *P.G. 218-14, "Vehicle Stolen and Recovered Within New York City,"* or *P.G. 218-15, "Vehicle Stolen Outside of New York City and Recovered Within New York City,"* as appropriate, and *P.G. 218-21, "Rotation Tow,"* if vehicle is reported stolen.
   b. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for derelict vehicle and enter "DERELICT" in "Remarks," if vehicle is reported stolen or required as evidence.

NOTE *Department of Sanitation will remove all derelict vehicles not required as evidence as per P.G. 218-21, "Rotation Tow."*

2. Remove registration plates.
   a. Prepare **REGISTRATION PLATE REMOVAL NOTICE (PD571-120)**, if vehicle has New York State registration plates.
      (1) Enter word "DERELICT" in lower left corner.
      (2) Deliver Part 1 of **REGISTRATION PLATE REMOVAL NOTICE** and registration plates to desk officer.
   b. Prepare **EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)** and affix to the window facing the road, if vehicle has out of state registration plates.
      (1) Affix on vehicle in a conspicuous, easily observable location, if driver's side window is broken.
3. Notify Stolen Property Inquiry Unit, in all cases, and include:
   a. Date and time registration plates removed, if necessary,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates' number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and

UNIFORMED MEMBER OF THE SERVICE (continued)

h. If registered owner was notified.

4. Prepare **PROPERTY CLERK INVOICE** for registration plates.

5. Notify owner to immediately remove vehicle, and pick up registration plates within five days.
   a. Make entry in **HIGHWAY CONDITION RECORD (PD311-151)** regarding notification or attempted notification.

6. Record pertinent information in digital **Activity Log**, including, but not limited to:
   a. Date and time registration plates removed, if necessary,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates' number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. Name of person notified, or attempted to notify.

DESK OFFICER

7. Safeguard registration plates in appropriate storage location within command.
   a. Return plates to registered owner, or representative at command upon presentation of valid identification and current registration.
   b. Prepare report on **Typed Letterhead** addressed to the appropriate Commissioner of Motor Vehicles, if registration plates are unclaimed after five days, and include:
      (1) Location and status of recovered vehicle,
      (2) Plate number,
      (3) Name and address of registrant,
      (4) Each plate number removed from vehicle,
      (5) Date of removal, and
      (6) **PROPERTY CLERK INVOICE** number.

8. Forward registration plates and report on **Typed Letterhead** to appropriate Department of Motor Vehicles, if plates are unclaimed after five days.
   a. File copy of **Typed Letterhead** at command.
   b. Complete the "Release/Disposition – Return To Owner" function of **PROPERTY CLERK INVOICE**, which lists the registration plates, and indicate appropriate Department of Motor Vehicles as owner.

9. Assign uniformed member of the service to ascertain if vehicle remains at same location five days after registration plates were removed from vehicle.

TELEPHONE SWITCHBOARD OPERATOR

10. Notify Department of Sanitation by telephone and request vehicle be removed, if vehicle remains at same location five days after registration plates have been removed.
    a. Make entry in **HIGHWAY CONDITION RECORD** regarding notification.

RELATED PROCEDURES

Vehicle Stolen and Recovered Within New York City (P.G. 218-14)
Vehicle Stolen Outside of New York City and Recovered Within New York City (P.G. 218-15)
Rotation Tow (P.G. 218-21)

FORMS AND REPORTS

HIGHWAY CONDITION RECORD (PD311-151)
COMPLAINT REPORT (PD313-152)
VEHICLE THEFT SUPPORTING DEPOSITION (PD371-083)
PROPERTY CLERK INVOICE (PD521-141)
REGISTRATION PLATE REMOVAL NOTICE (PD571-120)
EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)
Omniform Complaint Revision
Typed Letterhead

NYPD

PURPOSE To provide guidelines regarding vehicles bearing registration plates that are expired for more than two months.

PROCEDURE Upon observing a vehicle bearing registration plates that are expired for more than two months:

UNIFORMED MEMBER OF THE SERVICE

1. Determine:
   a. Name and address of registered owner, and
   b. If vehicle has been reported stolen, or is derelict or abandoned.
      (1) Comply with *P.G. 218-14, "Vehicle Stolen and Recovered within New York City," or P.G. 218-15, "Vehicle Stolen Outside of New York City and Recovered Within New York City,"* if vehicle is reported stolen, or
      (2) Comply with *P.G. 214-29, "Derelict Vehicles Bearing Registration Plates,"* if vehicle is derelict, or
      (3) Comply with *P.G. 218-21, "Rotation Tow"* in conjunction with the following steps, if vehicle is abandoned.
2. Issue summons for unregistered vehicle, if vehicle has not been reported stolen.
3. Remove registration plates.
   a. Prepare **REGISTRATION PLATE REMOVAL NOTICE (PD571-120)**, if vehicle has New York State registration plates.
      (1) Enter word "DERELICT" in lower left corner.
      (2) Deliver Part 1 of **REGISTRATION PLATE REMOVAL NOTICE** and registration plates to desk officer.
   b. Prepare **EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)** and affix to driver's side window, if vehicle has out of state registration plates.
      (1) Affix on roadway side of vehicle in a conspicuous, easily observable location, if window is broken.
4. Notify Stolen Property Inquiry Unit of:
   a. Date and time registration plates removed,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. If registered owner was notified.
5. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for registration plates.

UNIFORMED MEMBER OF THE SERVICE (continued)

6. Record pertinent information in digital **Activity Log**, including, but not limited to:
   a. Date and time registration plates removed, if necessary,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates' number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. Name of person notified, or attempted to notify
7. Comply with *P.G. 218-21, "Rotation Tow,"* as appropriate.

DESK OFFICER

8. Notify next participating tow operator in Rotation Towing Program.
9. Safeguard registration plates in appropriate storage location within command.
   a. Return plates to registered owner, or representative at command upon presentation of valid identification and current registration.
   b. Prepare report on **Typed Letterhead** addressed to the appropriate Commissioner of Motor Vehicles, if registration plates are unclaimed after five days, and include:
      (1) Location and status of recovered vehicle,
      (2) Plate number,
      (3) Name and address of registrant,
      (4) Each plate number removed from the vehicle,
      (5) Date of removal, and
      (6) **PROPERTY CLERK INVOICE** number.
10. Forward registration plates and report on **Typed Letterhead** to appropriate Department of Motor Vehicles, if plates are unclaimed after five days.
    a. File copy of **Typed Letterhead** at command.
    b. Complete the "Release/Disposition – Return To Owner" function of **PROPERTY CLERK INVOICE**, which lists the registration plates, and indicate appropriate Department of Motor Vehicles as owner.

ADDITIONAL DATA

Upon observing an OCCUPIED VEHICLE on a street, highway, or other public place with expired New York State registration plates and/or no registration sticker, the uniformed member of the service will, in addition to other required police action, remove the vehicle to the stationhouse and comply with the provisions of P.G. 218-12, "Safeguarding Vehicles in Police Custody."

RELATED PROCEDURES

Derelict Vehicles Bearing Registration Plates (P.G. 214-29)
Safeguarding Vehicles in Police Custody (P.G. 218-12)
Vehicle Stolen and Recovered Within New York City (P.G. 218-14)
Vehicle Stolen Outside of New York City and Recovered Within New York City (P.G. 218-15)
Rotation Tow (P.G. 218-21)

FORMS AND REPORTS	***PROPERTY CLERK INVOICE (PD521-141)*** ***REGISTRATION PLATE REMOVAL NOTICE (PD571-120)*** ***EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)*** ***Typed Letterhead***

NYPD

PURPOSE To reduce congestion and increase safety on controlled access highways.

PROCEDURE Upon arriving at the scene of a disabled vehicle impeding traffic on a highway, parkway, expressway, etc., and the vehicle is unattended or the owner or person in charge of the vehicle refuses to hire the franchised towing service:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain from Communications Section if vehicle is wanted on an alarm.
   a. Take appropriate action if vehicle is wanted.
2. Advise owner or person in charge of vehicle who refuses to hire tow car that:
   a. Administrative Code, Section 20-511, subdivision q, requires that the vehicle be removed from the highway.
   b. Vehicle will be removed to place of business of the tow car operator.
   c. Tow car owner is entitled by law to charge towing and storage fees.
   d. Vehicle owner or his representative will be required to appear at precinct of occurrence with current vehicle registration certificate and obtain a written release prior to reclaiming vehicle from tow car operator's place of business.
3. Advise owner or person in charge of vehicle who refuses to hire authorized tow car to remove from vehicle personal property before vehicle is towed.

NOTE *If vehicle is unattended or owner or person in charge refuses to remove personal property, list such property in digital **Activity Log**, call attention of tow car operator to listed property and have tow car operator sign digital **Activity Log**. Do not remove property from vehicle.*

4. Record in digital **Activity Log**:
   a. Make, year and color of vehicle
   b. Registration plate number, state and year
   c. Location from which towed
   d. Towing service name, address and medallion number of tow car
   e. Name and address of owner or person in charge of vehicle at scene.
5. Sign tow car operator's authorization to tow vehicle if owner or person in charge refuses to hire tow car or vehicle is unattended.
6. Deliver copy of "Authorization to Tow" form to desk officer.

DESK OFFICER

7. Notify Stolen Property Inquiry Unit immediately of details concerning removal.
8. Ascertain ownership of vehicle if owner not present at scene.
9. Notify owner, if not present at scene, of location where vehicle stored and that registration certificate must be presented at precinct to obtain release for vehicle.
10. Enter details of removal in Command Log.
    a. Include information listed in step four above and identity of uniformed member of service, the registered owner, and member at Stolen Property Inquiry Unit notified.

DESK OFFICER (continued)

11. File "Authorization to Tow" form in Property Receipt Book.

WHEN VEHICLE OWNER OR HIS REPRESENTATIVE APPEARS AT STATIONHOUSE TO OBTAIN RELEASE:

DESK OFFICER

12. Inspect Command Log entry.
13. Examine registration certificate.
14. Question claimant to determine if vehicle reported stolen.
    a. Ensure that alarm, if any, is canceled before preparing release for vehicle.
15. Have **COMPLAINT REPORT (PD313-152)** prepared if vehicle stolen but not yet reported:
    a. Note under details that vehicle is recovered
    b. Close **COMPLAINT REPORT** unless additional investigation is required
    c. Telephone facts to precinct concerned if theft occurred in another command.
16. Have two copies of release, addressed to Tow Car Service, prepared on **OFFICIAL LETTERHEAD (PD158-151)** including:
    a. Name and address of owner or representative who will claim vehicle
    b. Make, color, registration number of vehicle
    c. Time, date and location from which removed.
17. Have claimant sign second copy of release and file in Property Receipt Book.
18. Give original copy to claimant and inform him that tow and storage charges must be paid to tow car owner.

ADDITIONAL DATA

Highway District vehicles equipped with "protective bumper guards" may push disabled vehicles obstructing active traffic lanes to the nearest location where they may be parked safely. Under no circumstances will disabled vehicles be pushed to repair shops or onto private property.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
OFFICIAL LETTERHEAD (PD158-151)

Section: Quality Of Life Matters		Procedure No: 214-32	
DISCARDED REFRIGERATORS, FREEZERS AND OTHER SELF LOCKING CONTAINERS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To prevent injury to children.

PROCEDURE Upon finding a refrigerator, freezer or other self locking container in a place accessible to the public:

UNIFORMED MEMBER OF THE SERVICE

1. Direct person responsible, if known, to remove the door, door latch or latch stop.
   a. If owner known and refuses to comply, make arrest.
2. Remove the door, door latch, or latch stop if tools are available and owner unknown.
3. Summon Emergency Service Unit through the Communications Section dispatcher if unable to make device safe.

EMERGENCY SERVICE UNIT CREW

4. Respond to location.
5. Remove the door, door latch, or latch stop.
6. Make entry in digital **Activity Log** of time and location.

UNIFORMED MEMBER OF THE SERVICE

7. Make entry in digital **Activity Log** of facts, including names of Emergency Service Unit members who responded to scene.

NYPD

PURPOSE To properly investigate complaints involving dangerous animals/dogs requiring a police response.

SCOPE It is the intent of this procedure to ensure that all complaints of dangerous animals/dogs are recorded properly and reported to the New York City Department of Health and Mental Hygiene, as well as to provide for the safe and humane handling of such animals when encountered by members of the service. This includes animals that are owned, wild, lost or stray, abandoned, or used for fighting or intimidation purposes. If the animal is gone upon arrival of member of service at the scene, a **DANGEROUS ANIMAL/BITE REPORT (PD311-152)** must still be prepared, regardless of whether or not a person has been injured by the animal. Offenders engaging in animal cruelty will be arrested and processed for a **DESK APPEARANCE TICKET**, if eligible.

DEFINITIONS

ANIMAL – Shall mean mammals, amphibians, reptiles, birds or insects.

DANGEROUS ANIMAL – For the purpose of this procedure, a dangerous animal shall mean any animal which menaces, threatens, attacks or bites a person. A dangerous animal can also be a wild animal which is defined as any animal naturally inclined to do harm and capable of inflicting harm upon human beings.

DANGEROUS DOG – Shall mean any dog:

a. That when unprovoked, approaches, or menaces any person in a dangerous or terrorizing manner, or in an apparent attitude of attack, upon the streets, sidewalks, or any public grounds or places; OR
b. With a known propensity, tendency or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; OR
c. Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal, without provocation on public or private property; OR
d. Owned or harbored primarily, or in part, for the purpose of dog fighting or any dog trained for dog fighting.

PROCEDURE When a uniformed member of the service responds to a complaint involving a dangerous animal/dog, regardless of whether or not a person was injured by the animal:

UNIFORMED MEMBER OF THE SERVICE

1. Have Communications Section dispatcher request a unit from the Animal Care and Control of New York City (A.C. & C.) respond to the scene, if the animal presents a danger or may have been left uncared for.
2. Prepare **DANGEROUS ANIMAL/BITE REPORT** and, if required, **AIDED REPORT**, in all instances in which responding to or becoming apprised of an incident involving an animal bite and/or dangerous animal and include the ICAD Incident number on forms.

NOTE *Animal Care and Control of New York City (A.C. & C.) Animal Rescue Units are in service Monday through Friday from 0800 to 2000 hours. The Brooklyn A.C. & C. of New York City control center is open twenty four hours, seven days a week to uniformed members of the Department. All other borough control centers are open during business hours, Tuesday through Saturday.*

Members of the service who require emergency assistance from A.C. & C. of New York City between 2000 and 0800 hours weekdays and twenty four hours a day on weekends and holidays should contact the Operations Division, providing pertinent details and the name of the contact person at the scene. Operations Division personnel will then notify an A.C. & C. of New York City member who is on-call to respond for emergencies and/or to provide instructions.

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Request an Emergency Services Unit to respond to the scene, if response by A.C. & C. of New York City cannot be made expeditiously (fifteen to thirty minutes) or cannot be ascertained, or if animal's owner or person in control of a premises where animal is located is arrested, hospitalized, etc., and no one is able to provide for the animal's care.
4. Deliver animal to an A.C. & C. of New York City representative, if A.C. & C. of New York City responds to the scene.
5. Request patrol supervisor to respond to the scene.

EMERGENCY SERVICE UNIT

6. Secure the animal and prepare it for transportation by RMP to an A.C. & C. of New York City facility, as appropriate.

PATROL SUPERVISOR

7. Assign resource to transport animal to an A.C. & C. of New York City facility, if necessary.

NOTE *When it is necessary to transport an animal to an A.C. & C. of New York City facility, direct that a kennel be brought to the scene from the command concerned. If necessary, additional kennel(s) may be requested from an adjoining command or the patrol borough concerned. Under no circumstances shall an animal be placed into the trunk of a Department vehicle.*

MEMBER ASSIGNED TO TRANSPORT

8. Place kennel into the backseat of RMP.
   a. Remove rear seat from vehicle, if necessary.
9. Transport animal to an A.C. & C. of New York City facility.
   a. Obtain receipt from A.C. & C. of New York City and deliver to desk officer.

NOTE *Members of the service delivering any animal to an A.C. & C. of New York City facility must be able to articulate the circumstances surrounding the reasons for the animal coming into police custody, including the owner's name and address, if known.*

UNIFORMED MEMBER OF THE SERVICE

10. Take appropriate enforcement action against owner or person in possession of animal and remove to command, if necessary.
11. Report facts to desk officer.
12. Deliver **DANGEROUS ANIMAL/BITE REPORT** and submit **AIDED REPORT**, if prepared, to desk officer.

NOTE *Department form **DANGEROUS ANIMAL/BITE REPORT** will be prepared in EVERY instance of a dangerous animal condition whether the animal is taken into custody or not. This form will assist the New York City Police Department and the Department of Health and Mental Hygiene in tracking dangerous animal complaints.*

UNIFORMED MEMBER OF THE SERVICE (continued)

13. Process offender for **DESK APPEARANCE TICKET**, if eligible.
    a. Include **DANGEROUS ANIMAL/BITE REPORT**, if prepared, with other arrest paperwork and note on **ARREST CHECKLIST (PD244-041)**.
14. Enter facts in digital **Activity Log**.

DESK OFFICER

15. Review and sign **DANGEROUS ANIMAL/BITE REPORT** and distribute as delineated on form.
16. Forward the Department of Health and Mental Hygiene copy of **DANGEROUS ANIMAL/BITE REPORT** via the Mail and Distribution Unit.
17. Notify Department of Health and Mental Hygiene by telephone of human exposure to a rabid animal, an animal suspected of being rabid, and/or an animal that has bitten, scratched, or abraded a human being.
18. Notify Department of Health and Mental Hygiene by telephone if animal or owner is located after **DANGEROUS ANIMAL/BITE REPORT** has been forwarded.
19. File command copy of **DANGEROUS ANIMAL/BITE REPORT**.

ADDITIONAL DATA

*Pursuant to Article 26, Agriculture and Markets Law, Section 371, of New York State 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** if qualified, returnable to Criminal Court (see P.G. 208-27, "Desk Appearance Ticket - General Procedure").*

For purposes of this procedure, applicable sections of Article 26, Agriculture and Markets Law are:

a. Section 351 - Prohibition of Animal Fighting - Section 351.(2) Unclassified Felony, Section 351.(3 & 4) - Unclassified Misdemeanor.
b. Section 353 - Overdriving, Torturing, and Injuring Animals; Failure to Provide Proper Sustenance - Unclassified Misdemeanor.
c. Section 353-a - Aggravated Cruelty to Animals - Unclassified Felony.
d. Section 355 - Abandonment of Animals - Unclassified Misdemeanor.
e. Section 356 - Failure to Provide Proper Food and Drink to Impounded Animal - Unclassified Misdemeanor.
f. Section 359 - Carrying Animal in a Cruel Manner - Unclassified Misdemeanor.
g. Section 360 - Poisoning or Attempting to Poison Animals - Unclassified Felony (horses, mules or domestic cattle); Unclassified Misdemeanor (all other animals).
h. Section 361 - Interference With or Injury to Certain Domestic Animals - Unclassified Felony.

ADDITIONAL DATA (continued)

i. Section 365 - Clipping or Cutting the Ears of Dogs - Unclassified Misdemeanor.

j. Section 368 - Operating Upon Tails of Horses Unlawful - Unclassified Misdemeanor.

k. Section 374 - Humane Destruction or Other Disposition of Animals Lost, Strayed, Homeless, Abandoned or Improperly Confined or Kept - Unclassified Misdemeanor.

For the purpose of this procedure, applicable sections of Title 17, New York City Administrative Code are:

a. Section 17-343 - Acquisition of a Dangerous Dog Prohibited.
b. Section 17-346 - Confiscation and/or Confinement of a Dangerous Dog.
c. Section 17-351 - Enforcement.

All three Administrative Code sections cited are Unclassified Misdemeanors.

Uniformed members of the service should be cognizant of the indication of rabies and should use extreme care when approaching animals. In the event of any animal bite, or contact with an animal's saliva, members should seek immediate medical attention.

USE OF FORCE/DEADLY PHYSICAL FORCE

The use of physical force against any animal will be used ONLY to the extent that such force is necessary to prevent harm or injury to such animal, other animals, or persons. As per P.G. 221-01, "Force Guidelines," a uniformed member of the service shall not discharge a firearm at a dog or other animal, except to protect a member or another person present from imminent physical injury and there is no opportunity to retreat or other reasonable means to eliminate the threat.

Before using deadly physical force, every attempt will be made to use other reasonable means to contain threats from dangerous animals.

In those instances where uniformed members of the service develop information to indicate a dangerous dog will be encountered at a particular location (e.g., an apartment where a warrant is to be enforced, etc.), the Emergency Service Unit's Canine Team should be conferred with for their assistance.

RELATED PROCEDURES

Desk Appearance Ticket - General Procedure (P.G. 208-27)
Force Guidelines (P.G. 221-01)

FORMS AND REPORTS

AIDED REPORT
ARREST CHECKLIST (PD244-041)
DANGEROUS ANIMAL/BITE REPORT (PD311-152)
DESK APPEARANCE TICKET

PURPOSE To notify the Detective Bureau's Vice Enforcement Unit and the State Liquor Authority of founded complaints regarding premises where alcoholic beverages are sold.

PROCEDURE When any of the following events occur in connection with a premises, licensed or unlicensed, in which alcoholic beverages are sold:

a. Arrest in premises, or elsewhere, resulting from action originating in premises
b. Summons served on premises, or on employee, for violation related to premises
c. Complaint concerning premises, or vicinity of premises and cause originated in premises, which was investigated and resulted in corrected condition
d. Condition or police action directly concerning the operation of the premises which should be brought to the attention of the State Liquor Authority, Department of Buildings, Fire Department, or any other City agency.

UNIFORMED MEMBER OF THE SERVICE CONCERNED

1. Request patrol supervisor to respond.
   a. If patrol supervisor is not available, contact desk officer and comply with instructions.
2. Advise patrol supervisor of the facts.
3. Take summary action if offense committed in presence and be guided by *P.G. 208-03, "Arrests - General Processing"* and *P.G. 207-08, "Preliminary Investigation of Vice, Narcotics or Organized Crime-Related Offenses."*
4. Make complete entries in digital **Activity Log**.
5. Notify Detective Bureau Wheel when:
   a. Premises is selling alcohol without a liquor license, AND/OR
   b. Premises is operating after hours.

PATROL SUPERVISOR

6. Respond to the scene and determine appropriate police action to be taken.
   a. Notify the Department of Buildings, Fire Department or the appropriate City agency of apparent code violations.
7. Prepare **POLICE ACTION LICENSED/UNLICENSED PREMISES (PD310-150)** report.
   a. Prepare additional copy of report marked "Department of Consumer Affairs" if arrest involved a cabaret, public dance hall, catering establishment, or bowling alley
   b. Prepare one additional copy of report for commanding officer of precinct where premises is located, if action or condition originated in another command
   c. File one copy of report at command.

NOTE *Whenever the uniformed member concerned is assigned to the Detective Bureau, such member's commanding officer will prepare and forward the required* ***POLICE ACTION LICENSED/UNLICENSED PREMISES*** *report. A copy of the report will be forwarded to the commanding officer, precinct of occurrence.*

PATROL SUPERVISOR (continued)

8. Direct undercover agent (e.g., auxiliary police officer, etc.) to complete **AFFIDAVIT OF SALE OF ALCOHOL (PD326-060)**, if police action involves the sale of alcohol to a minor or an undercover member.
   a. Have one copy of **AFFIDAVIT** filed in arrest folder.
9. Notify desk officer, precinct of occurrence of facts.
10. Forward **POLICE ACTION LICENSED/UNLICENSED PREMISES** with additional copies of report and original **AFFIDAVIT OF SALE OF ALCOHOL**, if prepared, to commanding officer.
11. Advise commanding officer of facts regarding police action.

DESK OFFICER

12. Enter facts in Command Log.

COMMANDING OFFICER

13. Verify that desk officer, precinct of occurrence, was notified, if necessary.
14. Review and sign **POLICE ACTION LICENSED/UNLICENSED PREMISES**.
15. Ensure **POLICE ACTION LICENSED/UNLICENSED PREMISES** report is forwarded, via email and Department mail, to Commanding Officer, Vice Enforcement Unit, 3280 Broadway, NY, NY, Room 605, with the following:
    a. Copies of any summonses issued in regards to police action
    b. Original **AFFIDAVIT OF SALE OF ALCOHOL**, if prepared.
16. Scan and email all prepared summonses, reports, etc. to [redacted].
17. Ensure a copy of **POLICE ACTION LICENSED/UNLICENSED PREMISES** report, if prepared, is forwarded to the following:
    a. NYC Department of Consumer Affairs
    b. Precinct commanding officer where premises is located.

VICE ENFORCEMENT UNIT

18. Forward copy of **POLICE ACTION LICENSED/UNLICENSED PREMISES** report to the State Liquor Authority.

ADDITIONAL DATA

*The "Details" section of **POLICE ACTION LICENSED/UNLICENSED PREMISES** must be very specific. It must include a statement that the owner or operator was aware of the offense and indicate circumstances that demonstrated actual or implied knowledge on the part of the owner or operator. Include the following information, when pertinent:*

1. Employment of a person under eighteen years of age, or serving alcoholic beverages to a person under twenty one years of age:
   a. Name, address and age
   b. How age was ascertained
   c. If enforcement was for the sale of alcohol to a minor, what type of alcohol was purchased (size of container, brand, and cost)
   d. If undercover agent was used, his/her title, age, date of birth, and a statement that the arresting/summonsing officer witnessed the sale.

2. Sale of alcohol to intoxicated person:
   a. Description of drunken behavior
   b. Type of beverage served after condition was observed by arresting officer.

ADDITIONAL DATA (continued)

3. Gambling:
- *a. Whether defendant is an employee of premises and in what capacity*
- *b. Name of person in charge*
- *c. If gambling device was involved, indicate how used.*

4. Sale of alcoholic beverages during prohibited hours:
- *a. Type of beverage*
- *b. Time of violation and arrest.*

5. Prostitution:
- *a. Period of time observed*
- *b. Behavior of persons with males or females and number of times males and/or females left and returned*
- *c. Name of person permitting violation by direct knowledge or by action of male(s)/female(s).*

6. Narcotics:
- *a. Circumstances*
- *b. Name and title of person in charge who knowingly permitted violation.*

RELATED PROCEDURES

Preliminary Investigation of Vice, Narcotics or Organized Crime-Related Offenses (P.G. 207-08)
Arrests - General Processing (P.G. 208-03)

FORMS AND REPORTS

POLICE ACTION LICENSED/UNLICENSED PREMISES (PD310-150)
AFFIDAVIT OF SALE OF ALCOHOL (PD326-060)

NYPD
POLICE DEPARTMENT NEW YORK CITY OF

Section: Quality Of Life Matters		Procedure No: 214-35	
PROCESSING QUALITY OF LIFE SERVICE REQUESTS USING THE 311 SYSTEM			
DATE ISSUED: 03/19/21	DATE EFFECTIVE: 03/19/21	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To ensure Quality of Life service requests received through the 311 system or the telephone switchboard are effectively addressed and monitored by members of the service.

DEFINITION CHRONIC 311 CONDITION – Five or more service requests in a 28-day period for the same specified condition at a location.

PROCEDURE When a Quality of Life service request has been received through the 311 system or telephone switchboard:

TELEPHONE SWITCHBOARD OPERATOR

1. Record Quality of Life service requests received via telephone on the **TELEPHONE DISPATCH LOG (PD112-143)**.
   a. Inform callers reporting Quality of Life service requests to the telephone switchboard to call 311 directly in the future.
   b. Inform callers to call 311 immediately if service requests require a referral to another City agency.
2. Confer with desk officer to reconcile duplicate service requests received via the 311 system and command telephone switchboard.
3. Have Quality of Life service request(s) generated through the 311 system or telephone switchboard requiring investigation dispatched as a command assignment(s).
4. Enter final dispositions of calls received via the telephone switchboard on the **TELEPHONE DISPATCH LOG**.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED

5. Notify Communications Section upon receipt of a Quality of Life assignment (code 10-61) including location to which responding.
6. Respond to assignment as expeditiously as possible, except if on emergency assignment.
7. Promptly notify Communications Section upon completion of assignment.
8. Notify desk officer of dispositions for completed assignments.
9. Inform desk officer of any Quality of Life service request(s) not completed by the end of tour.

PATROL SUPERVISOR

10. Monitor performance of members of the service assigned to Quality of Life service requests and ensure an appropriate response.

PLATOON COMMANDER/ DESK OFFICER

11. Ensure that 311 system assignments are dispatched expeditiously, and that appropriate action is taken.
12. Monitor Quality of Life service requests to determine if improperly routed to command.
    a. Reassign improperly routed Quality of Life service requests to appropriate precinct/bureau command using the 311 system.

PLATOON COMMANDER/ DESK OFFICER (continued)

13. Monitor, and give special attention to 311 system for service requests that have media files (i.e., photos attached).
14. Manually refresh the 311 system at least every hour, checking for the receipt of Quality of Life service requests requiring attention.
15. Make Command Log entries at the beginning and at the end of each tour and indicate the number of pending assignments in the 311 system.
16. Print a copy of each 311 service request that is assigned during the platoon and give to assigned sector.
    a. Ensure dispositions are properly recorded in the 311 system or on the **TELEPHONE DISPATCH LOG**, as applicable.

NOTE *Any Quality of Life condition that generates five or more calls within an eight-hour period will be prioritized for an immediate response. Requests for service will be dispatched as resources become available, with the exception of those deferred to command specialized units (e.g., special operations lieutenant) or those that require an immediate response.*

17. Determine whether a service request can be handled during the tour or if it requires deferral to command specialized units (e.g., special operations lieutenant) or referral to another command/City agency.
    a. Indicate all deferrals and referrals in the 311 system or record in the Telephone Record, as appropriate.
18. Accept assignments that could not be completed during the previous tour and prioritize for assignment to the next available unit.

NOTE *Assignments that are deferred to command specialized units or require the assistance of another governmental agency will receive an interim disposition of "deferred" or "open," as appropriate.*

SECOND PLATOON DESK OFFICER

19. Review 311 system at 0800 hours daily for previous 24 hours to account for all service requests and ensure dispositions are properly assigned.
    a. Initiate an investigation to resolve unmarked dispositions and take corrective action, as necessary.

SPECIAL OPERATIONS LIEUTENANT

20. Review all deferred 311 service requests and initiate a response.
21. Ensure dispositions are entered and reported properly.
22. Identify Quality of Life conditions requiring a complex or sustained response.
    a. Design and implement plan utilizing command resources.
    b. Utilize other Department units, government agencies, and community resources, as necessary.
23. Establish a list of locations of 311 service requests deferred to specialized units by address and request.
    a. Maintain a current copy of the list at the desk.
    b. Ensure dispositions are updated from "deferred" to the appropriate disposition code as assignments are completed.
24. Coordinate command Quality of Life strategies, including but not limited to:
    a. Design and enact specific response plans for chronic unresolved conditions,

SPECIAL OPERATIONS LIEUTENANT (continued)

b. Administer Quality of Life self-inspection to ensure compliance with Department directives and command strategies, and

c. Direct a monthly audit of identified 311 callers to assess the quality of service.

NEIGHBORHOOD COORDINATION SERGEANT

25. Assist special operations lieutenant in identifying conditions requiring a complex or sustained response.

26. Ensure neighborhood coordination officers are aware of list of locations of 311 service requests in their sector.

TRAINING SERGEANT

27. Conduct command level training on Quality of Life matters, including instruction on operation of the 311 system, when necessary and as directed by competent authority.

INTEGRITY CONTROL OFFICER

28. Conduct random inspections, to ensure proper dispositions, compliance with reporting requirements, and system integrity.

a. Investigate derelictions of duty or other deficiencies as determined, or directed.

COMMANDING OFFICER/ EXECUTIVE OFFICER

29. Review command Quality of Life strategies and analyze performance.

a. Modify as necessary.

30. Have deficiencies referred to the appropriate supervising officer and/or training sergeant for necessary action and follow-up.

31. Direct neighborhood coordination sergeant to:

a. Initiate daily callbacks to identified 311 callers and determine if service requests were resolved or if further action is required,

b. Document all contacts and attempts. A minimum of two attempts must be made to contact each caller,

c. Initiate follow-up actions as necessary and confer with the special operations lieutenant, and

d. Establish a list of chronic conditions for the previous 28-day period, update weekly, and post at the desk.

32. Confer with training sergeant to ensure effective training on Quality of Life matters.

33. Ensure lists for deferred service requests and 28-day chronic conditions are properly maintained at the desk.

PATROL BOROUGH ADJUTANT/ HOUSING BUREAU/ TRANSIT BUREAU DESIGNATED SUPERVISOR

34. Provide additional resources as needed to assist commanding officers and subordinate commands, if requested.

35. Monitor subordinate commands to ensure Quality of Life service requests are being addressed properly.

36. Oversee contingency plan for borough/bureau in the event of a 311 system failure affecting multiple commands.

ADDITIONAL DATA

311 SERVICE REQUESTS FOR IMPROPER PARKING PERMIT USE

These service requests will be handled by the command concerned for disposition (e.g., summons, tow, etc.), as appropriate. In all cases, the Traffic Management Center must be notified upon completion of the assignment, and be provided with a disposition (e.g., location, plate number, permit issuing agency, violation, summons number, etc.) to ensure appropriate documentation of the incident.

311 LIAISON

The Office of Management Analysis and Planning (OMAP) is the designated liaison to New York City 311 (NYC 311) to ensure operational readiness, coordinate policy, exchange information, and undertake other actions to increase organizational efficiency, effectiveness, and improve customer service. Additionally, OMAP will coordinate with NYC 311 in the event of a large scale or system-wide 311 failure.

REFERRING CONDITIONS TO OTHER CITY AGENCIES VIA THE 311 SYSTEM

Members of the service will utilize the 311 system to refer conditions that do not fall within the Department's purview to the appropriate City agency. The 311 system can be accessed through the 311 mobile application available on Department smartphones or from the 311 website from any Department desktop computer. When creating a service request, members of the service will find the appropriate heading and fill in the captions with pertinent information and their name, Department email address, and Department smartphone number, or number to the telephone switchboard operator of the command concerned. Service requests should not be created anonymously.

SYSTEM SECURITY AND INTEGRITY

All members of the service are responsible to ensure the safety and security of Department computer systems. Authorized members will only sign-on to the 311 system utilizing their personal user identification and confidential password. Members will sign-off from the system upon completion of use, or whenever unable to safeguard, even for a brief period of time.

TECHNICAL ISSUES

Notify the Information Technology Bureau (ITB) Service Desk (24 hours) to report inoperable or malfunctioning computer equipment or Department networking problems. Other system failures or program malfunctions will be referred directly to the New York City Department of Information Technology & Telecommunications (DoITT) Citywide Service Desk. All notifications will be entered in the Telephone Record.

OVERSIGHT, ANALYSIS, AND INVESTIGATIONS

Members conducting oversight, analysis, or investigatory functions should use Department computer systems, as appropriate, to complete these operations.

FORMS AND REPORTS

TELEPHONE DISPATCH LOG (PD112-143)

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-37	
NEW YORK CITY DEPARTMENT OF BUILDINGS ACCESS WARRANTS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To preserve the peace and protect life and property at a building/premises where an inspector from the New York City Department of Buildings is executing an Access Warrant in order to perform a safety inspection.

DEFINITION ACCESS WARRANT – a Court Order allowing a member from the New York City Department of Buildings to gain access to a building/premises in order to conduct a safety inspection.

PROCEDURE When requested to accompany a member from the New York City Department of Buildings executing an Access Warrant:

DESK OFFICER

1. Review Access Warrant to ensure validity.

NOTE *The desk officer will review the Access Warrant and ensure the warrant has been signed by a Supreme Court judge and has not expired. Once a Court has issued an Access Warrant, the warrant must be executed within the date range specified in the Court Order.*

2. Make a Command Log entry consisting of:
   a. Full name of New York City Department of Buildings inspector
   b. Index number and issuing court
   c. Address of location identified on warrant.
3. Request Communications Section to assign an RMP unit to accompany inspector to identified location.

UNIFORMED MEMBER OF THE SERVICE

4. Respond to location.

NOTE *The role of a uniformed member of the service at a scene where an Access Warrant is being executed is to preserve the peace and prevent the commission of a crime. The execution of the Access Warrant is the sole responsibility of the NYC Department of Buildings inspector. Under no circumstances will uniformed members of the service assist in breaking a door or damaging property to effect the warrant and/or to gain access to the premises. If access to the premises is not granted, it will be the responsibility of the New York City Department of Buildings to reschedule the execution of the Access Warrant.*

5. Enter premises with New York City Department of Buildings inspector and remain until inspection is completed.
6. Notify desk officer when the inspection is completed.
7. Make appropriate digital **Activity Log** entry.

DESK OFFICER

8. Make Command Log entry indicating the time inspection was completed.

PURPOSE To establish a systematic inspection of pawnbrokers and second-hand dealers by patrol precincts and to ensure compliance with recordkeeping rules and regulations.

DEFINITIONS PAWNBROKER – A person or business engaged in the loaning of money on deposit or pledge of personal property, or the purchasing of personal property on the condition of selling it back at a stipulated price.

SECOND-HAND DEALER – Any person who in any way or as a principal broker or agent deals in the purchase or sale of second-hand articles of any nature (e.g., thrift store).

PROCEDURE When designated to perform inspections of pawnbrokers and second-hand dealers by a competent authority:

PRECINCT COMMANDING OFFICER

1. Assign special operations lieutenant as the primary coordinator of the command's pawnbroker and second-hand dealer inspection program.
   a. Designate an alternate supervisor to coordinate program, in absence of special operations lieutenant.

SPECIAL OPERATIONS LIEUTENANT/ DESIGNATED SUPERVISOR

2. Maintain an updated list of all pawnbrokers and second-hand dealers operating within the confines of the precinct.
   a. Provide copy of list to:
      (1) Commanding officer
      (2) Executive officer
      (3) Detective zone commanding officer
      (4) Field intelligence officer
      (5) Precinct detective squad supervisors
      (6) Other specialty unit supervisors, as appropriate.
   b. Revise list quarterly to ensure accuracy.
3. Designate the crime prevention officer to act as the primary designee and liaison to pawnbrokers and second-hand dealers.
   a. Community affairs officers, neighborhood coordination officers, field intelligence officers, etc., may supplement these efforts.
4. Ensure all stores are inspected by crime prevention officer frequently, but no less than once per quarter, and that inspection is documented appropriately.
5. Forward reports quarterly, to the Crime Prevention Division to ensure compliance.

CRIME PREVENTION OFFICER

6. Provide each pawnbroker and second-hand dealer with copies of **SECOND-HAND ARTICLES STORE LOG (PD530-141)**, when necessary.

CRIME PREVENTION OFFICER (continued)

a. Provide second-hand dealers with copy of **INSTRUCTIONS TO DEALERS IN SECOND-HAND ARTICLES (PD634-153)**, in all cases.

7. Retrieve "Detective Squad" copy (pink) every ten days, from all pawnbrokers and second-hand dealers located in the confines of the precinct that maintain a **SECOND-HAND ARTICLES STORE LOG**.
   a. Document the visit by signing the next unused transaction receipt in the **SECOND-HAND ARTICLES STORE LOG**.
      (1) Pawnbrokers and second-hand dealers who upload all transactions and relevant information to the Electronic Reporting System are exempt from maintaining the **SECOND-HAND ARTICLES STORE LOG** (see "Additional Data" statement for more information on mandatory electronic reporting).
8. Monitor Electronic Reporting System to ensure that participating stores are uploading data on a daily basis, including negative reports if no transactions are made.
9. Perform administrative inspections to ensure compliance with record keeping regulations at all pawnbrokers and second-hand dealers located in the confines of the precinct frequently, but no less than once per quarter.
   a. Perform audit of **SECOND-HAND ARTICLES STORE LOG**, or Electronic Reporting System, as applicable, to determine accuracy of records.
   b. Inspect last 20 items purchased and compare them to the records maintained in either the Electronic Reporting System, or **SECOND-HAND ARTICLES STORE LOG**, to ensure the integrity of the entries made by pawnbroker/second-hand dealer.
10. Document results of administrative inspections in the Enterprise Case Management System (ECMS).
11. Report any suspected criminal intelligence regarding a pawnbroker or second-hand dealer as per *P.G. 212-12, "Citywide Intelligence Reporting System."*
    a. Notify special operations lieutenant, precinct detective squad commander, and field intelligence officer.

NOTE *Refer to Legal Bureau Bulletin Vol. 47, No. 3, "Enforcement Action Regarding Pawnbrokers and Second-Hand Dealers."*

FIELD INTELLIGENCE OFFICER

12. Monitor the Electronic Reporting System at least once every ten days, paying particular attention to repeated transactions by an individual, or other signs indicative of criminal behavior.
13. Disseminate pertinent information generated by the Electronic Reporting System to appropriate units.

PRECINCT DETECTIVE SQUAD COMMANDER

14. Ensure intelligence which may affect another precinct (e.g., recently arrested burglary parolee residing in another command, etc.) is brought to the attention of applicable precinct detective squad commander and detective zone commanding officer.

PRECINCT DETECTIVE SQUAD

15. Place a hold on property, for a period not to exceed 90 days, if a reasonable belief is developed based upon information conveyed in the Electronic Reporting System that a pawnbroker or second-hand dealer is in possession of lost or stolen property.
    a. A 90 day hold is created upon delivery of written or electronic notice that contains the following:
        (1) A description of property being placed on hold;
        (2) The **COMPLAINT REPORT (PD313-152)** number, if issued, for which the property is needed as evidence; and
        (3) The date the notice was delivered to the pawnbroker or second-hand dealer in order to initiate the 90 day time period.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

All pawnbrokers MUST keep records using the Department approved Electronic Reporting System of items pledged (sold or pawned).

a. Records include the date, time of transaction, photo of item pledged (sold or pawned), etc.

b. The approved Department Electronic Reporting System has all of the applicable categories, and all electronically collected data MUST be uploaded daily, by the pawnbroker.

Second-hand dealers that deal in certain types of property (e.g., precious metals, electrical appliances [excluding kitchen appliances], electronic equipment, computers or their component parts, etc.) MUST keep records of these transactions using the Department's approved Electronic Reporting System.

a. Records include the date, time of transaction, photo of item pledged (sold or pawned), etc.

*b. Second-hand dealers not dealing in items listed above are not required to upload information into the Department's approved Electronic Reporting System. Manual records in the **SECOND-HAND ARTICLES STORE LOG** must still be maintained.*

New York City Local Law 123 of 2022 mandates dealers in second-hand articles, when purchasing a second-hand catalytic converter, to maintain an electronic record of information pertaining to the purchase, and that such record be maintained for a minimum of six years. Such information must include, at a minimum, the year, make, model, and vehicle identification number (VIN) from which the catalytic converter was removed, a copy of the certificate of title to the vehicle, or other documentation that indicates that the seller of the catalytic converter has an ownership interest in the vehicle. If the seller is the owner of a repair shop and the catalytic converter was removed pursuant to a vehicle repair, the seller must present the name and address of the vehicle owner, as well as invoices describing the repairs performed on the vehicle and a unique identifying number of the catalytic converter, if any.

ADDITIONAL DATA (continued)

The seller's pedigree information is not required for the electronic record but must be recorded in ***SECOND-HAND ARTICLES STORE LOG****.*

Pawnbrokers and/or second-hand dealers can sometimes unknowingly serve as a "fence" for unscrupulous criminals to sell their stolen products. Members assigned to perform functions relating to pawnbroker and second-hand dealer inspections are reminded that these inspections are designed to uncover administrative violations. They are not for the purpose of uncovering criminal activity.

All pawnbrokers and second-hand dealers are required to report on all articles pawned, purchased, or sold. Pawnbrokers and second-hand dealers who actively upload all transactions to the Department's authorized Electronic Reporting System are exempt from the requirement of manually filling out and preserving logs for inspection provided all relevant information (e.g., pedigree information, etc.) is included. By actively uploading their transactions on a daily basis, participating stores are allowing their records to be reviewed via the Electronic Reporting System. Stores are required to upload the day's transactions by the end of each day.

A routine visit to pick up slips from the ***SECOND-HAND ARTICLES STORE LOG****, or a canvass and follow up by investigators, field intelligence officers, community affairs officers, neighborhood coordination officers, etc., does not constitute an inspection.*

LEGAL CONSIDERATIONS

Both pawnbrokers and second-hand dealers are licensed by the New York City Department of Consumer and Worker Protection. Additional licenses may be required based on the nature of the business contained therein.

The focus of inspections is to ensure compliance with current administrative rules and regulations, and to encourage the development of a mutually cooperative relationship between pawnbrokers and second-hand dealers, and this Department. When conducting inspections, members of the service are reminded that such inspections are limited to the public areas of the premises. Entry and inspections of non-public areas is only permissible with consent or a search warrant.

For questions about reporting requirements, rules and restrictions imposed on pawnbrokers and second-hand dealers, members of the service may contact the Legal Bureau for guidance. Additionally, members may refer to Legal Bureau Bulletin Vol. 47, No. 3, "Enforcement Action Regarding Pawnbrokers and Second-Hand Dealers."

If a pawnbroker or second-hand dealer fails to comply with the reporting requirements set forth in the Administrative Code, the Rules of the City of New York, and the General Business Law, members of the service may contact the Legal Bureau for guidance, between 0700 and 2300 hours, Monday through Friday, and through the Operations Unit, during other than the aforementioned hours.

For further guidance on conducting criminal investigations involving stolen property that may be in the possession of a pawnbroker or second-hand dealer, Legal Bureau Bulletin Vol. 47, No. 3, "Enforcement Action Regarding Pawnbrokers and Second-Hand Dealers" should be consulted.

RELATED PROCEDURES	*Citywide Intelligence Reporting System (P.G. 212-12)* *Search Warrant Applications (P.G. 212-75)*
FORMS AND REPORTS	***COMPLAINT REPORT (PD313-152)*** ***INSTRUCTIONS TO DEALERS IN SECOND-HAND ARTICLES (PD634-153)*** ***SECOND-HAND ARTICLES STORE LOG (PD530-141)***

NYPD

Section: Quality Of Life Matters	Procedure No: 214-39

CRITERIA FOR SELECTING A LOCATION FOR INCLUSION IN A MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) OPERATION

DATE EFFECTIVE:	LAST REVISION:	PAGE:
02/23/22	I.O. 22	1 of 4

PURPOSE To identify appropriate selection criteria to be used in designating an establishment for inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation.

DEFINITIONS ELIGIBILITY – All commercial establishments either licensed or required to be licensed by State or City agencies, including but not limited to the New York State Liquor Authority (SLA), are subject to inspection at any time the establishment is open to the public. An establishment may be included in a M.A.R.C.H. Operation based on Department issued summonses, arrests, complaint reports, complaints stemming from the community, 911 calls (e.g., assaults, disputes, intoxication, etc.), 311 calls (e.g., noise complaints, underage drinking, etc.), general disorder incidents (e.g., Department response to large crowds, street closures, blocked sidewalks, etc.), business violations (e.g., health code violations, FDNY issued violations, etc.) or lack of cooperation. Property crimes beyond the reasonable control of the establishment or other crimes, if security and other staff acted properly and assisted with police investigations, will not be used as the sole criteria for inclusion in a M.A.R.C.H. Operation.

M.A.R.C.H. OPERATION – A Multi-Agency Response to Community Hotspots designed to direct enforcement efforts at specific establishments which have become a source of complaints from the community and have a negative impact on quality of life conditions in the surrounding neighborhood. A M.A.R.C.H. operation is overseen by the Mayor's Office of Nightlife, and is coordinated by the New York City Police Department's Legal Bureau's Civil Enforcement Unit with assistance from the New York State Liquor Authority (SLA), New York City Department of Buildings (DOB), New York City Department of Environmental Protection (DEP), New York City Fire Department (FDNY), and the Department of Health and Mental Hygiene (DOHMH).

PROCEDURE When identifying an establishment for inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation:

WHEN DETERMINING IF ESTABLISHMENT IS ELIGIBLE FOR INCLUSION IN A M.A.R.C.H. OPERATION:

SPECIAL OPERATIONS LIEUTENANT

1. Maintain an updated list of all establishments licensed by the SLA within confines of precinct based upon type of establishment. License certificates are color coded as follows:
   a. Mixed Use (Purple),
   b. Nightclub/Cabaret (Red),
   c. Restaurant (Olive), and
   d. Other (Blue).

SPECIAL OPERATIONS LIEUTENANT (continued)

2. Designate appropriate uniformed member of the service to:
   a. Verify that 311 or community complaints of establishments have come from multiple complainants,
   b. Verify that incidents with a nexus to the establishment have been documented by reviewing appropriate Department records, and
   c. Verify there is evidence that the establishment has failed to cooperate with uniformed members of the service.
3. Notify neighborhood coordination officer when establishment has been identified for potential inclusion in a M.A.R.C.H. Operation.

WHEN ESTABLISHMENT IS DETERMINED TO BE ELIGIBLE FOR POSSIBLE INCLUSION IN A M.A.R.C.H. OPERATION:

NEIGHBORHOOD COORDINATION OFFICER

4. Review 311 reports weekly, giving special attention to nightlife hotspots, chronic locations, incidents and establishments.
5. Confer with crime prevention officer and field intelligence officer regarding recorded activity in and around identified M.A.R.C.H. Operation location, and ensure special operations lieutenant is apprised of findings.
6. Confer with Police Service Area/Precinct Community Council and Community Board presidents to identify any undocumented complaints from community.
7. Gather information relative to investigation/operation by using contacts and standing relationships with community members.
   a. DO NOT alert person(s) affiliated with establishment, its patrons or community members of ongoing investigation/operation.
8. Consider whether mediation would be effective before recommending a M.A.R.C.H. Operation be conducted.

CRIME PREVENTION OFFICER

9. Review list of establishments and regularly visit those located within precinct.
10. Ensure establishments are familiar with crime prevention strategies and receive related crime prevention written materials.
11. Share findings and/or lack of cooperation in implementation of crime prevention strategies with special operations lieutenant, field intelligence officer, and neighborhood coordination officer.

SPECIAL OPERATIONS LIEUTENANT

12. Compile information and data received from crime prevention officer, field intelligence officer and neighborhood coordination officer and deliver forms, reports and/or findings to commanding officer.
    a. Direct the neighborhood coordination officer to prepare **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE (PD635-121)**, if the establishment meets the criteria for inclusion in a M.A.R.C.H. Operation.

COMMANDING OFFICER

13. Confer with precinct detective squad commander to ascertain if establishment has cooperated with the Department regarding prior criminal incidents.
14. Review information received and render a decision as to whether establishment should be included in M.A.R.C.H. Operation.
    a. Consult with Legal Bureau, Civil Enforcement Unit prior to designating establishment for inclusion in M.A.R.C.H. Operation.
    b. Direct the neighborhood coordination officer to serve **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE**, if the establishment meets the criteria for inclusion in a M.A.R.C.H. Operation.

WHEN ESTABLISHMENT IS NOTIFIED ABOUT POSSIBLE INCLUSION IN A M.A.R.C.H. OPERATION:

NEIGHBORHOOD COORDINATION OFFICER

15. Serve **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** in person to owner or appropriate representative of establishment approved for inclusion in a M.A.R.C.H. Operation.
    a. Activate body-worn camera when serving **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE**, and comply with *P.G. 212-123, "Use of Body-Worn Cameras,"* as necessary.
    b. Provide steady sector officers with **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** and advise them to personally serve owner or representative of establishment at least once per tour for three consecutive tours until service is effected, if initial service attempt is unsuccessful.
    c. Forward **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** to Legal Bureau, Civil Enforcement Unit through channels and confer with Legal Bureau, Civil Enforcement Unit, if attempts to personally serve owner or representative of establishment are unsuccessful.

DEPARTMENT ATTORNEY, CIVIL ENFORCEMENT UNIT

16. Liase between Department and City agencies concerned regarding assistance in conducting M.A.R.C.H. Operation.

COMMANDING OFFICER

17. Ensure establishment approved for inclusion in a M.A.R.C.H. Operation receives **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** at least 30 days prior to M.A.R.C.H. operation, when possible.

ADDITIONAL DATA

Providing an establishment with prior written notice of a M.A.R.C.H. Operation is not required when providing such notice would compromise an active criminal investigation, or pose serious risk to the health or safety of persons inside, or in the vicinity of, the establishment. In all cases, notifications must be made to the Legal Bureau, Civil Enforcement Unit and Chief of Patrol prior to conducting a M.A.R.C.H. Operation.

RELATED PROCEDURES

Use of Body-Worn Cameras (P.G. 212-123)

FORMS AND REPORTS

MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE (PD635-121)
Typed Letterhead

NYPD

PURPOSE To refer individuals to community-based mediation programs for certain eligible cases.

DEFINITIONS ELIGIBLE CASES – Eligible cases for the purpose of this procedure are as follows:

a. Disagreements among neighbors. Examples include:
   1) Noise: For the purposes of this procedure, noise includes only instances where the volume does not violate any criminal/ administrative code (e.g., noise from an upstairs neighbor walking around at night)
   2) Driveway sharing
   3) Property damage: For the purposes of this procedure, property damage means non-criminal property damage (e.g., a tree falling on a neighbor's fence)
   4) Pets
   5) Lifestyle differences.

b. Disagreements among non-intimate roommates. Examples include:
   1) Household chores
   2) Guest privileges (too many visitors/guests)
   3) Late rent payments.

c. Disagreements with merchants. Examples include:
   1) Defective merchandise
   2) Late delivery.

d. Disagreements with landlords. Examples include:
   1) Refund of security deposit
   2) Damage to the apartment
   3) Violations of the terms of the lease.

Exclusions to "eligible cases" defined above would include cases involving allegations of criminal conduct, unlawful evictions, disputes among intimate partners/family members as defined in *P.G. 208-36, "Family Offenses/Domestic Violence,"* child abuse/neglect or where there is an Order of Protection between the parties.

PROCEDURE When a uniformed member of the service is responding to a dispute between individuals as defined above:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if situation is eligible for the Mediation Referral Program.
   a. Parties may be eligible if **all** of the following apply:
      (1) No threat of violence
      (2) No allegation of criminal conduct
      (3) No Order of Protection between the parties
      (4) Not family members or intimate partners
      (5) Parties are likely to have an ongoing dispute about the matter.

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Explain the community-based mediation program to involved parties.
   a. Members may refer to the information on the rear of the **REFERRAL TO MEDIATION (PD613-181)**.
3. Explain to the parties that the services are:
   a. Confidential and voluntary
   b. Free and expeditious
   c. Effective in resolving disputes or problem solving
   d. Beneficial, even if only one party participates (i.e., receives information, resources and techniques to resolve problem/issue).

NOTE *Members of the service will make referrals based on program eligibility criteria, the type of dispute, the expressed interest of one or more of the parties and the borough of residence of involved parties.*

4. Complete all captions on the front of the **REFERRAL TO MEDIATION**.
   a. Ensure that all parties' names, addresses, and telephone numbers are legible, as the mediation centers rely on this information to contact the involved parties.
   b. Confirm telephone numbers are in working order by placing a call to the number provided, if possible.
5. Inform all parties that a trained mediator will contact them to schedule an appointment at a mutually convenient time and location.
6. Make a digital **Activity Log** entry.
7. Submit completed **REFERRAL TO MEDIATION(S)** to desk officer at end of tour.

DESK OFFICER

8. Review all **REFERRAL TO MEDIATION(S)** for completeness and accuracy.
   a. If any phone number(s) are omitted, request submitting member to obtain phone number(s), if applicable.
9. Create a precinct file and sequentially number each **REFERRAL TO MEDIATION(S)** received.
   a. Create a unique serial number that includes four digit year, and three digit command number followed by a four digit number, starting with 0001 each year (e.g., 2018-034-0001).
10. Retain original copy of **REFERRAL TO MEDIATION(S)** for precinct file, and scan and email it to the appropriate Community Dispute Resolution Center, indicated on the reverse side of the **REFERRAL TO MEDIATION**.
    a. Ensure copy is scanned and emailed to patrol borough concerned.

SPECIAL OPERATIONS LIEUTENANT

11. Inspect precinct file and review **REFERRAL TO MEDIATION(S)** on a weekly basis.

PATROL BOROUGH

12. Review **REFERRAL TO MEDIATION(S)** to ensure compliance with the Mediation Referral Program.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*It is important to emphasize that this procedure is **not** to be used in lieu of an enforcement action. It is reserved for instances when there is no basis to take an enforcement action. Moreover, in instances where only one party is present, or only one party agrees to the mediation, members should still make the referral. If contact information is only available for one party, complete the appropriate section of **REFERRAL TO MEDIATION** and write "UNK" in the caption for the second party.*

RELATED PROCEDURES

Family Offenses/Domestic Violence (P.G. 208-36)

FORMS AND REPORTS

REFERRAL TO MEDIATION (PD613-181)

NYPD

PURPOSE To obtain care and/or shelter for a child/minor under eighteen.

SCOPE A child/minor less than eighteen years of age may require care and/or shelter for the following reasons:

a. Abandoned by parents or persons legally responsible for care and/or shelter, OR

b. Neglected by parents or persons legally responsible for care and/or shelter, OR

c. Abused by parents, persons legally responsible for care and/or shelter or adult member of household, OR

d. Sick, injured, lost or stranded who resides outside of the city and parents or persons legally responsible for care and/or shelter cannot arrange for return to residence, OR

e. Without care or supervision due to hospitalization, death or arrest of parent or person legally responsible for care and/or shelter.

PROCEDURE Upon determining that a child/minor requires care and/or shelter:

UNIFORMED MEMBER OF THE SERVICE

1. Inquire if relative or friend will provide care and/or shelter for child/minor.
   a. Comply with *P.G. 215-03, "Emergency Removals or Investigations and Reporting of Abused, Neglected, or Maltreated Children,"* if reasonable suspicion exists that a child requiring care and/or shelter has been abused, neglected, or abandoned.
   b. Consult with parent/guardian, relative or friend to determine if child has a medical, behavioral, or psychological condition, secure any required medication, and comply with *P.G. 216-01, "Aided Cases General Procedure"* and/or *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* as necessary.
2. Notify patrol supervisor, if relative or friend are not readily available.
   a. Notify Administration for Children's Services (ACS) if relative or friend are not available to care for child.
3. Remove child/minor to Child Advocacy Center (CAC) (see *"ADDITIONAL DATA"* for locations), if relative or friend are not readily available.
   a. Inform CAC that child/minor will be transported to location as appropriate.
   b. Remain with child/minor until pickup by relative, friend or ACS.
4. Remove child/minor to command, if CAC is closed or relative or friend are unavailable.
   a. Notify command youth coordination officer, when available, that child/minor is in command.
5. Notify School Safety Division, Operation Center, immediately, if a Department of Education employee, acting in his/her official capacity, transfers custody of child/minor to Department personnel for sole purpose of having ACS provide shelter.

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Include child's/minor's name, age, grade, school and Department of Education employee's name and title.

6. If child/minor requiring care and/or shelter has been abused, neglected, maltreated, or requires shelter, make notifications as follows:
   a. New York State Child Abuse and Maltreatment Register (State Central Registry), AND
      (1) If the State Central Registry refuses to accept a case, enter the time and name of person contacted in the Telephone Record
         (a) If the State Central Registry refuses to accept a case, where child/minor requires shelter, contact ACS Office of Safety First, Monday thru Friday (0900-1700 hours), or after business hours, ACS Emergency Children's Services
   b. ACS borough field office (0900-1700 hours) or ACS Emergency Children's Services after business hours, AND
   c. ACS Instant Response Team (IRT) Coordinator.

NOTE *The arrest of a parent/guardian does not in and of itself mandate a notification to the State Central Registry and ACS, and should not be made unless reasonable cause exists that the child is abused, neglected or maltreated, or an alternate caregiver cannot be located. However, a notification will be made if a parent/guardian is arrested and ACS Emergency Children's Services is required to arrange shelter for a child. If any questions exist as to whether a notification should be made, uniformed members of the service are to contact the Legal Bureau.*

7. Confer with ACS Emergency Children's Services if CAC is closed and relative or friend are not available, and request representative be sent to command to provide necessary transportation to shelter.
   a. Assign female uniformed member of the service or other available uniformed member of the service to escort child to shelter, if ACS Emergency Children's Services is unable to provide transportation.

DESK OFFICER

8. Ensure notifications are made, as appropriate.

UNIFORMED MEMBER OF THE SERVICE

9. Make digital **Activity Log** entry and prepare **AIDED REPORT**, including:
   a. Date, time and location where child/minor found, or removed from and/or to
   b. Physical description of child/minor, including clothing, name, age, address, school, grade, emotional and physical condition
   c. Name, address and phone number of person who found child/minor, if applicable
   d. Name and address of parents or persons legally responsible for child/minor, if known
   e. Name, title, school and phone number of Department of Education employee transferring custody of child/minor, if applicable

UNIFORMED MEMBER OF THE SERVICE (continued)

f. Date, time, name and title of School Safety Division, Operation Center member notified, if applicable

g. Particular circumstances causing the need to provide care and/or shelter.

DESK OFFICER

10. Forward copy of computerized **AIDED REPORT** to youth coordination officer in command where child is located, if child/minor is left with relative or friend not residing in household.

DOMESTIC VIOLENCE PREVENTION OFFICER, COMMAND OF RESIDENCE

11. Confirm that parent/guardian is still in custody.
    a. If parent/guardian is still in custody, conduct home visit of child/minor by third calendar day from when parent/guardian was arrested.
        (1) If during visit, there is evidence of abuse, maltreatment, or neglect, comply with *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children,"* and prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**.
    b. If child/minor is located in another command, notify domestic violence sergeant.

DOMESTIC VIOLENCE SERGEANT, COMMAND OF RESIDENCE

12. Confer with domestic violence sergeant, command of temporary residence, to ensure domestic violence prevention officer, command of temporary residence, conducts home visit of child/minor, as appropriate.

DOMESTIC VIOLENCE PREVENTION OFFICER, COMMAND OF TEMPORARY RESIDENCE

13. Conduct home visit of child/minor, as necessary.

ADDITIONAL DATA

Under no circumstances shall a charge of any kind be filed against a child who is abandoned, neglected, abused, lost, stranded, and has not committed any offense, or who for any reason, is to be delivered to a place of shelter or safekeeping. Such children shall be recorded as aided cases.

Comply with P.G. 216-01, "Aided Cases General Procedure" and P.G. 216-03, "Unidentified Persons," if necessary, when notified by Administration for Children's Services that a child has been removed without police assistance from a location in the absence of a parent or person legally responsible for care. The parent or person legally responsible for care will not be informed of the child's location, but will be directed to contact the caseworker.

A person eighteen years of age and older who is stranded without shelter, can be referred to the Emergency Assistance Unit of Human Resources Administration.

ADDITIONAL DATA (continued)

Child Advocacy Centers

Manhattan Child Advocacy Center
1753 Park Avenue, Second Floor,
New York, New York 10035
Phone: [redacted]
Mon. thru Fri. 0900 hours to 2100 hours
Sat. and Sun. 1000 hours to 1800 hours

Brooklyn Child Advocacy Center
320 Schermerhorn Street,
Brooklyn, New York 11201
Phone: [redacted]
Mon. thru Fri. 0800 hours to 2300 hours
Sat. and Sun. 0900 hours to 2000 hours

Bronx Child Advocacy Center
1775 Grand Concourse, Fifth Floor
Bronx, New York 10453
Phone: [redacted]
Mon. thru Fri. 0900 hours to 2200 hours

Queens Child Advocacy Center
112-25 Queens Blvd, Third Floor
Forest Hills, New York 11375
Phone: [redacted]
Mon. thru Fri. 0900 hours to 2300 hours
Sat. and Sun. 1100 hours to 1900 hours

Staten Island Child Advocacy Center
130 Stuyvesant Place, Fifth Floor
Staten Island, New York 10301
Phone: [redacted]
Mon. thru Fri. 0800 hours to 2100 hours
Sat. and Sun. 1100 hours to 1900 hours

RELATED PROCEDURES

Emergency Removals or Investigations and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)
Runaway Children (P.G. 215-05)
Aided Cases General Procedure (P.G. 216-01)
Unidentified Persons (P.G. 216-03)

FORMS AND REPORTS

AIDED REPORT
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-02	
LOST CHILD			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To locate relatives or friends of a lost child.

PROCEDURE When attention is drawn to an apparently lost child:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer/counterpart and radio dispatcher.
2. Make brief inquiry in vicinity of place where found.
3. Bring child to command if relative not located.
4. Prepare **AIDED REPORT**.

DESK OFFICER

5. Telephone Missing Persons Squad and give description.
6. Complete captions on **AIDED REPORT** and process in normal manner:
   a. Assign female uniformed member of the service to watch child in the command, if available, or other available uniformed member of the service, when necessary.
   b. Notify youth coordination officer.
   c. If child is not claimed within a reasonable amount of time, notify the Administration for Children's Services (ACS) and request that they send a representative to the stationhouse to provide necessary transportation to shelter. (See ADDITIONAL DATA, *P.G. 215-03, "Emergency Removals Or Investigations And Reporting Of Abused, Neglected Or Maltreated Children,"* for addresses of Administration for Children's Services [ACS] borough field offices and ACS Emergency Children's Services.)
   d. If the Administration for Children's Services is unable to provide transportation, assign a female uniformed member of the service, if available, or other available uniformed members of the service, to escort child to the shelter.
   e. Inform Missing Persons Squad if child is moved to another location.
7. In cases that could involve abuse, neglect, maltreatment or abandonment, prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)** and related forms, as required.
   a. Notify precinct detective squad if the child is eleven years of age or older OR Special Victims Unit if child is under eleven years of age.
   b. For allegations made of any sex crime to any child, notify the Special Victims Unit.

RELATED PROCEDURES

Unidentified Persons (P.G. 216-03)
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Emergency Removals Or Investigations And Reporting Of Abused, Neglected Or Maltreated Children (P.G. 215-03)

FORMS AND REPORTS

AIDED REPORT
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)

PURPOSE To protect children from abuse, neglect or maltreatment by instituting emergency removal proceedings if a child is in imminent danger, or conduct an investigation of a potential abuse situation where a child is in no imminent danger, and report the findings to the appropriate authorities.

DEFINITIONS

INSTANT RESPONSE TEAM (IRT)
A team composed of Administration for Children's Services (ACS) caseworkers and members from the Special Victims/Precinct Detective Squads and/or patrol personnel, as required in certain cases.

POLICE ESCORT
Allegations of child abuse received by ACS caseworkers may contain information about drugs, guns, or violent incidents in a household. In such cases, the protocol between ACS and the Department requires that ACS caseworkers present themselves to the desk officer in the precinct of occurrence and request a police escort to the location of the alleged incident. The duty of the police assigned to escort duty is to ensure the safety of all concerned and investigate possible criminal activity.

ABUSED CHILD (SECTION 1012, FAMILY COURT ACT)
Means a child less than eighteen years of age whose parent or person legally responsible for his care:

a. Inflicts or allows to be inflicted upon such child, physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

b. Creates or allows to be created, a substantial risk of physical injury to such child other than by accidental means which would be likely to cause death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

c. Commits or allows to be committed, a sex offense against such child as defined in the Penal Law; allows, permits or encourages such child to engage in any act described in Sections 230.25, 230.30, and 230.32 of the Penal Law; commits any of the acts in Section 255.25 of the Penal Law; or allows such child to engage in acts or conduct described in Article 263 of the Penal Law provided, however, that (a) the corroboration requirements contained in the Penal Law (b) the age requirement for the application of Article 263 of such law shall not apply to proceedings under this Article.

DEFINITIONS (continued)

NEGLECTED CHILD (SECTION 1012, FAMILY COURT ACT)
Means a child less than eighteen years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care:

a. In supplying the child with adequate food, clothing, shelter or education in accordance with provisions Part 1 of Article 65 of the Education Law, or medical, dental, optometric or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent voluntarily and regularly participates in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he, losing self-control of his actions, shall not establish that the child is a neglected child, in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired.
c. Who has been abandoned, in accordance with the definition and other criteria set forth in subdivision five of Section 384b, of the Social Services Law, by his parents or others persons legally responsible for his care.

MALTREATED CHILD (SECTION 412, SOCIAL SERVICES LAW)
Includes a child under eighteen years of age:

a. Defined as a neglected child by the Family Court Act;
b. Who has had serious physical injury inflicted upon him by other than accidental means, OR
c. A child under the age of eighteen years of age who is in residential care and whose custodian impairs, or places in imminent danger of becoming impaired, the child's physical, mental or emotional condition.

PERSON LEGALLY RESPONSIBLE (SECTION 1012, FAMILY COURT ACT)
Includes the child's custodian, guardian or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

FAMILY/HOUSEHOLD (AS DEFINED IN FAMILY COURT ACT), INCLUDES PERSONS WHO:

a. Are legally married to one another.
b. Are related by blood (consanguinity).
c. Were formerly legally married to one another.
d. Are related by marriage (affinity).
e. Have a child in common regardless of whether such persons have lived together at any time

DEFINITIONS (continued)

f. Are not related by consanguinity (blood) or affinity (marriage) and who are, or have been, in an intimate relationship regardless of whether such persons have lived together at any time.

NOTE

A common sense standard regarding the totality of the circumstances involving the relationship should be used to determine if an "intimate relationship" exists. Factors a member of the service may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship (the relationship between the involved parties does not have to be sexual in nature to be considered "intimate"); the frequency of interaction between persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals solely in a business, educational, or social context shall be deemed to constitute an "intimate relationship." If unable to determine if the relationship in question is an "intimate relationship," the member of the service concerned will request the response of the patrol supervisor.

Additional factors that may assist in determining the intimacy of a relationship include, but are not limited to: amount of time spent together in either a work or leisure related capacity, shared expenses and/or finances, extent of interaction with family members, etc.

All members of the service are reminded that their primary responsibility is to ensure the immediate and future safety of all parties involved in domestic violence incidents.

<u>FAMILY/HOUSEHOLD (EXPANDED DEFINITION) INCLUDES SUBDIVISIONS "A" THROUGH "F" ABOVE, AND PERSONS WHO</u>:

g. Are currently living together in a family-type relationship.

h. Formerly lived together in a family-type relationship.

A family/household thus includes: "common-law" marriages, same sex couples, registered NYC domestic partners, different generations of the same family, siblings, in-laws, persons involved in "intimate relationships", and persons who live or have lived together in a family-type relationship.

PROCEDURE

Upon making a reasonable determination that a child has been, is believed to be, or may be abused, neglected or maltreated:

<u>WHEN IMMINENT DANGER TO CHILD'S LIFE OR HEALTH EXISTS</u>:

UNIFORMED MEMBER OF THE SERVICE

1. Request response of patrol supervisor.

NOTE

Uniformed members providing a police escort for ACS caseworkers to households where guns, drugs, etc. may be present and/or violent incidents have been reported, must request the response of the patrol supervisor to their location.

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Remove child from home, with consent of parents, or person legally responsible for care, if reasonable cause to believe continued presence therein presents an imminent danger to the child's life or health.

PATROL SUPERVISOR

3. Direct member to take the child into protective custody without permission if reasonable cause to believe that continued presence of the child in the home is imminently dangerous to life or health and there is not sufficient time to apply for a court order.

NOTE

An emergency removal without a court order may be performed by the following persons: peace officer, police officer, an agent of a duly incorporated Society for the Prevention of Cruelty to Children, a designated employee of a city or county Department of Social Services. The Family Court Act Sec. 1024 and Social Service Law Sec. 417 give ACS the same powers of removal as police officers. Once any authorized person decides to conduct an emergency removal, no member of this Department will revoke that decision.

The presence of diplomatic immunity on any person present, or the residence itself, shall not be a factor in the emergency removal analysis. Members of the service are reminded that such incidents require the commanding officer/duty captain to directly supervise the removal and comply with P.G. 212-56, "Diplomatic Incidents" including the required notifications.

IF PROBABLE CAUSE EXISTS THAT A CRIME HAS BEEN COMMITTED AGAINST A CHILD BY A FAMILY MEMBER:

UNIFORMED MEMBER OF THE SERVICE

4. Arrest perpetrator, if present, for appropriate offense(s) and comply with the pertinent provisions of *P.G. 208-36 "Family Offenses/Domestic Violence."*

NOTE

The perpetrator arrested will not be eligible for a Desk Appearance Ticket (DAT). The non-abusing parent/legally responsible person will be encouraged to contact Safe Horizon for services to assist child. Members of the service should recognize that there is a strong correlation between child abuse and domestic violence; therefore, when a uniformed member of the service responds to the scene of suspected child abuse, the member of the service will look for indicators of domestic violence or other family offenses such as the existence of an order of protection, abuse of spouse, parent, etc. If an existing order has been violated, the member will take appropriate action (i.e., effect an arrest or prepare ***COMPLAINT REPORT WORKSHEET [PD313-152a]****).*

5. Prepare a **New York State Domestic Incident Report (DCJS-3221**) in ALL cases in which a member of the service responds to OR is apprised of an offense, altercation, disturbance, conflict or dispute involving members of the same family/household, including any allegation of child abuse, neglect or maltreatment.
   a. If prepared in response to a radio run, include ICAD Incident number on form.

UNIFORMED MEMBER OF THE SERVICE (continued)

b. Give complainant/victim copy of both pages of the **New York State Domestic Incident Report** (pink copies) and the "Victim Rights Notice" (pink copy) to complainant/victim, if present.

c. Advise the non-abusing parent/legally responsible person of availability of shelter and other services.

PATROL SUPERVISOR

6. Direct uniformed member of the service to serve **NOTICE-TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING (PD377-156)** on parent or person legally responsible for care, if child removed, without court order.
   a. Copy of **NOTICE** will be affixed to door of residence, if parent/legally responsible person, not present.

UNIFORMED MEMBER OF THE SERVICE

7. Remove child to Child Advocacy Center (CAC) (see "*ADDITIONAL DATA*," *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter*," for addresses of Child Advocacy Centers) or command, except if medical attention is required, in which case immediately take child to appropriate hospital facility.
   a. Remain with child/minor until pickup by relative, friend or ACS.
8. Make notifications, in all cases, as follows:
   a. New York State Child Abuse and Maltreatment Register (State Central Registry), AND
      (1) If the State Central Registry refuses to accept a case, enter the time and name of person contacted in the Telephone Record
   b. Administration for Children's Services (ACS) borough field office (0900-1700 hours) or ACS Emergency Children's Services after business hours, AND
   c. ACS Instant Response Team (IRT) Coordinator.

NOTE *In cases referred to a detective squad (e.g., homicides or special victims' cases), the assigned detective will notify the IRT hotline. Police officers are mandated to report child abuse and neglect to the New York State Central Registry of Child Abuse. Notification to the ACS IRT hotline* ***DOES NOT*** *substitute for the required notification to the State Central Registry. Police personnel will continue to notify the State Central Registry in accordance with step "8" of this procedure.*

9. Prepare and submit following forms to desk officer with the **New York State Domestic Incident Report**:
   a. **AIDED REPORT**
   b. **COMPLAINT REPORT WORKSHEET** and refer active cases as follows:
      (1) Special Victims Unit - All sex crimes or attempts against any person of any age

UNIFORMED MEMBER OF THE SERVICE (continued)

(2) Special Victims Unit - Any allegation that a child LESS THAN ELEVEN YEARS OF AGE is the victim of abuse inflicted by a parent or person legally responsible for the child's care (as described above)

(3) Precinct detective squad concerned – in all other cases.

NOTE *In all the above cases, enter the name of the investigator notified and the log or case number assigned, under the "Notifications To" section on the rear of the* ***COMPLAINT REPORT WORKSHEET****.*

Assigned investigator will confer with precinct youth coordination officer, domestic violence prevention officer, domestic violence investigator and appropriate field office of Administration for Children's Services (ACS) to determine if additional information is available.

c. **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**

d. Remaining copies of **NOTICE - TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING**.

(1) Copy of **NOTICE** must be mailed to residence, if known, of parents/legally responsible person within twenty-four hours, if such persons were not personally served with **NOTICE**.

NOTE *If child was removed from other than residence and parent/person legally responsible for care has not been notified, the desk officer will direct uniformed member of the service to respond to residence, if located within precinct, to serve* ***NOTICE*** *or affix* ***NOTICE*** *to door, if necessary. If residence is not located within precinct of occurrence, but within New York City, the desk officer will have the resident precinct notified to serve the* ***NOTICE*** *or affix* ***NOTICE*** *to door, if necessary. In all instances, where parent/legally responsible person was not personally served and* ***NOTICE*** *was affixed to the door, the member concerned will mail a copy of the* ***NOTICE*** *to the residence within twenty-four hours. In addition, the member serving or mailing the* ***NOTICE*** *must also prepare the* ***AFFIDAVIT****. The results of the attempted notification to parent/person legally responsible for care will be included in the* ***AFFIDAVIT*** *forwarded to Family Court. File copies of* ***NOTICE*** *and* ***AFFIDAVIT*** *will be forwarded to precinct of occurrence for filing.*

e. **AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING (PD377-155)**.

NOTE *Comply with P.G. 216-03, "Unidentified Persons," if parent/person legally responsible for care is not notified of removal. If identity of parent(s)/person(s) legally responsible for care or residence of child is not known or is outside New York City, the assigned detective will conduct the investigation and have appropriate notifications made, if possible.*

DESK OFFICER

10. Review **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** for accuracy and completeness.

11. Secure shelter for child and comply with *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter."*

NOTE *Under **no** circumstances will a child victim of a crime or abuse committed by a parent or person legally responsible for care be returned to the home by any member of this Department.*

DESK OFFICER (continued)

12. Countersign **AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING** and forward to Family Court of borough wherein removal occurred within twenty-four hours, exclusive of weekends and holidays.
    a. Ensure that **AFFIDAVIT** indicates whether **NOTICE** was served personally, affixed to door and copy mailed to residence, or whether residence could not be determined after reasonable investigation.
    b. Forward copy of **AFFIDAVIT** and **NOTICE** to precinct youth coordination officer.
13. Advise parent/person legally responsible for care to contact the appropriate Administration for Children's Services (ACS) borough field office (0900x1700 hours) or ACS Emergency Children's Service after business hours, if additional information is required.

NOTE *A **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** **MUST** be prepared whenever a member of the service reasonably suspects that a child is abused, neglected or maltreated whether or not the State Central Registry accepts notification of the facts (see ADDITIONAL DATA which outlines pertinent provisions of Section 413 of the Social Services Law). Willful failure to make such notification is a Class "A" Misdemeanor. Further, civil liability may result for the damages caused by such failure (Section 420, Social Service Law).*

14. Obtain registry number and enter on **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** in box captioned "State Registry Number."
15. Forward **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** in a sealed envelope with next Department mail, as follows:
    a. Original and second copy to Administration for Children's Services field office in the borough where the child resides.
        (1) To Manhattan Field Office, Administration for Children's Services, for children who do not reside with parents/persons legally responsible for care (e.g., group homes, day care, etc.) or children who reside outside city.

NOTE *Have form delivered via appropriate precincts as outlined in ADDITIONAL DATA.*

    b. Third copy - to precinct youth coordination officer.
    c. Fourth copy - to Youth Strategies Division (with copy of computerized **AIDED REPORT** attached).
    d. Make and attach copy of said form to the **New York State Domestic Incident Report** precinct file copy.

REASONABLE SUSPICION OF ABUSE/NEGLECT/MALTREATMENT BUT NO IMMINENT DANGER TO LIFE OR HEALTH OF CHILD:

UNIFORMED MEMBER OF THE SERVICE

16. Prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** and submit to desk officer together with the **New York State Domestic Incident Report**.
    a. Indicate under "Details" section of **REPORT** all pertinent information that will assist in the investigation.

NOTE

The State Central Registry accepts a broad range of cases from all mandated reporters (e.g., teachers, doctors, police, etc.) as well as from the general public relating to crimes against children. Some of these reports will be faxed to the Special Victims Unit Instant Response Tracking Unit (IRTU) as a Law Enforcement Referral (LER). Personnel at that unit will determine the appropriate police response, which may include referral to a patrol precinct for initial investigation, and/or preparation of a ***COMPLAINT REPORT*** *and referral to the appropriate detective squad.*

DESK OFFICER

17. Have **COMPLAINT REPORT** prepared marked "Investigate Child Abuse" and refer as directed in step "9," subdivision "b," above.
18. Comply with steps "8," "10," "14" and "15," above.

YOUTH COORDINATION OFFICER

19. Inspect all copies of form **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** prepared, or those received from other than Patrol Services Bureau commands, i.e. Housing Bureau and Transit Bureau.
20. Review other precinct records and confer with domestic violence sergeant and assigned detective squad investigator to develop further information.
    a. Check **JUVENILE REPORT SYSTEM WORKSHEET (PD377-151A)**, **COMPLAINT INDEX (PD313-141)**, **AIDED INDEX (PD304-101)**, **New York State Domestic Incident Reports**, etc., for previous contacts with the child or other children residing in the same household.
21. Establish a file folder in a secured cabinet for each abused/neglected/ maltreated child, both for emergency removals and those investigated and reported to appropriate authorities:
    a. Assign a Precinct Serial # beginning with # one (1) for the first incident each year and enter on **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT**.
    b. Maintain an Index Sheet on inside front cover of folder captioned as follows:

DATE OF OCCURRENCE	PRECINCT SERIAL #	NAME/ADDRESS OF CHILD	RESIDENT PRECINCT	DIR #

COMPLAINT # AND ARREST #, IF APPLICABLE

YOUTH COORDINATION OFFICER (continued)

22. Maintain the following documents in each folder:
    a. Copy of computerized **AIDED REPORT**, if prepared.
    b. Copy of **COMPLAINT REPORT**, with copy of **OLBS WORKSHEET**, if applicable.
    c. Copy of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** form.
    d. Copy of **NOTICE - TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING**, if prepared.
    e. Copy of **AFFIDAVIT OF NOTICE OF RIGHT TO HEARING**, if prepared.
    f. Photocopy of **New York State Domestic Incident Report**.
    g. Other appropriate documents re: abused child.
23. Review copies of all forms maintained in folders and become familiar with persons or incidents involving child abuse/neglect/maltreatment, which have occurred within command.
    a. Ascertain that the appropriate procedures and notifications have been complied with.
    b. Document in Enterprise Case Management System (ECMS), if review discloses additional information warranting further investigation, and notify detective squad concerned.
24. Make a copy of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** maintained in file, indicate results of review on rear of form and forward to Youth Strategies Division.
25. Maintain liaison with appropriate Administration for Children's Services field offices.

YOUTH STRATEGIES DIVISION

26. Maintain a file folder in a secured cabinet for <u>each</u> **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** received.
27. Forward copy of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** to youth coordination officer of precinct of residence, if other than precinct of occurrence.
28. Make necessary information available to appropriate members of the service and authorized public agencies.

DOMESTIC VIOLENCE PREVENTION OFFICER

29. Review **New York State Domestic Incident Report** for accuracy and completeness.
30. Forward copy of **New York State Domestic Incident Report** to precinct detective squad investigator.
31. Forward **New York State Domestic Incident Report** including copies of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT**, when attached, to domestic violence sergeant to maintain in file.
32. Monitor at-risk locations and victims.
33. Relay information of any other offenses committed within the household from where the child was removed to the youth coordination officer and the assigned detective squad investigator, and prepare required forms, as necessary.

DOMESTIC VIOLENCE PREVENTION OFFICER (continued)

34. Maintain contact with complainants and advise them of their rights and the availability of shelter.

ADDITIONAL DATA

Addresses of Administration for Children's Services (ACS) borough field offices, open Monday through Friday, 0900 to 1700 hours, are listed below. After business hours, notify the ACS Emergency Children's Services:

Administration for Children's Services Applications
Manhattan Field Office
150 William Street
New York, New York 10038
Via 1st Precinct

Administration for Children's Services Applications
Brooklyn Field Office
1274 Bedford Avenue
Brooklyn, New York 11216
Via 88th Precinct

Administration for Children's Services Applications
Bronx Field Office
192 East 151st Street
Bronx, New York 10451
Via 44th Precinct

Administration for Children's Services Applications
Queens Field Office
165-15 Archer Avenue
Jamaica, New York 11433
Via 103rd Precinct

Administration for Children's Services Applications
Staten Island Field Office
350 St. Mark's Place
Staten Island, New York 10301
Via 120th Precinct

Desk officers in the above precincts will ensure that mail is delivered to the appropriate field offices on a daily basis except for Saturday and Sunday.

The pertinent provisions of Section 413 of the Social Services Law, with new material underlined, reads as follows: "Police officers are required to report or cause a report to be made when they reasonably suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or <u>when they reasonably suspect that a child is an abused or maltreated child where the parent or the person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which if correct, would render the child an abused or maltreated child</u>."

Any person or institution acting in good faith in the removal or keeping of a child pursuant to Section 1024 of the Family Court Act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of such removal or keeping.

ADDITIONAL DATA (continued)

Borough Family Court Locations:

Manhattan	*60 Lafayette Street*
Bronx	*900 Sheridan Avenue*
Brooklyn	*283 Adams Street*
Queens	*89-14 Parsons Blvd.*
Staten Island	*100 Richmond Terrace*

INFORMATION SHARING WITH ACS

Certain categories of information may not be released to ACS. These include:

a. sealed records (except when an unsealing order has been issued by a superior court)
b. the identity of adult victims of sex crimes (unless such victims provide written consent)

The Department may provide the following information to caseworkers from ACS who are conducting an investigation:

a. the name and identity of a child victim/child sex crime victim when ACS is investigating the same incident
b. statements made by a victim
c. witness information
d. names and addresses of family members
e. the existence of an order of protection
f. the detention location of defendants in arrest situations
g. information contained in arrest and ***COMPLAINT REPORTS*** *(except sealed records)*
h. information contained in ***New York State Domestic Incident Reports****.*

According to Social Service Law Section 422 (4)(A)(I), ACS records may be disclosed when necessary to conduct a criminal investigation or prosecution of a person when there is reasonable cause to believe that such person is the subject of a Report and that due to the nature of the crime, such records may be related to the investigation or prosecution. The type of reports that can be disclosed by ACS to the NYPD are:

A. Oral Transmittals (ORT) or State Central Registry (SCR) Child Abuse/Neglect Intake Reports - Upon written agreement, in the appropriate circumstances these reports will be provided to the NYPD.

B. Protective Records Disclosure

- *Current investigations.*
- *Indicated Reports - information from ongoing or prior indicated reports.*
- *Unfounded reports dated post 2/12/96 - no information can be disclosed except to the extent the information is incorporated into the records of a current investigation.*
- *Unfounded reports dated prior to 2/12/96 - no information can be disclosed concerning these reports.*

C. Foster Care Records - May be disclosed only with written permission of the State Department of Social Services or by a Court Order when required for a trial and notice is given to all parties.

D. Preventive Case Records - These records may only be disclosed by court order.

ADDITIONAL DATA (continued)

ACS staff may verbally disclose the information allowed under the law while responding jointly with law enforcement. However, a formal written request for the information indicating that the request is in compliance with the aforementioned Social Service Law must be forwarded to ACS as soon as possible. ACS staff also share the SCR report on an Instant Response Team Protocol case with this Department.

Any questions relating to the release of information to ACS should be directed to the Legal Bureau.
Radio code signals to report child abuse are:

- ***10-90J(1) - New York State Domestic Incident Report*** *Prepared/No Offense*
- ***10-90J(2) - New York State Domestic Incident Report*** *Prepared/Unfounded*
- ***10-92J - New York State Domestic Incident Report*** *Prepared/Arrest Effected*
- ***10-93J - New York State Domestic Incident Report/COMPLAINT REPORT*** *Prepared.*

Uniformed members of the service responding to any radio run where child abuse is alleged or apparent, MUST use disposition codes for child abuse even if the job was not originally classified as such.

NOTE

If child abuse did not take place, but other types of domestic violence did, the domestic violence disposition codes will be used (10-90F(1), 10-90F(2), 10-92F, 10-93F).

RELATED PROCEDURES

Notifications (P.G. 207-06)
Family Offenses/Domestic Violence (P.G. 208-36)
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Family Court Warrant For Child Abuse/Neglect Cases (P.G. 215-04)
Runaway Children (P.G. 215-05)

PURPOSE To safeguard a child alleged to have been abused or neglected and arrest person responsible for such abuse or neglect.

DEFINITION CHILD ABUSE/NEGLECT WARRANTS - Warrants issued by Family Court ordering the immediate arrest of a specified parent or guardian when a petition indicates the child may be in danger of physical abuse or neglect.

PROCEDURE When the Warrant Section officer assigned to Family Court notifies a precinct that a warrant for child abuse/neglect has been issued:

DESK OFFICER/ COUNTERPART

1. Enter message in Telephone Record.
2. Send radio motor patrol crew to execute the warrant.

R.M.P. CREW

3. Respond to location and arrest person or persons named in warrant.
4. Take child into protective custody even if arrest is not made.
5. Deliver child to Family Court, if in session.
   a. If Family Court is not in session bring child to stationhouse and process as Child Requiring Shelter (see *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter"*).
6. Attempt to locate the child or the parents, if not present, and report results of investigation to the desk officer.
7. Prepare **New York State Domestic Incident Report (DCJS-3221)**.

DESK OFFICER/ COUNTERPART

8. Notify Warrant Section officer assigned to Family Court of status of case.

NOTE *The borough warrant officer will proceed directly to the residence and conduct an investigation in those instances where an arrest is effected by a member not assigned to the Patrol Services Bureau. If the Family Court warrant is executed by a member of the Warrant Section, that member is responsible for the preparation of the* ***New York State Domestic Incident Report****. The* ***New York State Domestic Incident Report*** *will then be forwarded to the precinct of occurrence.*

DOMESTIC VIOLENCE PREVENTION OFFICER

9. Review **New York State Domestic Incident Report** for accuracy and completeness.
10. Forward copy of **New York State Domestic Incident Report** to precinct detective squad investigator.
11. Forward **New York State Domestic Incident Report** to domestic violence sergeant to maintain in file.
12. Monitor at-risk locations and victims.
13. Contact complainants and advise them of their rights and the availability of shelter.

RELATED PROCEDURES *Arrest On A Warrant (P.G. 208-42)*
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)

FORMS AND REPORTS ***New York State Domestic Incident Report (DCJS-3221)***

NYPD
POLICE DEPARTMENT CITY OF NEW YORK

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-05	
RUNAWAY CHILDREN			
DATE ISSUED: 06/23/20	DATE EFFECTIVE: 06/23/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To return runaway children to their parents or persons legally responsible for their care.

DEFINITION CHILD - New York State resident, under the age of sixteen; out of state resident, per Interstate Compact for Juveniles.

PROCEDURE Upon determining that a child has run away from home:

UNIFORMED MEMBER OF THE SERVICE

1. Take child into custody and remove to command.
2. Prepare **AIDED REPORT**, **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, as per *P.G. 215-08, "On-Line Juvenile Report System."*
   a. Forward copy of computerized **AIDED REPORT** via Department mail to the Missing Persons Squad.
   b. Notify youth coordination officer.

DESK OFFICER/ COUNTERPART

3. Interview child.
4. Notify Missing Persons Squad in ALL cases.
5. Contact parent or person legally responsible for child to pick up child within reasonable time.
   a. If parent/person responsible for care is located outside of city, advise them to notify local police that child has been located.
6. Arrange for shelter if unable to release child to parent/person legally responsible for care within a reasonable time or if child may be endangered if returned home.
7. Assign female uniformed member of the service, if available, or other available uniformed member, to escort child to shelter, if the Administration for Children's Services is unable to provide transportation.
8. Comply with *P.G. 216-03, "Unidentified Persons*," if child removed to shelter and parents/persons legally responsible for care not notified.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)
Unidentified Persons (P.G. 216-03)
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Emergency Removals Or Investigation And Reporting Of Abused, Neglected, Or Maltreated Children (P.G. 215-03)

FORMS AND REPORTS

AIDED REPORT
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)

PURPOSE To provide the expeditious return of truant students to a location of instruction (i.e., school, truancy intake site, etc.).

DEFINITIONS TRUANT – A minor not in compliance with the attendance requirement of the New York City Department of Education Regulations of the Chancellor as follows:

a. Each minor from six to seventeen years of age in New York City is required to attend school on a full time basis
b. Children in New York City who turn six years of age before December 31st of the school year, are required to attend school at the beginning of that school year
c. Students who turn seventeen years of age on or after July 1st must complete the school year in which they turn seventeen years of age
d. Exceptions to the age requirements for attendance are as follows:
   (1) Minors who have graduated from high school
   (2) Students who have earned a high school equivalency diploma
   (3) Students sixteen or seventeen years of age who have been issued a full time employment certificate.

YOUTH REFERRAL REPORT LOG (PD377-140) - A preprinted log maintained by precinct youth coordination officer for each school year, that will be serialized, beginning with "001" commencing on July 1st and ending the following June 30th. The **YOUTH REFERRAL REPORT LOG** will be utilized to record **YOUTH REFERRAL(S) (PD377-153)** for truancy in the precinct of occurrence.

PROCEDURE When a minor, who reasonably appears to be over the age of six and less than eighteen, who is observed outside of school on a day of instruction and it is ascertained that the minor is truant:

UNIFORMED MEMBER OF THE SERVICE

1. Take minor into custody and deliver to principal or designee(s) of school attended, if known.
   a. Truants may be frisked to ensure the uniformed member's safety. An electronic metal detector may be used for this purpose, if available
   b. Should uniformed members have an articulate reason to believe their safety is in danger, truants may be handcuffed.
2. Deliver minor to truancy intake site, if the minor's school cannot be determined or it is impractical to return the minor to his/her school.
3. Make entry in digital **Activity Log** including:
   a. Youth's name
   b. Location where truant was found
   c. School/truancy intake site truant was delivered to.
4. Have principal or representative sign digital **Activity Log** entry and **YOUTH REFERRAL** as receipt for minor.
   a. If principal or representative refuses to sign digital **Activity Log** and/or **YOUTH REFERRAL** as receipt for minor, document such refusal in digital **Activity Log**.

UNIFORMED MEMBER OF THE SERVICE (continued)

5. Complete **YOUTH REFERRAL** and deliver to desk officer, precinct of occurrence before end of tour.
   a. Include business name, park name or other information regarding where/how truant was taken into custody in the "Details" caption.

PRECINCT OF OCCURRENCE:

DESK OFFICER

6. Review **YOUTH REFERRAL** for completeness, legibility and accuracy.
7. Sign form in caption indicated and forward to precinct youth coordination officer.

YOUTH COORDINATION OFFICER

8. Review **YOUTH REFERRAL** and complete steps "9" through "12" below no later than five business days after receipt.
9. Enter **YOUTH REFERRAL(S)** into **YOUTH REFERRAL REPORT LOG**.
   a. Complete all **YOUTH REFERRAL REPORT LOG** captions, as appropriate
   b. Assign next precinct serial number and enter number in appropriate caption on **YOUTH REFERRAL**.
10. Notify parent/guardian of minor's truancy and document notification in appropriate caption on "Precinct of Residence Copy."
11. Complete "Youth Last Name," "First Name," "M.I.," "Age," "D.O.B.," and "Address" captions on "Precinct of Residence Copy" and sign off.
12. Forward "Precinct of Residence Copy" of **YOUTH REFERRAL** to the truant's resident precinct youth coordination officer via Department mail, when truant's residence is different from precinct of occurrence.
    a. Retain "Precinct of Occurrence Copy."

NEIGHBORHOOD COORDINATION SERGEANT

13. Ensure precinct youth coordination officer completes steps "8" through "12" above within the time period cited in step "8" above.
    a. Perform steps "8" through "12" above in the absence of the precinct youth coordination officer.

TRUANT'S RESIDENT PRECINCT:

YOUTH COORDINATION OFFICER

14. Determine **YOUTH REFERRAL** investigation responsibility.
    a. Be responsible for the investigation of **YOUTH REFERRAL(S)** for truants residing within precinct, EXCEPT when truant's actual residence within precinct is a New York City Housing Authority development under the jurisdiction of a police service area (PSA). In this case:
       (1) Document in "Results" caption of **YOUTH REFERRAL** that a photocopy of "Precinct of Residence Copy" of the **YOUTH REFERRAL** was forwarded via Department mail, to the truant's resident PSA youth coordination officer for investigation.

TRUANT'S RESIDENT PRECINCT OR POLICE SERVICE AREA:

PRECINCT/PSA YOUTH COORDINATION OFFICER

15. Conduct investigation and summarize outcome in "Results" caption on "Precinct of Residence Copy" of **YOUTH REFERRAL**.
16. Submit completed **YOUTH REFERRAL** to special operations lieutenant for review.
    a. File **YOUTH REFERRAL(S)** alphabetically upon return from special operations lieutenant.

SPECIAL OPERATIONS LIEUTENANT

17. Review **YOUTH REFERRAL(S)**, sign in appropriate caption and return form to precinct/PSA youth coordination officer.

ALL PRECINCTS:

NEIGHBORHOOD COORDINATION SERGEANT

18. Periodically inspect and sign the **YOUTH REFERRAL REPORT LOG** for completeness and accuracy.
19. Review the **YOUTH REFERRAL REPORT LOG** to identify patterns/ recidivists.
20. Maintain regular contact with the School Safety Division Truancy Coordinator to share information to maximize truancy enforcement.
    a. Notify School Safety Division Truancy Coordinator prior to conducting a large truancy enforcement operation.
21. Maintain regular contact with the Detective Bureau, Social Media Analysis and Research Team to maximize resources, spot trends and share information.
22. Close **YOUTH REFERRAL REPORT LOG** at the end of the school year.

SPECIAL OPERATIONS LIEUTENANT

23. Perform steps "18" through "22" above in the absence of the neighborhood coordination sergeant.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

*The Education Law and the Regulations of the Chancellor of the New York City Department of Education require that a person attend school until the last session of the school year in which the person reaches seventeen years of age. This law defines the school year as the period commencing on July 1st and ending the next June 30th. Therefore, a person who reaches his/her seventeenth birthday on or after July 1st MUST attend school, when in session, until the following June 30th. A **YOUTH REFERRAL** will be prepared for each truant, including those seventeen years of age.*

*Only uniformed members of the service and police officers as defined in the Criminal Procedure Law, Section 1.20, subdivision 34, are authorized to issue and/or sign a **COMPLAINT REPORT WORKSHEET (PD313-152A)** with "Juvenile Report" caption checked off, **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** or **YOUTH REFERRAL** as reporting officers. Names of special police, store detectives, school safety agents, etc., may be entered on **COMPLAINT REPORT WORKSHEET** in caption "Reporter/Witness."*

ADDITIONAL DATA (continued)

On June 30th of each year ***YOUTH REFERRAL*** *records will be purged, as required by "Cuevas v. Leary."* ***YOUTH REFERRAL(S)*** *prepared for minors 17 years of age will be purged as soon as practical after the minor reaches 19 years of age. In addition, the corresponding entry in the* ***YOUTH REFERRAL REPORT LOG*** *will be purged by redacting the "Truant Name" and "Truant Address" captions.*

OPERATIONAL CONSIDERATIONS

Ordinarily truancy enforcement should not be conducted after 1300 hours.

A current listing of truancy intake sites will be maintained by the School Safety Division Truancy Coordinator. Truancy intake sites will be staffed by school safety agents and Department of Education personnel. Uniformed members of the service will not be routinely assigned to these locations.

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)
YOUTH REFERRAL (PD377-153)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
YOUTH REFERRAL REPORT LOG (PD377-140)
UNDERSTANDING TRUANCY ENFORCEMENT PROCEDURES AND BEST PRACTICES (PD377-111)

NYPD

PURPOSE To process a juvenile under 18 years of age who has committed an offense.

SCOPE This procedure does not apply to juveniles taken into custody and charged as juvenile offenders or adolescent offenders. A juvenile 16 or 17 years of age taken into custody and charged with any felony, whether it is a designated felony or not, is an adolescent offender (see *P.G. 215-10 "Arrest of Juvenile Offender or Adolescent Offender"*).

DEFINITION JUVENILE DELINQUENT – A person over 7 and less than 18 years of age who commits an act, which if committed by an adult, would constitute a crime, other than a juvenile offender or adolescent offender.

PROCEDURE When a juvenile less than 18 years of age commits an offense:

UNIFORMED MEMBER OF THE SERVICE

1. Detain juvenile.
2. Notify immediate supervisor of arrest and provide pertinent details.

IMMEDIATE SUPERVISOR

3. Respond to scene of arrest, as appropriate.
   a. Designate a uniformed member of the service at the scene of arrest to obtain ranks, names, tax numbers, and commands of uniformed members present at scene of arrest, and to ascertain if those uniformed members possessed body-worn cameras, and if the body-worn cameras were activated.

UNIFORMED MEMBER OF THE SERVICE

4. Notify desk officer of facts.
5. Notify the Juvenile Crime Desk.

NOTE *Arresting officers must call the Juvenile Crime Desk before beginning the arrest process to ensure that any intelligence regarding the juvenile is obtained before the decision whether to release the juvenile to a parent/guardian/adult relative is made. The Juvenile Crime Desk has specialized databases that can provide vital background information on arrested/detained juveniles and those adults taking custody of a juvenile upon recognizance or release.*

DESK OFFICER

6. Have parent/guardian notified.
7. Have age determined by questioning juvenile or parent/guardian.
   a. Verify age by satisfactory documentary proof, if available.

NOTE *When a juvenile, other than a juvenile offender or adolescent offender, is arrested for a designated felony, is a recidivist, commits a felony while awaiting trial on a violent offense as listed in P.G. 215-12, "Personal Recognizance Juvenile Delinquent," the juvenile will be removed directly to Family Court or the appropriate facility designated by the Administration for Children's Services (ACS), if court is not in session. A juvenile MUST be taken into custody and charged with juvenile delinquency when accused of an act, if committed by an adult, would constitute a felony, Unlawful Assembly or any misdemeanor listed below:*

*a. Criminal possession of a weapon, 4th degree, **firearm only**, (Section 265.01, Penal Law)*
b. Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances (Section 265.10, Penal Law)
c. Prohibited use of weapons (Section 265.35, Penal Law, sub. 1 and 3)
d. Jostling (165.25, Penal Law)
e. Fraudulent accosting (Section 165.30, Penal Law) except if specifically charged with operating a "Three Card Monte" game
f. Sexual abuse, 2nd degree (Section 130.60, Penal Law)
g. Criminal impersonation, 2nd degree (Section 190.25, Penal Law, sub. 3)
h. Promoting prostitution, 4th degree (Section 230.20, Penal Law)
i. Prostitution (Section 230.00, Penal Law)
j. Patronizing a prostitute, 3rd degree (Section 230.04, Penal Law)
k. Prostitution in a school zone (Section 230.03, Penal Law)
l. Trademark counterfeiting, 3rd degree (Section 165.71, Penal Law)
m. Arson, 5th degree (Section 150.01, Penal Law).

DESK OFFICER (continued)

8. Confer with youth coordination officer and precinct detectives when a group of juveniles is involved in the same incident.
9. Direct officer to prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, as per *P.G. 215-08, "On-Line Juvenile Report System,"* when:
   a. Offense committed is NOT a crime, OR
   b. Determination is made to refer a minor to youth coordination officer (if residence is outside New York City, refer to Youth Strategies Division).

NOTE *A **JUVENILE REPORT SYSTEM WORKSHEET** and **COMPLAINT REPORT WORKSHEET** is NOT prepared for truancy (see P.G. 215-07, "Truants").*

10. Direct member concerned to deliver juvenile to command with an approved location for interrogation, if court is not in session.
    a. If court is in session, determine if juvenile should be delivered direct to court or processed for personal recognizance.
    b. If court is not in session, direct member concerned to obtain from borough Court Section the return date for an appearance ticket, if juvenile is released on an **APPEARANCE TICKET-FAMILY COURT (PD277-130)** (see "*ADDITIONAL DATA*").

NOTE *A juvenile who has committed a designated felony will be taken to Family Court without delay if court is in session, unless interrogation of juvenile is necessary (see P.G. 215-12, "Personal Recognizance Juvenile Delinquent"). If Family Court is not in session, the arresting officer MUST appear in court at 0900 hours, the next day court is in session. In all other arrests for juvenile delinquency, if juvenile is NOT released on recognizance (issued an* ***APPEARANCE TICKET-FAMILY COURT****), the arresting officer MUST appear in Family Court at 0900 hours the next day court is in session. Desk officers will ensure that the arresting officer's tour is adjusted accordingly, as necessary. If court is not in session the next day, due to weekend or court holiday, members of the service will comply with P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays."*

UNIFORMED MEMBER OF THE SERVICE

11. Detain juvenile in location designated for interrogation.
    a. Have female police officer or other qualified female present, if juvenile is a female.
12. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
13. Prepare **COMPLAINT REPORT WORKSHEET**, if applicable.
14. Prepare **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)** and forward to Assistant Corporation Counsel, as appropriate.
15. Ensure that juvenile delinquent is fingerprinted and palmprinted in conformance with *P.G. 208-08, "Fingerprintable and Palmprintable Offenses"* and *P.G. 208-11, "Arrest Processing - 'Livescan' Fingerprinting and Palmprinting."*
16. Prepare **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)**.
    a. Attach hard copy of warrant investigation/juvenile recidivist check to court copy of **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT (PD277-151)**.
17. Deliver all completed arrest documents including **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** to desk officer.

DESK OFFICER

18. Review and sign all arrest documents including the **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT**.
19. Ensure that **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** is distributed as indicated on the form.
20. Determine if juvenile can be released on personal recognizance (see *P.G. 215-12, "Personal Recognizance Juvenile Delinquent"*).
21. Ascertain if application will be made for personal recognizance.
22. Have juvenile NOT eligible for personal recognizance or for whom NO application for personal recognizance is made, removed to the appropriate facility designated by the Administration for Children's Services (ACS) with a copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT**, if prepared, and **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** (see *ADDITIONAL DATA*).

DESK OFFICER (continued)

23. Do not transport juvenile with adult prisoner.
24. Prepare arrest package containing the following forms:
    a. Copy of **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**,
    b. BUFF copy **APPEARANCE TICKET-FAMILY COURT**,
    c. Evidence/Release Investigation copy of appropriate **PROPERTY CLERK INVOICE (PD521-141)**, if evidence is involved,
    d. Copy of **COMPLAINT REPORT (PD313-152)**, if finalized and signed-off. If not finalized and signed-off, the **COMPLAINT REPORT WORKSHEET** will be submitted,
    e. **AIDED REPORT**, if prepared,
    f. Copy of digital **Activity Log** entry,
    g. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT**,
        (1) Distribute remaining copies to command youth coordination officer, Youth Strategies Division, and juvenile detention facility, if juvenile is detained
    h. Copy of **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST**, and
    i. Any other related arrest information, including copies of arresting officer's/investigator's personal notes and hard copy of warrant investigation/juvenile recidivist checks.
    j. Copy of **ARREST CHECKLIST (PD244-041)**.
25. Ensure in all cases of an arrest of a juvenile, other than a juvenile offender or adolescent offender, that arrest package is emailed to applicable borough Court Section (Attn: NYPD Family Court Liaison Officer), as appropriate.
    a. Contact Family Court Liaison Officer (see "ADDITIONAL DATA" statement for listing of liaison officers), during business hours, to verify receipt of arrest package.
        (1) During non-business hours, a copy of email sent, indicating receipt of arrest package, will be obtained and attached to arrest package.

ADDITIONAL DATA

If the arresting officer is reporting to court on the day of arrest or the next day, they will bring all required forms/reports to borough Court Section sign-in room, in addition to emailing required forms/reports to the respective borough Family Court Liaison Officer.

*If the juvenile is issued an **APPEARANCE TICKET-FAMILY COURT**, the desk officer will ensure that all required forms/reports are forwarded to the borough Court Section Family Court Liaison Officer in the next day's a.m. mail, in addition to emailing required forms/reports to the respective borough Court Section.*

*In those instances where the juvenile is removed to the appropriate facility designated by the Administration for Children's Services (ACS), the desk officer will ensure that copies of the **ON-LINE BOOKING ARREST WORKSHEET, COMPLAINT REPORT** (if finalized and signed off) or **COMPLAINT REPORT WORKSHEET** if prepared, and the*

ADDITIONAL DATA (continued)

JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT *are forwarded with the juvenile, in addition to emailing required reports/forms to the respective borough Court Section.*

ARRESTING OFFICER/APPEARANCE IN FAMILY COURT

JUVENILE DELINQUENT	*FAMILY COURT*
*REMANDED (**APPEARANCE TICKET-FAMILY COURT** NOT ISSUED)*	*APPEAR 0900 HOURS NEXT BUSINESS DAY*
RELEASED ON RECOGNIZANCE FOR DESIGNATED FELONY	*APPEAR 0900 HOURS NEXT BUSINESS DAY*
RELEASED ON RECOGNIZANCE FOR NON-DESIGNATED FELONY	*ARRESTING OFFICER EXCUSED*

Members will adhere to P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays" if an appearance at Family Court is requested on a weekend or court holiday and the borough Family Court is not in session.

*On weeknights, weekends, and court holidays, when Family Court is closed, juvenile delinquents, not designated as adolescent offenders or juvenile offenders, who fail to qualify for an **APPEARANCE TICKET – FAMILY COURT** will be processed at Manhattan Criminal Court, located at 100 Centre Street.*

BOROUGH COURT SECTION FAMILY COURT LIAISONS

BOROUGH	*ADDRESS*
MANHATTAN	*60 LAFAYETTE STREET*
BROOKLYN	*330 JAY STREET*
BRONX	*900 SHERIDAN AVENUE*
QUEENS	*151-20 JAMAICA AVENUE*
STATEN ISLAND	*130 STUYVESANT PLACE*

A person in need of supervision will NOT be taken into custody without a court order.

When a juvenile is arrested and taken into custody, the desk officer is required to immediately notify a parent/guardian that the juvenile has been taken into custody and the juvenile's location. A juvenile MAY NOT be questioned concerning criminal activity until juvenile and parent/guardian, if present, are advised and understand juvenile's constitutional rights. ***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)*** *should be read while parent/guardian is present. The reading of Miranda warnings must be recorded via Body-Worn Camera or other recording devices as per P.G. 212-123, 'Use of Body-Worn Cameras'* or *P.G 215-29, 'Electronic Recording of Custodial Interrogations of Juveniles,'* as applicable.

The juvenile may be questioned if the juvenile waives Miranda rights in the presence of parent/guardian. The parent/guardian does not have to separately waive Miranda

ADDITIONAL DATA (continued)

rights; they only need to be advised of such rights. However, if parent/guardian objects to questioning or requests an attorney for juvenile, no questioning should occur even if juvenile is willing to answer questions. A juvenile may be requested to provide pedigree information at location designated for interrogation PRIOR to advising juvenile of their constitutional rights.

If the parent/guardian cannot be notified, a juvenile MAY be questioned ONLY after:

a. Every reasonable effort has been made to notify parent/guardian
b. Determining the necessity for questioning at this time
c. Considering the age, apparent intelligence of the juvenile, and the ability of the juvenile to understand the Miranda Warnings.

Every reasonable effort taken to notify a parent/guardian must be documented by the desk officer in the appropriate Department record.

If the juvenile MUST be questioned, the officer MUST be prepared to testify that a "good faith" attempt was made to have a competent adult (e.g., relative, clergyman, teacher, etc.), other than law enforcement personnel, present during questioning; that the juvenile and the competent adult were advised jointly of the Miranda Warnings; that they understand these rights; and the effect of a waiver on these rights.

Precinct Detective Squad/Burglary/Robbery Apprehension Modules will enhance any case made against a violent youth offender. They will identify, locate, and apprehend any accomplices in gun-related cases or acts of violence.

When it becomes necessary to deliver a juvenile to the appropriate facility designated by the Administration for Children's Services (ACS), the arresting/assigned officer, in an effort to expedite the intake process, MUST contact the Admissions Unit PRIOR to delivering the juvenile, and provide them with the juvenile's name, address, date of birth, and parent/guardian's name.

The juvenile's statement as to age may be in conflict with the records maintained at the ACS designated facility. To resolve any differences regarding the age of the juvenile, arresting/assigned officer shall ask to examine the following primary reference documents maintained at the ACS designated facility:

a. Family Court - Remand Order Form C-23B
b. Family Court - Order Directing Detention of Respondent Form 3-11
c. Criminal Court - Securing Order Form 299
d. Supreme Court - Securing Order Form 299.

File folders may also contain photographs of the juvenile and will be made available for examination.

When there are no court records on file at the ACS designated facility, or available records are inconclusive regarding the age of the juvenile, ACS designated facility officials will accept delivery of the juvenile for detention.
Should the court records at the ACS designated facility establish that the juvenile was 18 years of age or older at the time the offense was COMMITTED, they will be returned to the borough Court Section facility, borough of arrest, for processing as an adult.

ADDITIONAL DATA (continued)

If there is a civilian complainant, the arresting officer will inform such complainant that their presence is required at Family Court, Probation Intake Area, regardless of whether or not a Supporting Deposition was prepared. In addition, in all juvenile delinquent arrest cases, the arresting officer will provide the complainant with a copy of completed form, ***JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)****.*

In those instances where a juvenile is charged with both a Vehicle and Traffic Law (VTL) and a non-VTL misdemeanor (such as a Penal Law misdemeanor) arising from the same incident, an appearance ticket returnable to the appropriate court will be issued for one of these offenses, if eligible. The totality of circumstances should be evaluated in deciding for which offense to issue an appearance ticket.

In those instances where a juvenile is charged with an offense returnable to Family Court and also the subject of a warrant returnable to Criminal Court, the juvenile will be charged and processed for the Family Court offense, but will be transported to the Criminal Court, borough of issuance, to address the warrant. In such cases, in order to alert court personnel about the family court offense, a notification will be made to the Borough Court Section supervisor concerned.

NYPD

PURPOSE To process arrest of juvenile charged as a "juvenile offender" or "adolescent offender."

DEFINITIONS ADOLESCENT OFFENDER – A person 16 or 17 years of age taken into custody for any felony.

JUVENILE OFFENDER – A person less than 16 years of age taken into custody and charged with any of the felonies as indicated below:

a. 13, 14 and 15 years of age charged with Murder 2nd Degree (Section 125.25, subdivisions 1 and 2)

b. 14 or 15 years of age charged with Murder 2nd Degree (Felony Murder - subdivision 3), so long as the underlying felony is listed in subdivision c, items (1) through (11) below

c. 14 or 15 years of age and charged with:
   (1) Assault 1st Degree - Section 120.10, subdivisions 1 and 2
   (2) Manslaughter 1st Degree - Section 125.20
   (3) Rape 1st Degree - Section 130.35, subdivisions 1 and 2
   (4) Criminal Sexual Act 1st Degree - Section 130.50, subdivisions 1 and 2
   (5) Kidnapping 1st Degree - Section 135.25
   (6) Burglary 1st Degree - Section 140.30 AND Burglary 2nd Degree Section 140.25, subdivision 1
   (7) Arson 1st and 2nd Degrees - Sections 150.20 and 150.15
   (8) Robbery 1st Degree - Section 160.15 AND Robbery 2nd Degree Section 160.10, subdivision 2
   (9) Aggravated Sexual Abuse 1st Degree - Section 130.70
   (10) Attempted Murder 2nd Degree - Section 110.00; Section 125.25 OR Attempted Kidnapping 1st Degree - Section 110.00; Section 135.25
   (11) Criminal Possession of a Weapon 2nd Degree - Section 265.03, and the offense takes place on school grounds (i.e., any building or property within the property line of a public, private or parochial school from elementary up to and including high school or any area accessible to the public, or a parked vehicle, within 1,000 feet of the property line of such school [Penal Law Section 220.00, subdivision 14]).

PROCEDURE When a juvenile is arrested and charged as a juvenile offender or adolescent offender:

ARRESTING OFFICER

1. Notify immediate supervisor of arrest and provide pertinent details.

IMMEDIATE SUPERVISOR

2. Respond to scene of arrest, as appropriate.
   a. Designate a uniformed member of the service at the scene of arrest to obtain ranks, names, tax numbers, and commands of uniformed members present at scene of arrest, and to ascertain if those uniformed members possessed body-worn cameras, and if the body-worn cameras were activated.

ARRESTING OFFICER

3 Notify the Juvenile Crime Desk if the juvenile is removed to a police facility.

NOTE *Arresting officers must call the Juvenile Crime Desk and confer with an analyst before beginning the arrest process to ensure that all available information regarding the juvenile is provided and additional resources (e.g., Juvenile Crime Squad, Law Department, Deputy Commissioner, Public Information, Internal Affairs Bureau, other investigative units, etc.) are notified or dispatched in a timely manner.*

4. Bring juvenile to appropriate area designated for interrogation of juveniles.
   a. Confer with desk officer to ascertain designated location when unknown.
   b. Have female police officer or other qualified female present, if juvenile is a female.
5. Notify parent/guardian that juvenile is in custody and location of juvenile.
6. Do not question until arrival of parent/guardian.
   a. Juvenile may be requested to provide pedigree information at location designated for interrogation PRIOR to advising juvenile of constitutional rights.
7. Activate Body Worn Camera or recording device as per *P.G. 212-123, "Use of Body-Worn Cameras"* or *P.G. 215-29, "Electronic Recording of Custodial Interrogations Juveniles,"* as applicable.
8. Advise at the same time, juvenile AND parent/guardian of rights as stated in **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)** prior to interrogation.

NOTE *The juvenile may be questioned if he/she waives their rights in the presence of the parent/guardian. The parent /guardian does not have to separately waive the Miranda rights; they only need to be advised of such rights. However, if the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur even if the juvenile is willing to answer questions.*

If the parent/guardian cannot be notified, a juvenile MAY be questioned ONLY after:

a. Every reasonable effort has been made to notify parent/guardian
b. Determining the necessity for questioning at this time
c. Considering the age, apparent intelligence of the juvenile, and the ability of the juvenile to understand Miranda Warnings.

If the juvenile MUST be questioned, the officer MUST be prepared to testify that a "good faith" attempt was made to have a competent adult (e.g., relative, clergyman, teacher, etc.), other than law enforcement personnel, present during questioning; that the juvenile and the competent adult were advised jointly of the Miranda Warnings; that they understand these rights; and the effect of a waiver on these rights.

ARRESTING OFFICER (continued)

9. Prepare handwritten copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if applicable, at interrogation location.
   a. Enter specific offenses under "charges" with juvenile offender or adolescent offender crimes listed first.
   b. Enter words "Juvenile Offender" or "Adolescent Offender" in box captioned "DAT - Return Date."

NOTE *A juvenile offender or adolescent offender is NOT eligible for Personal Recognizance, except in those circumstances delineated in P.G. 208-27, "Desk Appearance Ticket – General Procedure."*

10. Prepare **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)** at interrogation location.
    a. Attach hard copy of warrant check.
11. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141)**, if necessary.
12. Prepare **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)**.
13. Ensure that juvenile offender or adolescent offender is fingerprinted and palmprinted in conformance with *P.G. 208-11, "Arrest Processing – 'Livescan' Fingerprinting and Palmprinting*."
14. Deliver property and **WORKSHEET** to desk officer.

DESK OFFICER

15. Review and sign all arrest documents.
16. Ensure distribution of **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT (PD277-151)**.
17. Keep juvenile offender or adolescent offender segregated from adult prisoners while in custody.
    a. Direct that juvenile offender or adolescent offender be placed in forward patrol wagon compartment and adult prisoners in rear compartment if being transported at the same time.
18. Ensure delivery of **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT (PD313-152)**, if prepared, **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST**, **ARREST CHECKLIST (PD244-041)**, and related forms as directed by Juvenile Crime Desk, as appropriate.

ARRESTING OFFICER

19. Juvenile offenders and adolescent offenders will be arraigned in Supreme Court Youth Part in all boroughs, Monday through Friday, between 0900 and 1700 hours.
    a. On weeknights when Youth Part is closed, the borough Criminal Court will preside as the Youth Part.
20. Juvenile delinquents, juvenile offenders, and adolescent offenders will be taken to the location in the stationhouse specifically designated as suitable for the interrogation of juveniles, unless they are 18 years of age or older at the time of arrest.

NOTE *Precinct based investigative units, including Precinct Detective Squad/Burglary/Robbery Apprehension Modules, will enhance any case being made against a juvenile offender or violent adolescent offender.*

BOROUGH COURT SECTION SUPERVISOR

21. Give juvenile offenders, adolescent offenders, and companion case adult offenders priority in arrest processing, preparation of court complaint, arraignment, etc.
22. Ascertain that **ON LINE BOOKING SYSTEM ARREST WORKSHEET** and other related forms are prepared accurately.

BOOKING OFFICER

23. Determine if arraignment of juvenile offender or adolescent offender can be completed in Supreme Court Youth Part.
    a. On weeknights when Youth Part is closed, the borough Criminal Court will preside as the Youth Part.

NOTE *Members are reminded to confer with the Juvenile Crime Desk for instructions.*

    b. If juvenile offender or adolescent offender is in the precinct of occurrence and arraignment cannot be completed, the desk officer, precinct of occurrence, must arrange transportation of juvenile to the designated juvenile lodging location, after conferral with the borough Court Section supervisor.
    c. If juvenile arrives at borough Court Section facility and it is determined the arraignment cannot be completed, and that facility is not a designated lodging location, the borough Court Section supervisor will direct the arresting officer and/or escort officer to transport juvenile to the designated lodging location.

NOTE *UNDER NO CIRCUMSTANCES WILL JUVENILE OFFENDERS OR ADOLESCENT OFFENDERS WHO ARE AWAITING ARRAIGNMENT, BE DETAINED OVERNIGHT AT A DEPARTMENT OF JUVENILE JUSTICE DETENTION CENTER.*

ADDITIONAL DATA *If the assistant district attorney declines to prosecute the juvenile offender or adolescent offender and directs that the juvenile offender or adolescent offender be released, the arresting officer will comply with P.G. 210-16, "Release of Prisoner at the Complaint Room By Direction of the Assistant District Attorney." If the assistant district attorney directs that the charges be reduced to an offense not meeting juvenile offender or adolescent offender classification but sufficient for processing as a juvenile delinquent, the arresting officer shall process the offender as a juvenile delinquent. The arresting officer will notify the borough Court Section supervisor so that the* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET*** *may be changed if not already forwarded, or an* ***ARREST REPORT - SUPPLEMENT (PD244-157)*** *be prepared if* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET*** *has been forwarded.*

The arresting officer will also notify the Juvenile Crime Desk of any change in the charge(s) that will amend the status of the juvenile (e.g., upgrade in charge(s) or additional charges, assistant district attorney declines to prosecute juvenile, etc.).

ADDITIONAL DATA (continued)

The identity of a juvenile under 18 years of age who has been arrested and charged as a juvenile offender or adolescent offender (see "Definitions" above) may be released. However, the identity of a juvenile taken into custody for juvenile delinquency MAY NOT be released.

In those instances where a juvenile is charged with both a Vehicle and Traffic Law (VTL) and a non-VTL misdemeanor (such as a Penal Law misdemeanor) arising from the same incident, either a summons or a Desk Appearance Ticket for the VTL misdemeanor must be issued, if eligible. If the juvenile does not qualify for a summons or a Desk Appearance Ticket and the arrest for the VTL misdemeanor is to be processed online, contact the Juvenile Crime Desk to ascertain whether the juvenile is eligible for a Family Court Appearance Ticket on the non-VTL misdemeanor.

NYPD

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-11	
ARREST OF JUVENILE UNLAWFULLY IN CERTAIN LICENSED PREMISES			
DATE ISSUED: 09/30/19	DATE EFFECTIVE: 10/01/19	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To take a juvenile found in certain licensed premises into protective custody.

DEFINITIONS JUVENILE – An individual actually or apparently under 18 years of age.
LICENSED PREMISES - Public dance halls, cabarets, catering establishments, bars and grills, pool and billiard parlors, bowling alleys, skating rinks, theaters, motion picture theaters.

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain age of the juvenile.
2. Determine if presence is unlawful.
3. Take juvenile in to protective custody if presence in premises is in violation of law and arrest proprietor or person in charge.
   a. If a premise is a pool/billiard parlor, or bowling alley, issue a summons in lieu of arrest.
   b. If proprietor/person in charge is arrested, indicate under "Details" of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** a brief statement indicating person in charge of premises permitted or had knowledge of violation and actions that led arresting officer to make this conclusion.
4. Escort juvenile home, if residence is located within city.
   a. If residence of juvenile is outside city limits, handle as "Child Requiring Shelter" until provision is made for returning juvenile home.
5. Inform parents of juvenile of unlawful presence and question concerning reason.
6. Advise parent of legal responsibilities.
7. Prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, as per *P.G. 215-08, "On-Line Juvenile Report System"* and include under "Details" section:
   a. Occupation of parent/guardian
   b. Statements of parent/guardian.
8. Submit **WORKSHEETS** to desk officer.

DESK OFFICER

9. Review **WORKSHEETS** for accuracy and sign.
10. Process in normal manner.

COMMANDING OFFICER

11. Forward report of action taken to Chief of Department, Investigation Review Section, DIRECT, if premises is:
    a. Catering establishment
    b. Cabaret
    c. Public dance hall.

RELATED PROCEDURES *Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*
On-Line Juvenile Report System (P.G. 215-08)

FORMS AND REPORTS ***COMPLAINT REPORT WORKSHEET (PD313-152A)***
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PURPOSE To release a juvenile, at least 7 but less than 18 years of age, to the custody of parent, guardian, lawful custodian, or reasonably responsible adult relative for appearance at Family Court.

PROCEDURE When the release of a child on personal recognizance is appropriate.

DESK OFFICER

1. Determine if applicant is parent/guardian, lawful custodian, or reasonable responsible adult relative by evidence of identity and relationship to juvenile.

NOTE *JUVENILE WILL NOT BE RELEASED IF:*

a. Applicant, as defined above, is not capable of providing adequate supervision
b. Juvenile is wanted on a warrant or is juvenile recidivist
c. Health or morals of juvenile would be endangered if released
d. Juvenile is not likely to appear on return date
e. Juvenile's release would be dangerous to community
f. Classified as "Juvenile Offender" or "Adolescent Offender" (P.G. 215-10)
g. Juvenile is a "Designated Felon" and Family Court is in session
h. Juvenile is arrested for a felony and conferral with the Juvenile Crime Desk indicates that the juvenile is awaiting trial on a violent felony
i. An act committed by a juvenile against a member of his or her family/household (as per P.G. 208-36, "Family Offenses/Domestic Violence") (NYPD expanded definition) is a felony assault, or any sex offense, or other circumstances exist where the release of juvenile would be dangerous to a member of the same family/household.

If a juvenile is alleged to have committed one or more of the listed "Designated Felony" offenses (see ADDITIONAL DATA) and Family Court is in session, the member concerned will take the juvenile delinquent to Family Court without delay unless interrogation of the juvenile is required. If questioning is necessary, the member will take the juvenile to a command location which has been approved as a suitable facility for the interrogation of juveniles. An ***APPEARANCE TICKET - FAMILY COURT (PD277-130)*** *will not be issued to a juvenile delinquent who has been taken into custody for a "Designated Felony" if Family Court is in session. In all cases in which a youth is arrested and charged with a violent felony act, the Precinct Detective Squad/Robbery Apprehension Module will be directed to enhance the arrest. It will also be their responsibility to identify, locate and apprehend any accomplices in gun related cases or acts of youth violence and attempt to match them to other outstanding crimes. These units will also attempt to identify and apprehend those selling guns to minors.*

UNIFORMED MEMBER OF THE SERVICE

2. Prepare **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)**.

WHEN JUVENILE IS TO BE RELEASED

UNIFORMED MEMBER OF THE SERVICE

3. Prepare **APPEARANCE TICKET-FAMILY COURT (PD277-130)** and have applicant sign in place provided.
   a. If the person refuses to sign the form, the word "REFUSED" will be entered on the signature line.

NOTE *Refusal of a parent/guardian, etc., to sign does not bar release of the juvenile and issuance of the **APPEARANCE TICKET**. However, if the parent/guardian, etc., refuses to take custody of the juvenile, the juvenile must be remanded.*

4. Distribute copies as indicated on form.
   a. Provide complainant with pink copy of **APPEARANCE TICKET - FAMILY COURT**, if applicable.
5. Prepare and deliver to complainant, **JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)**.

NOTE *This form must be prepared in all arrests whether the juvenile is released on personal recognizance or is to be detained.*

DESK OFFICER

6. Attest to the accuracy and completeness of forms by signing forms in appropriate spaces with rank, name, and shield number/tax number.

NOTE *All juveniles taken into custody for the same incident must appear at the same time and place for intake processing. If one juvenile does not qualify for personal recognizance, all others (acting in concert) who are released on personal recognizance, must appear at the borough Family Court on the next morning that court is in session.*

UNIFORMED MEMBER OF THE SERVICE

7. Prepare arrest package containing the following forms:
   a. Copy - **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   b. BUFF copy - **APPEARANCE TICKET - FAMILY COURT**
   c. Evidence/Release Investigation copy of appropriate **PROPERTY CLERK INVOICE (PD521-141)**, if evidence is involved.
   d. Copy of **COMPLAINT REPORT (PD313-152)**, if finalized and signed-off. If not finalized and signed-off, the **COMPLAINT REPORT WORKSHEET (PD313-152A)** will be submitted.
   e. **AIDED REPORT**, if prepared.
   f. Copy of digital **Activity Log** entry.
   g. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)**.
      (1) Distribute remaining copies to precinct youth coordination officer, Youth Strategies Division, and juvenile detention facility, if juvenile is detained.

UNIFORMED MEMBER OF THE SERVICE (continued)

h. Any other related arrest information including copies of arresting officer's/investigator's personal notes.

i. Document all contents of arrest package on **ARREST CHECKLIST (PD244-041)**.

NOTE *In ALL cases of an arrest of a juvenile, other than a juvenile offender or adolescent offender, the desk officer will ensure the above forms/reports are faxed or emailed to the respective borough Court Section (Attn: NYPD Family Court Liaison Officer) (see ADDITIONAL DATA statement for listing of liaison officers). During business hours, the Family Court Liaison Officer will be called to verify receipt of the above reports. During non-business hours, the fax transmittal receipt or copy of sent email, indicating receipt of the above reports at the borough Court Section, will be obtained and attached to the court package.*

IF JUVENILE IS TO BE DETAINED

UNIFORMED MEMBER OF THE SERVICE

8. Call the designated Administration for Children's Services (ACS) facility to arrange for lodging.
9. Forward copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT**, if prepared, and copy of **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT** to juvenile detention facility with juvenile.
10. Appear in Family Court, located in borough of arrest, with civilian complainant, if any, the next morning that court is in session.

NOTE *Members will adhere to P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays" if an appearance at Family Court is requested on a weekend or court holiday and the borough Family Court is not in session.*

IF CHILD, ELIGIBLE FOR RELEASE, HAS BEEN SENT TO A DETENTION SHELTER

DESK OFFICER

11. Notify juvenile counselor on duty at shelter.
12. Prepare **NOTICE OF RECOGNIZANCE - JUVENILE DELINQUENT (PD209-121)** and give to applicant for presentation at place of detention.
13. Make Command Log entry when notified by officer at shelter that juvenile has been released.
14. Notify arresting officer of release and scheduled appearance date.

NOTE *If applicant appears at a command where the shelter is located, the desk officer will telephone the command of arrest and carry out steps "11 through 14" above.*

ADDITIONAL DATA *If laboratory examination of a controlled substance or a firearm is required, the Police Laboratory/Firearms Analysis Section, as appropriate, will forward a copy of the results of the analysis to the Family Court Liaison Officer, Family Court concerned, when such report is requested.*

ADDITIONAL DATA (continued)

DESIGNATED FELONIES - JUVENILE DELINQUENTS

AGE/S	*OFFENSE*	*PENAL LAW SECT.*
13 ONLY	*Kidnapping 1*	*135.25*
13 ONLY	*Arson 1*	*150.20*
13 ONLY	*Assault 1*	*120.10*
13 ONLY	*Manslaughter 1*	*125.20*
13 ONLY	*Rape 1*	*130.35*
13 ONLY	*Criminal Sexual Act 1*	*130.50*
13 ONLY	*Aggravated Sexual Abuse 1*	*130.70*
13 ONLY	*Arson 2*	*150.15*
13 ONLY	*Robbery 1*	*160.15*
13 ONLY	*Murder 2 (subdivision 3)*	*125.25*
13 ONLY	*Attempted Murder 2*	*110/125.25*
13 ONLY	*Attempted Kidnapping 1*	*110/135.25*
14 & 15 ONLY	*Assault 1 (subdivisions 3 and 4)*	*120.10*
14 & 15 ONLY	*Rape 1 (subdivision 3)*	*130.35*
14 & 15 ONLY	*Criminal Sexual Act 1 (subdivision 3)*	*130.50*
13, 14, 15 ONLY	*Murder 1*	*125.27*
13, 14, 15 ONLY	*Attempted Murder 1*	*110/125.27*
13, 14, 15 ONLY	**Kidnapping 2*	*135.20*

**(Only where abduction involved use or threat of use of deadly physical force.)*

If Family Court is closed, and juvenile qualifies for recognizance, a juvenile who has committed a "Designated Felony" may be released after the issuance of an ***APPEARANCE TICKET-FAMILY COURT.*** *If an* ***APPEARANCE TICKET - FAMILY COURT*** *is issued, the member concerned will obtain the return date from the Juvenile Crime Desk. It should be noted that the Department of Probation has directed that the return date for a released "Designated Felony-Juvenile Delinquent" will be the next date the court is open and the police officer will NOT be excused. Accordingly, the member must appear at Family Court on the next court date for the processing of "Designated Felonies-Juvenile Delinquents."*

In cases where an ***APPEARANCE TICKET-FAMILY COURT*** *is issued, the arresting officer will contact the Juvenile Crime Desk to obtain a Family Court return date.*

If the arresting officer is reporting to court on the day of arrest or the next day, he/she will bring all required forms/reports to borough Court Section sign-in room, in addition to faxing required forms/reports to the respective borough Court Section.

If the juvenile is issued an ***APPEARANCE TICKET-FAMILY COURT****, the desk officer will ensure that all required forms/reports are forwarded to the borough Court Section Family Court Liaison Officer in the next day's a.m. mail, in addition to faxing required forms/reports to the respective borough Court Section.*

In those instances where the juvenile is removed to the designated Administration of Children's Services (ACS) facility, the desk officer will ensure that copies of the ***ON-LINE BOOKING SYSTEM ARREST WORKSHEET****,* ***COMPLAINT REPORT*** *(if finalized and signed) or* ***COMPLAINT REPORT WORKSHEET****, if prepared, and the* ***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT*** *are forwarded with the juvenile, in addition to faxing/emailing required reports/forms to the respective borough Court Section.*

ADDITIONAL DATA (continued)

ARRESTING OFFICER/APPEARANCE IN FAMILY COURT

JUVENILE DELINQUENT	*FAMILY COURT*
*REMANDED (**APPEARANCE TICKET-FAMILY COURT** NOT ISSUED)*	*APPEAR 0900 HOURS NEXT BUSINESS DAY*
RELEASED ON RECOGNIZANCE FOR DESIGNATED FELONY	*APPEAR 0900 HOURS NEXT BUSINESS DAY*
RELEASED ON RECOGNIZANCE FOR NON-DESIGNATED FELONY	*ARRESTING OFFICER EXCUSED*

Members will adhere to P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays" if an appearance at Family Court is requested on a weekend or court holiday and the borough Family Court is not in session.

*On weeknights, when Family Court is closed, youth who fail to qualify for an **APPEARANCE TICKET – FAMILY COURT** will be processed at Manhattan Criminal Court, located at 100 Centre Street*

BOROUGH COURT SECTION FAMILY COURT LIAISONS

BOROUGH	*ADDRESS*
MANHATTAN	*60 LAFAYETTE STREET*
BROOKLYN	*330 JAY STREET*
BRONX	*900 SHERIDAN AVENUE*
QUEENS	*151-20 JAMAICA AVENUE*
STATEN ISLAND	*100 RICHMOND TERRACE*

PURPOSE To set forth a policy for the handcuffing/restraining of students within New York City public schools to ensure the safety of members of the service and students being taken into custody for an arrest or, when being safeguarded as an emotionally disturbed person.

SCOPE

HANDCUFFING/RESTRAINING POLICY FOR STUDENTS:

The safety of all persons involved is the predominant factor in determining if a student should be restrained and which type of restraint used. When operating in a school environment, the minimum level of restraint necessary should be utilized to secure the student who is being restrained for an arrest or being safeguarded as an emotionally disturbed person. Members of the service should confer and coordinate with school administrative staff, including the principal, dean, teachers and guidance counselor in instances where it may be necessary to restrain a student, when possible and when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

Absent exigent circumstances, handcuffs/alternative restraints/Velcro cuffs should NOT be placed on a student while in a classroom, cafeteria, or area where other students are located. Members of the service should coordinate with school officials to have the student removed to a semi-private location (e.g., principal's office, school security office, etc.) when possible.

When it is necessary to handcuff students 16 years of age and above, metal handcuffs will be used. Alternative restraints will **NOT** be utilized for students sixteen years of age and above.

RESTRAINING STUDENTS UNDER 12 YEARS OF AGE:

Metal handcuffs should not be used on students less than twelve years of age without prior approval of the neighborhood coordination sergeant, patrol sergeant or school safety supervisor, whenever possible. Metal handcuffs will only be used as a last resort when other means of restraint are not effective and the student, members of the service or others, would face a risk of bodily harm if metal handcuffs were not used.

The Department is committed to recognizing that handcuffing students in a school facility has unique and sensitive aspects. Incidents that are not criminal but are related to school discipline only, are generally not a police matter, but fall under the purview of school officials. Members of the service will ordinarily defer to school officials for appropriate action when incidents committed by students are related only to school discipline. School actions could include parent conferrals, referral to guidance counselors, suspension and/or initiation of mediation procedures. Incidents committed by students within schools that are

SCOPE (continued)

low level, non-violent misdemeanor crimes or violations may also be referred to school officials for appropriate action, after a review of the incident by members of the service and a conferral with the school principal/designee.

For the safety of all concerned, the Department's policy is to rear handcuff students who are arrested in a school facility unless mitigating circumstances dictate not to. Consideration should be given to a student's age or special needs status when determining how a student is restrained. A decision may be made not to rear handcuff or use restraints when such special circumstances exist.

Verbal commands, constructive restraint or alternative restraints should be strongly considered or attempted prior to utilizing metal handcuffs.

A student less than twelve years of age will **NOT** be handcuffed to a restraining bar, chair, railing, or other fixed objects and must be kept under constant observation by uniformed member of the service/school safety agent at all times.

Precinct commanding officer/executive officer/duty captain will investigate and prepare a report on **Typed Letterhead** when metal handcuffs are utilized on a student less than twelve years of age, and include a determination regarding the necessity and appropriateness of utilizing metal handcuffs. This report will be forwarded to the Chief of Patrol along with a copy to the Commanding Officer, School Safety Division.

DEFINITIONS

CONSTRUCTIVE RESTRAINT – Physical control, with no restraining device employed, using the minimal amount of physical force necessary to control movement in order to ensure the safety of the student (i.e., for use on a student who is obeying all commands).

ALTERNATIVE RESTRAINT – A Velcro restraining device that is an alternative to metal handcuffs when taking a student into custody, who poses a possible safety risk, risk of flight, and/or non-compliance. Only those members of the service trained in the use of Velcro restraining devices may use these alternative restraints. Alternative restraints will not be utilized for students sixteen years of age or older. All school safety agents carry and are trained in the use of alternative restraints/Velcro cuffs.

SPECIAL EDUCATION STATUS – Students with physical, intellectual, or emotional disabilities. Students may have one or more types of disabilities. Students with special education status may be attending any New York City public school.

PROCEDURE

When handcuffing/restraining a student for arrest or, safeguarding as an emotionally disturbed person inside or on the grounds of a school facility, during school hours, after school or at weekend school related events:

UNIFORMED MEMBER OF THE SERVICE

1. Notify, confer, and coordinate actions with School Safety Division personnel and the principal/designee, prior to taking police action, or when responding to a student experiencing emotional issues in a public school facility, unless exigent circumstances exist.
   a. If conferrals with School Safety personnel or the principal/designee are not possible prior to effecting an arrest due to exigent circumstances, then a notification of the arrest MUST be made to School Safety Division personnel and school principal/designee as soon as practical after the arrest has been effected, or a student has been restrained for emotional issues.
   b. During a conferral with the principal/designee and School Safety Division personnel, discussions should include the option of referring low level non-violent criminal incidents and violations of law committed by a student in a school facility, to school officials for appropriate action in lieu of arrest or a summons.

UNIFORMED MEMBER OF THE SERVICE/ SCHOOL SAFETY AGENT LEVEL I-III

2. Inform school personnel of the decision to effect an arrest and the basis of that decision unless physical resistance, flight or other factors render such procedure impractical.
3. Remove student, if possible, to a semi-private location (e.g., principal's office, school security office, etc.).
4. Inform student of authority and cause for arrest, unless physical resistance, flight or other factors render such procedure impractical.
5. Use appropriate level of restraint, as applicable (e.g., constructive restraint, alternative restraints/Velcro cuffs, or metal handcuffs), based on factors described in ADDITIONAL DATA statement under heading "OPERATIONAL CONSIDERATIONS."
6. Request neighborhood coordination sergeant, or if unavailable, patrol supervisor to respond to the scene, whether being taken into custody for an arrest or being safeguarded as an emotionally disturbed person.
7. Keep the student under constant supervision regardless of level of restraint used.
8. DO NOT remove student from a school to a Department facility if, upon investigation, it is determined that the incident involves the commission of a violation.

NEIGHBORHOOD COORDINATION SERGEANT/ PATROL SUPERVISOR/ SUPERVISOR OF SCHOOL SECURITY

9. Respond to location and verify that probable cause exists to support the arrest or to supervise the restraining of a student for emotional issues.
10. Assess the type of restraint used and direct change in level of restraint, as appropriate.
11. Advise school administrator to contact their Legal Department, if school administrator objects to arrest.
12. Notify precinct commanding officer/executive officer/duty captain, whenever metal handcuffs are utilized to restrain a student less than twelve years of age for any period of time.

PRECINCT COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

13. Investigate and prepare a report on **Typed Letterhead** when metal handcuffs are utilized on a student less than twelve years of age, and include a determination regarding the necessity and appropriateness of utilizing metal handcuffs.
    a. Forward **Typed Letterhead** to the Chief of Patrol, along with a copy to the Commanding Officer, School Safety Division.

NEIGHBORHOOD COORDINATION SERGEANT

14. Meet with principals of schools located within the command at the beginning of each school year to discuss school conditions, and to apprise them of the Department's handcuffing/restraining policy.

SCHOOL SAFETY AGENT LEVEL I-II

15. Be aware of all police action taken on school grounds and document any police action taken on **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)**.

SCHOOL SAFETY AGENT LEVEL III/ SUPERVISOR OF SCHOOL SECURITY

16. Verify that **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS** are prepared as required.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Constructive restraint or alternative restraints/Velcro cuffs may be utilized when it is necessary to take a student into police custody. Nothing in this procedure prevents a member of the service from removing restraints from a student or moving to a lower level of restraint (i.e., from metal handcuffs to alternative restraints or, from alternative restraints to constructive restraint) when the incident has stabilized and the student is no longer a danger to themselves or others.

The safety of all persons involved is the predominant factor in determining if a student should be restrained, and if restrained, which method is utilized. It is incumbent on the member of the service to use a reasonable belief standard in determining the level of restraint. Factors that may be considered in making this determination include the following:

a. Age of the student (generally a student who is less than twelve years of age; however, students under the age of sixteen may be eligible for alternative restraints, dependent upon circumstances)
b. Physical stature of the student
c. Type of offense/nature of incident (including use of weapons)
d. Presence of student's parent/guardian
e. Special education status
f. The reputation of the student with school authorities (including whether the student has a history of emotional or behavioral difficulties)

ADDITIONAL DATA (continued)

g. The student's demeanor and compliance with instructions given by school staff, parents, and members of the service

h. Whether the student is demonstrating behavior that may cause imminent harm to themselves or others

i. Whether there is possible risk of escape

j. Medical, mental, physical and/or emotional condition/limitation of the student, if known.

If a juvenile has been arrested and removed from a school to a Department facility for arrest processing, a notification must be made to the Juvenile Crime Desk. The Juvenile Crime Desk will assist supervisors in making a determination as to whether that juvenile should be released on a ***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)*** *or, if the juvenile should be processed as a Juvenile Delinquent as per P.G. 215-09, "Offense Committed by a Juvenile Under 17 Years of Age (Other than a Juvenile Offender or Adolescent Offender)."*

LEGAL CONSIDERATIONS

Whether probable cause to arrest exists will be determined by the Police Department. While the desires of school personnel (principals, teachers, etc.) may be considered by the member of the service in determining whether an arrest is warranted, the views of school personnel are NOT controlling. In the event a conflict arises between a member of the service who wishes to effect an arrest of a student and school personnel, the member of the service will request the response of the neighborhood coordination sergeant or, if unavailable, the patrol supervisor.

The final decision as to whether to take a student into custody for a criminal offense and the method of restraint rests with the ranking uniformed police supervisor present at the scene.

Under no circumstances will school personnel be permitted to interfere with an arrest.

RELATED PROCEDURES

Arrests – General Processing (P.G. 208-03)
Prisoners – General Procedure (P.G. 210-01)
Truants (P.G. 215-07)
Offense Committed by a Juvenile Under 17 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Reporting and Recording Public School-Related Criminal Incidents (P.G. 215-16)
Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property (P.G. 215-17)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

FORMS AND REPORTS

SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
Typed Letterhead

Section: Juvenile Matters		Procedure No: 215-14	
CHILD ADVOCACY REFERRALS IN THE BOROUGHS OF BROOKLYN, QUEENS AND MANHATTAN			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To enhance investigations of complaints/arrests made for cases of child abuse and/or sex crimes in the boroughs of Brooklyn, Queens and Manhattan.

DEFINITION ABUSED CHILD (SECTION 1012, FAMILY COURT ACT)

Means a child less than eighteen years of age whose parent or person legally responsible for his care:

a. Inflicts or allows to be inflicted upon such child, physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

b. Creates or allows to be created, a substantial risk of physical injury to such child other than by accidental means which would be likely to cause death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

c. Commits or allows to be committed, a sex offense against such child defined in Article 130 of the Penal Law; allows, permits or encourages such child to engage in any act described in Sections 230.25, 230.30, and 230.32 of the Penal Law; commits any of the acts in Section 255.25 of the Penal Law; or allows such child to engage in acts or conduct described in Article 263 of the Penal Law provided, however, that (a) the corroboration requirements contained in the Penal Law and (b) the age requirement for the application of Article 263 of such law shall not apply to proceedings under this Article.

PROCEDURE Whenever there is a complaint/arrest in the boroughs of Brooklyn, Queens and Manhattan involving a child:

a. Less than eleven years of age who is the victim of child abuse, OR

b. Less than thirteen years of age who is the victim of any sex crime or attempted sex crime:

UNIFORMED MEMBER OF THE SERVICE

1. Promptly notify desk officer, precinct of occurrence.
2. Notify the Administration for Children's Services, Instant Response Team (ACS/IRT) Coordinator whenever:
   a. A child is removed from a household by police personnel; or
   b. An arrest is made in connection with the abuse or neglect of a child.
3. Prepare reports as specified in *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children."*
4. Notify the New York State Central Registry of Child Abuse.
5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.

DESK OFFICER

6. Promptly notify Special Victims Unit of complaint/arrest and provide preliminary details.
   a. Notify the desk officer, police service area (PSA)/transit district, when incident/arrest occurred on housing/transit jurisdiction, as appropriate.

SPECIAL VICTIMS UNIT

7. Notify the appropriate borough Child Abuse Squad concerned, provide details and coordinate the response to incident.
8. Notify desk officer, precinct of occurrence and provide investigative unit's estimated time of arrival to incident.

CHILD ABUSE SQUAD, MEMBER CONCERNED

9. Respond to incident and conduct investigation.
10. Determine if a case enhancement is needed in arrest situations.

UNIFORMED MEMBER OF THE SERVICE

11. Enter under "Notifications To" section on rear of **COMPLAINT REPORT WORKSHEET**:
    a. Name of member of the service notified at Special Victims Unit, the appropriate borough Child Abuse Squad assigned, investigator assigned and case number, if available
    b. Include any other investigative unit assigned, investigator assigned and case number, if applicable (e.g., IAB, Crime Scene Unit, etc.).

RELATED PROCEDURES

Preliminary Investigation of Complaints (Other Than Vice Related or Narcotics Complaints) (P.G. 207-07)
Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)

Section: Juvenile Matters		Procedure No: 215-15	
CONFISCATION OF NEW YORK CITY TRANSIT STUDENT METRO CARDS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To establish procedures and guidelines for the confiscation of a New York City Transit Student Metro Card.

SCOPE If a Student Metro Card is illegally possessed i.e., one which was legally issued to another, it will be confiscated and further police action will be taken depending upon the circumstances. When a student has committed a felony or a misdemeanor against New York City Transit property, employees or passengers, and possesses a Student Metro Card legally, that card will be confiscated and appropriate police action will be taken.

DEFINITION STUDENT METRO CARDS - Utilized by students going to and from school and school events on New York City Transit subways and New York City/MaBSTOA local buses, as well as Staten Island Railroad trains at St. George Terminal. Student Metro Cards are valid from 0530 to 2030 hours on school days. Night School Student Metro Cards are valid from 1300 to 0100 hours. Student Metro Cards must be swiped in a turnstile and may not merely be displayed to permit entry. New York City Transit encourages students to sign their Metro Cards, but this is not a requirement. An unsigned card is valid, and should NOT be confiscated merely because it is unsigned.

PROCEDURE When a Student Metro Card is confiscated:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT (PD516-170)**.

IF IT IS SUSPECTED THAT THE CARD MAY HAVE BEEN REPORTED LOST OR STOLEN:

UNIFORMED MEMBER OF THE SERVICE

2. Call the New York City Transit Fare Media Unit for school of issuance.
3. Call the school where the card was issued, to verify if the card has been reported lost or stolen.
4. Indicate on the **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT**, when lost/stolen card verification cannot be made during non-business hours.
5. Prepare other Department reports as required.
6. Record all information in digital **Activity Log**.
7. Enter the **PROPERTY CLERK INVOICE (PD521-141)** number on the **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT**, if Student Metro Card is vouchered as evidence.
   a. DO NOT write on confiscated card.
8. Submit completed **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** and confiscated card to the precinct/district desk officer.

PRECINCT/ DISTRICT DESK OFFICER

9. Review completed **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** for completeness and accuracy and sign the appropriate caption.
10. Direct that a check be made by second platoon clerical personnel on the next business day, if **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** indicates that a lost/stolen card check was not made.
11. Have original and first copy of **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** with confiscated card forwarded to Transit Bureau, Patrol Operations.
    a. Retain second copy in command file.

TRANSIT BUREAU, PATROL OPERATIONS

12. Maintain first copy of **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** for filing as a juvenile record.
    a. Forward original with card to:
       Manager of Fare Media-New York City Transit, 370 Jay Street, Brooklyn, New York, 11201.

ADDITIONAL DATA

Certain categories of Metro Cards produce different colored lights at the turnstile. Student Metro Cards produce an amber light; police and transit employee Metro Cards produce a green light; and half-fare cards (senior citizens, handicapped, etc.) produce a red light. No light is produced by a full fare Metro Card. Police officers may detect the improper use of a Student Metro Card by an adult, or of an adult employee's card by a youth, by noticing the color of light produced when the card is swiped. Questions about the proper use of Metro Cards may be referred to the New York City Transit Fare Media Unit.

RELATED PROCEDURE

Processing of Found Property Recovered by School Safety Agents in Facilities or on Property Owned by the Department of Education (P.G. 218-46)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
SCHOOL TRANSPORTATION PASS CONFISCATION REPORT (PD516-170)

Section: Juvenile Matters	Procedure No: 215-17

POLICE ACTIONS, RELATED QUESTIONING, ARRESTS AND INVESTIGATIONS AT A NYC DEPARTMENT OF EDUCATION SCHOOL/PROPERTY

DATE EFFECTIVE:	LAST REVISION:	PAGE:
11/04/21	I.O. 95	1 of 4

PURPOSE To establish protocols for police actions, related questioning, arrests and investigations at a NYC Department of Education school, or on NYC Department of Education property.

PROCEDURE When taking police action at a NYC Department of Education school, or on NYC Department of Education property:

UNIFORMED MEMBER OF THE SERVICE

1. Request response of patrol supervisor, or covering detective squad supervisor, as appropriate.
2. Notify School Safety Division Operations Unit prior to arrest, absent exigent circumstances, and include the following:
   a. Name and location of school where arrest is to be effected, and
   b. Name of suspect, and
   c. Charge being investigated, and
   d. Date incident occurred, and
   e. Date incident reported.
3. Make digital **Activity Log** entry of log number received from School Safety Division Operations Unit.
   a. Enter log number in all reports prepared in connection with taking police action at a NYC Department of Education school, or on NYC Department of Education property.
4. Comply with *P.G. 215-27, "School-Related Threats at a NYC Department of Education School/Property,"* as necessary.

NOTE *Arrests of students for incidents that did not occur on NYC Department of Education property shall be effected off NYC Department of Education property when possible, practical, and in a manner that does not compromise the safety of the victim or other students, and is consistent with the policy and procedures set forth herein. The nature of the offense and the safety of the victim and other students are the primary considerations for effecting arrests for incidents that occur off NYC Department of Education property.*

5. Coordinate activities with School Safety Division personnel, if practicable, when taking police action on NYC Department of Education property.
6. Confer with principal/designee, except if exigent circumstances exist, when entering NYC Department of Education school or property to take police action.
   a. If prior consultation is not possible, members of the service shall notify the principal/designee, as soon as practicable, after issuing a summons, or effecting an arrest on school property.
7. Comply with *P.G. 215-13, "Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs,"* as required.
8. Effect arrest at NYC Department of Education school, or on NYC Department of Education property for the following offenses, even if committed off of NYC Department of Education property:

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Any felony in the Penal Law except for Criminal Mischief, Criminal Possession of Stolen Property, Criminal Possession of a Forged Instrument, Grand Larceny of unattended property
b. All sex offenses
c. Menacing 2nd Degree or Menacing 3rd Degree, ONLY when allegedly displaying what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm
d. Any crime when complainant/victim and perpetrator attend school and/or work in same building/site/campus
e. Court ordered warrant
f. Any crime and there is an immediate risk of escape, based upon a history of perpetrator fleeing apprehension, resisting arrest, assaulting police/peace officers, previous escapes or attempted escapes from police or Administration for Children's Services (ACS) custody
g. Any crime and apprehension of perpetrator is effected during a hot pursuit
h. Any crime where initial preparation of **COMPLAINT REPORT (PD313-152)** and preliminary investigation by reporting officer are both conducted on school grounds, and perpetrator is present on school grounds.

9. Notify patrol supervisor, or covering detective squad supervisor, as appropriate, if arrest for any crime/incident not listed in step "8" above, that occurred off of NYC Department of Education property, should be effected on NYC Department of Education property.

PATROL SUPERVISOR/ DETECTIVE SQUAD SUPERVISOR

10. Notify commanding officer, executive officer, or duty captain, as appropriate, if arrest for any crime/incident not listed in step "8" above, that occurred off NYC Department of Education property, should be effected on NYC Department of Education property.
a. Direct arrest not be effected on NYC Department of Education property, if warranted, and after conferral with commanding officer, executive officer, or duty captain, as appropriate.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

11. Confer with Commanding Officer, or Executive Officer, or Assistant Commissioner of School Safety Division, and render decision to effect arrest.
a. Inform patrol supervisor, or covering detective squad supervisor, of decision.

PATROL SUPERVISOR/ DETECTIVE SQUAD SUPERVISOR

12. Make follow-up notification to School Safety Division Operations Unit, including any pertinent information of police action taken (i.e., any arrests made, **COMPLAINT REPORT** number(s), if prepared, etc.).

ADDITIONAL DATA

LEGAL CONSIDERATIONS

When a uniformed member of the service wishes to investigate a school-related crime, the principal/designee must permit the interviewing of school staff, or other non-student witnesses/victims. These individuals, however, may not be compelled to submit to such questioning.

When a uniformed member of the service wishes to question a student in school regarding a school-related crime, the principal/designee will make every reasonable effort to contact the student's parent/guardian. If notification is made, the principal/designee, or member of the service, shall consult with the parent/guardian about how the parent/guardian wishes to proceed. If the parent/guardian does not object, the principal/designee must allow the student to be questioned. If the parent/guardian cannot be reached, the principal/designee must permit the uniformed member of the service to question the student under the following circumstances:

a. If the parent/guardian of a student who is suspected of committing a crime cannot be reached, the uniformed member of the service may not question the student unless the member feels there is a continued threat of imminent danger. In such cases, the member of the service shall determine whether or not to proceed with questioning the student and will consult with principal/designee, as appropriate.

b. If a parent/guardian of a student who is not a suspect (i.e., victim or witness) cannot be reached, a uniformed member of the service may not question the student unless there are exigent circumstances warranting proceeding with the questioning. In such cases, the member of the service shall determine whether or not to proceed with questioning the student and will consult with principal/designee, as appropriate.

c. In cases where questioning is conducted without parental notification, the principal or designee may be present during the questioning. The principal or designee, however, may not compel a student to submit to questioning.

Imminent danger or exigent circumstances may include, but are not limited to, an active investigation of a violent crime including homicide, arson, robbery, sex offenses, weapons possession, or assault where there are reasonable grounds to believe that a current or former student is a suspect, or has information concerning the investigation, that is necessary to protect the health or safety of students or others.

Where it is clear that a student is a suspect in a crime, and such questioning may elicit incriminating statements, Miranda warnings must be issued. The reading of Miranda warnings, including the entire series of questioning, must be recorded via Body-Worn Camera or other recording devices as per P.G. 212-123, "Use of Body-Worn Cameras" or P.G. 215-29, "Electronic Recording of Custodial Interrogations of Juveniles," as applicable. If the student is seventeen years old or younger, ***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)*** *should be read while the principal/designee or parent/guardian is present. Questioning should be done in a manner which is least disruptive to the school and the student's education to the maximum extent possible, consistent with personal safety.*

When a uniformed member of the service wishes to access student information from NYC Department of Education records for the purposes of an investigation or arrest, a uniformed member of the service must obtain a court order or subpoena, unless there is a health or safety emergency, or written consent of the student's parent/guardian, or written consent of the student, if eighteen years of age or older. Absent such court order or subpoena, or exceptions above, principals or other school staff will not release student information. This includes NYPD school safety agents.

ADDITIONAL DATA (continued)

A health or safety emergency is a situation that presents imminent danger (as described above) or requires the immediate need for information to avert or defuse unusual conditions or disruptions.

RELATED PROCEDURES

Arrests - General Processing (P.G. 208-03)
Prisoners General Procedure (P.G. 210-01)
Truants (P.G. 215-07)
On-Line Juvenile Report System (P.G. 215-08)
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)
Personal Recognizance Juvenile Delinquent (P.G. 215-12)
Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs (P.G. 215-13)
School-Related Threats at a NYC Department of Education School/Property (P.G. 215-27)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)

NYPD

PURPOSE To establish the protocols for the search of students, their possessions, and their lockers by School Safety Division personnel.

SCOPE A student's possessions and person may be searched by a school safety agent provided that school officials have reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating either the law or school rules and regulations. The extent or the scope of the search must be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

PROCEDURE When conducting searches of students, their possessions, or their lockers:

SEARCH OF STUDENTS AND THEIR POSSESSIONS (BAGS, CLOTHING, ETC.)

SCHOOL SAFETY AGENT

1. Conduct searches of students and their belongings only on behalf of principals or their designee, except if an emergency condition exists. (See ADDITIONAL DATA statement under heading, "EMERGENCY SEARCHES OF STUDENTS AND THEIR POSSESSIONS").
2. Bring the student to a location designated by the principal or designee, if it is determined that a search is warranted.
3. Inform the student that there are reasonable grounds to believe that they have violated or are violating the law or school rules and regulations.

SCHOOL PRINCIPAL/ DESIGNEE

4. Question the student as to whether he/she has anything in their possession **not** permitted in school, prior to conducting the search. If the student acknowledges that he/she is in possession of contraband, ask the student to remove it from their person or belongings.

SCHOOL SAFETY AGENT

5. Remove the item, which is believed to be evidence of the student violating a law or school rules and regulations, if student refuses to remove same when asked by principal/designee.

SEARCH OF LOCKERS

SCHOOL SAFETY AGENT

6. Inform the principal or designee when there is reasonable suspicion that a student's locker contains contraband.
7. Search locker, only at the direction of principal or designee, except if an emergency condition exists. The principal or designee must be present while the search of the locker is conducted. (See ADDITIONAL DATA statement under heading, "EMERGENCY SEARCHES OF LOCKERS").

WHEN A STUDENT IS FOUND TO BE IN POSSESSION OF CONTRABAND

SCHOOL SAFETY AGENT

8. Notify the command concerned, if item is a violation of law, and follow appropriate procedure for the invoicing of property and arrest of student(s).
9. In non-arrest circumstances, request precinct personnel to respond to take custody of the contraband and invoice items seized.
10. Take control of and invoice the property under Department of Education procedures, if item is a violation of school rules and regulations **only**.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

Nothing in this procedure supersedes the rights and responsibilities of uniformed members of the service regarding search and seizure under applicable provisions of the Criminal Procedure Law.

SEARCH GUIDELINES

If the student declines to remove the item or denies possession of any contraband, a search may be conducted at the direction of the principal/designee. To the maximum extent possible, if the search involves contact with the student, the search shall be conducted by a school safety agent of the same gender as the student being searched. In situations where a student's gender is not immediately apparent or a student objects to the gender of the school safety agent assigned to perform the search, the school safety agent's supervisor will assign a school safety agent of the gender requested by the student, consistent with school safety agent safety and resource availability. Consistent with the privacy concerns of the student, only those school safety agents reasonably necessary to conduct the search should be present for the search. Under no circumstances shall school safety agents conduct searches for the purpose of determining gender. Additionally, school safety agents shall not ask questions about a student's anatomy without a reasonable basis for doing so. Refer to A.G. 304-06, "Prohibited Conduct."

Under no circumstances will a strip-search of a student be conducted.

EMERGENCY SEARCHES OF STUDENTS AND THEIR POSSESSIONS

An emergency condition is an incident that requires immediate intervention to protect the safety and security of the school community or any person. A search may be conducted if there is reasonable suspicion to believe that a student has violated or is violating the law or school rules and procedures. Once the emergency condition is under control, the school safety agent will immediately take the student to the principal or designee and advise the principal/designee of the situation.

EMERGENCY SEARCHES OF LOCKERS

An emergency condition is one that requires immediate intervention to protect the safety and security of the school community or any person. Once the situation is under control, the principal or designee will be immediately advised of the situation.

ADDITIONAL DATA (continued)

OPERATIONAL CONSIDERATIONS

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

Procedures for Reporting and Recording Public School-Related Criminal Incidents (P.G. 215-16)
Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)

FORMS AND REPORTS

RIGHT TO KNOW BUSINESS CARD (PD142-012)
RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)
PROPERTY CLERK INVOICE (PD521-141)

NYPD

PURPOSE To ensure the safety of any abandoned infant and familiarize uniformed members of the service with the provisions of the Abandoned Infant Protection Act.

SCOPE The Abandoned Infant Protection Act is designed to protect the lives of newly born infants by encouraging that they be left with a responsible person or in a safe, suitable location (a "safe haven") rather than simply abandoned in a possibly dangerous way. The law establishes an affirmative defense to the crime of Abandonment of a Child (Penal Law 260.00) and Endangering the Welfare of a Child (Penal Law 260.10), in certain circumstances as follows:

a. The abandoned infant appears to be not more than five days old, and,
b. The person abandoning the child intends for the child to be safe from physical injury and to be cared for in an appropriate manner, and,
c. The person abandoning the child indicates such intent by leaving the child with a responsible person or in a safe haven (e.g. hospital, firehouse, police precinct, etc.), and promptly notifies a responsible person of the child's location.

NOTE *The law does not provide an affirmative defense to other charges such as assault.*

PROCEDURE When a uniformed member of the service is notified that an infant has been abandoned or that a person intends to abandon an infant:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to the scene.
2. Immediately secure medical attention for the:
   a. Infant <u>and</u>
   b. Mother if present.
3. Accompany child/mother to the hospital.
4. Request response of the patrol supervisor.
5. Make digital **Activity Log** entry, indicating:
   a. Physical condition of child.
   b. Child's age and medical history, if ascertained.
   c. Description of child's clothing and/or wrapping.
   d. Presence or absence of a hospital tag.
   e. Mother's pedigree information, address, and telephone number.
   f. Request for patrol supervisor.

WHEN INFANT'S PARENT(S) IS NOT PRESENT AT THE SCENE

UNIFORMED MEMBER OF THE SERVICE (continued)

6. Attempt to ascertain from the person on the scene who physically is in possession of the infant:
   a. Their name, address, telephone number and relationship to the parent(s).
   b. The identity, description, location, and telephone number of the infant's parent(s)

NOTE *Advise person that they are not required to give this information (steps 6a. and 6b).*

7. Enter information, if obtained, in digital **Activity Log**.

PATROL SUPERVISOR

8. Respond to scene.
9. Determine if probable cause exists to make an arrest (i.e. criteria as set forth in the Abandoned Infant Protection Act are not present, or other offenses committed.)

NOTE *If probable cause to arrest the person responsible for the infant does not exist, and/or person is otherwise in compliance with the criteria set forth in the Abandoned Infant Protection Act, the person will be permitted to leave.*

10. Direct the preparation of the following Department forms:
    a. **New York State Domestic Incident Report (DCJS-3221**)
    b. **AIDED REPORT**
    c. **COMPLAINT REPORT (PD 313-152)** (Classify as Investigate Aided, or other charges as appropriate)
    d. **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**.
11. Direct notification to be made to the New York State Central Registry.
12. Prepare **UNUSUAL OCCURRENCE REPORT (PD 370-152)**.
13. Notify Desk Officer.

DESK OFFICER

14. Immediately notify the precinct detective squad. (If necessary the precinct detective squad will notify the Missing Persons Squad.)
15. Notify Operations and the patrol borough command.
16. Make Command Log entry of items in step 5, subdivisions "a" through "f", listed above.
17. Notify Administration for Children's Services (ACS) Instant Response Team Coordinator. (Enter name of Administration for Children's Services Instant Response Team Coordinator in the Command Log.)

RELATED PROCEDURES	*Children or Minors Requiring Care and/or Shelter (P.G. 215-01)* *Emergency Removals or Investigation and Reporting of Abused, Neglected or Maltreated Children (P.G. 215-03)* *Child Advocacy Referrals in the Boroughs of Brooklyn, Queens and Manhattan (P.G. 215-14)* *Aided Cases-General Procedure (P.G. 216-01)*
FORMS AND REPORTS	***AIDED REPORT*** ***COMPLAINT REPORT (PD313-152)*** ***REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)*** ***UNUSUAL OCCURRENCE REPORT (PD370-152)*** ***New York State Domestic Incident Report (DCJS-3221)***

NYPD

Section: Juvenile Matters		Procedure No: 215-20	
REQUESTS FOR INFORMATION FROM THE DEPARTMENT OF EDUCATION IN ACCORDANCE WITH THE FEDERAL NO CHILD LEFT BEHIND ACT			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To assist the New York City Department of Education in determining whether a student is entitled to a "safety transfer" pursuant to the provisions of the federal "No Child Left Behind Act" by confirming whether the student has reported a qualifying incident to the Department.

DEFINITION QUALIFYING INCIDENT - For the purpose of this procedure, a "qualifying incident" is any founded allegation of a crime reported to the Department by a victim who is a New York City public school student and:

a. Names New York City Public School property as the location of occurrence, **AND**
b. Involves infliction of a serious physical injury upon the victim as defined in Penal Law § 10.00 (10); **OR**
c. Is a sex offense involving forcible compulsion; **OR**
d. Is any offense defined in the Penal Law that involves the use or threatened use of a deadly weapon against the victim as defined in Penal Law § 10.00 (12).

PROCEDURE When the Department receives a verbal, faxed or written request to confirm that a qualifying incident has occurred at a New York City Public School from that school's principal or his/her authorized designee:

MEMBER OF THE SERVICE RECEIVING THE REQUEST

1. Hand-deliver or personally relate the request to the Neighborhood coordination sergeant of the precinct concerned.
   a. If the Neighborhood coordination sergeant is not available, hand-deliver or personally relate the request to the precinct commander concerned or his/her specified designee, who will perform the duties of the Neighborhood coordination sergeant for this procedure.

NEIGHBORHOOD COORDINATION SERGEANT

2. Confirm that the request was initiated by either the principal of the school where the incident is alleged to have occurred, or that principal's authorized designee.
3. Confirm that the request provides the following:
   a. The name and number of the school
   b. The date, time and location of the alleged incident(s)
   c. The name(s) of the victim(s)

NOTE *If the request does not meet the requirements specified in steps (2) and (3), contact the principal/designee in order to obtain the required information or to verify the source of the request.*

NEIGHBORHOOD COORDINATION SERGEANT (continued)

4. Given the proper information for an authorized request:
   a. Consult Department resources in the following order for the date specified in the request for reports naming the victim(s):
      (1) The OMNIFORM System, or hard copies of **COMPLAINT REPORT WORKSHEETS (PD313-152A)**, as appropriate.
      (2) The **ON-LINE JUVENILE REPORT SYSTEM** database or hard copies of **JUVENILE REPORT SYSTEM WORKSHEETS (PD377-159A)**, as appropriate.
      (3) **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS (PD313-147)**.
      (4) **AIDED REPORT**.
      (5) Precinct Detective Squad.
      (6) School Safety Division Operations Center.

YOUTH OFFICER

5. Assist in the search of Department records when directed by the Neighborhood coordination sergeant.

NEIGHBORHOOD COORDINATION SERGEANT

6. Ascertain from report(s) and question assigned detective, if necessary, if incident has been classified as unfounded.
7. Upon conclusion of the records search, prepare a report in duplicate, on **OFFICIAL LETTERHEAD (PD158-151)**, addressed to the individual making the request.
   a. Adhere to the sample format provided in the *ADDITIONAL DATA* statement of this procedure.
8. Deliver the original either by hand or by mail to the principal or designee.
9. Notify the principal or designee verbally either in person or by telephone of the results of the search, no later than the next day that school is in session after the initial request was made. Limit contents of the verbal notification to the information specified in report prepared in Step 7.
10. Record both the personal and mail notifications in digital **Activity Log**. Include:
    a. The time of the verbal notification.
    b. The title and name of the person notified.
    c. Whether the written report was hand-delivered or mailed to the recipient.
    d. Whether the incident was a qualifying incident or not and whether it was classified as founded or unfounded.
11. Maintain duplicate copies of reports in a secure location for future reference if necessary.

ADDITIONAL DATA

The Department must balance the need of the Department of Education to comply with the federal regulations against the privacy rights of the complainant. For this reason, members of the service who process these requests must do so in a thorough and timely manner, but report the results in a way that only relates the facts necessary for school administrators to determine if a qualifying incident has in fact occurred. The sample below provides the format best suited to this end. In the interest of efficiency, commands may utilize a pre-printed letter on ***OFFICIAL LETTERHEAD*** *to prepare the report. Should the principal or designee request information beyond whether a qualifying incident has been reported, such as the alleged details of an incident or the progress of an investigation, the member will confer with both the detective assigned and the Deputy Commissioner, Legal Matters.*

All reports will be formatted with proper date, salutation and signature block in accordance with Department procedure for preparing correspondence. The body of the text will be prepared as such:

SAMPLE

A search of Department records indicates that a report has/has not ***[specify one]*** *been filed naming* ***[name specified in request]*** *as a complainant in an incident.*

This incident was/was not ***[specify one]*** *alleged to have occurred on New York City Public School Property, and did/did not* ***[specify one]*** *allege the infliction of a serious physical injury upon the victim as defined in Penal Law § 10.00 (10), or a sex offense against the victim involving forcible compulsion, or any offense defined in the Penal Law that involves the use or threatened use of a deadly weapon against the victim as defined in Penal Law § 10.00 (12).*

At the time that this search was conducted, this incident was/was not ***[specify one]*** *classified as unfounded.*

RELATED PROCEDURES

Information Concerning Official Business of Department (P.G. 212-76)
Reporting and Recording Public School-Related Criminal Incidents (P.G. 215-16)
Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT WORKSHEET (PD313-152A)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
OFFICIAL LETTERHEAD (PD158-151)
SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)

PURPOSE To provide juvenile arrest processing and investigative support to members of the service.

PROCEDURE When a juvenile is detained by a member of service and removed to a police facility:

ARRESTING OFFICER

1. Remove juvenile to the precinct of arrest/designated arrest processing facility and inform desk officer of circumstances.
   a. Juvenile delinquents, juvenile offenders, and adolescent offenders will be taken to the location in the stationhouse specifically designated as suitable for the interrogation of juveniles, unless they are 18 years of age or older at the time of arrest.
   b. A list of locations approved for the interrogation of juveniles is maintained in the Command Reference Library and at the Juvenile Crime Desk.
2. Notify parent/guardian immediately and,
   a. Document notification in digital **Activity Log** including parent/guardian's pedigree information, address and date of birth.
   b. Have juvenile's pedigree information determined by questioning juvenile and/or their parent/guardian.
   c. Verify pedigree information by satisfactory documentary proof, if available.

DESK OFFICER

3. Document the notification to the parent/guardian in Command Log and include parent/guardian pedigree information, address and date of birth.
4. Determine the appropriate charges, including law, section, degree, and subdivision (i.e., Penal Law 120.10 [1], for Assault in the 1st Degree, Subdivision One or Penal Law 160.10 [3], for Robbery in the 2nd Degree, Subdivision Three, etc.).

ARRESTING OFFICER

5. Contact the Juvenile Crime Desk after juvenile is removed to command of detention.

NOTE *The Juvenile Crime Desk will provide arresting officers and supervisors with support twenty-four hours/seven days a week. Arresting officers must call the Juvenile Crime Desk before beginning the arrest process to ensure that any intelligence regarding the juvenile is obtained before the decision whether to release the juvenile to a parent/guardian/adult relative is made. The Juvenile Crime Desk has specialized databases that can provide vital background information on arrested/detained juveniles and those adults taking custody of a juvenile upon recognizance or release.*

6. Provide Juvenile Crime Desk analyst with the following information:
   a. Juvenile's last name, first name, date of birth, and home address;
   b. Parent or guardian's last name, first name, date of birth, and home address;
   c. Whether parent/guardian notification was successful;

ARRESTING OFFICER (continued)

d. Top charge by law, numeric section, numeric subdivision, name and degree (i.e., Penal Law 120.10 [1], for Assault in the 1st Degree, Subdivision One or Penal Law 160.10 [3], for Robbery in the 2nd Degree, Subdivision Three, etc.).

JUVENILE CRIME DESK ANALYST

7. Perform relevant computer checks of the juvenile and the parent/guardian, and advise arresting officer of results.
8. Provide arrest processing support.
9. Make recommendation to remand juvenile or release on recognizance, as appropriate (see *ADDITIONAL DATA*).
10. Provide arresting officer with Family Court return date, if required.

ARRESTING OFFICER

11. Obtain information regarding juvenile's history from the Juvenile Crime Desk analyst.
12. Be guided by responses from Juvenile Crime Desk analyst.
13. Document results of conferral with analyst in digital **Activity Log**.
14. Comply with applicable arrest processing procedures.
15. Telephone Juvenile Crime Desk, as soon as possible, for changes to the following:
    a. Any change in the charge(s) that will amend the status of the juvenile (i.e., upgrade in charge(s) or additional charges, Assistant District Attorney declines to prosecute juvenile in criminal court, etc.)
    b. Inability to make a parental notification or the inability to release the juvenile to a responsible parent/legal guardian/adult relative
    c. Any changes that would amend the Juvenile Crime Desk's previous recommendation (i.e., investigation reveals that juvenile misrepresented his/her actual age or identity, etc.).

JUVENILE CRIME DESK ANALYST

16. Notify the Juvenile Crime Squad for the following offenses:
    a. Any felony
    b. Criminal Possession of Weapon (firearm only)
    c. Reckless Endangerment
    d. Arson.
17. Notify the appropriate investigative unit (i.e., Precinct Detective Squad/Nightwatch for felonies, Burglary/Robbery Apprehension Module (BRAM) for robberies and burglaries, and the respective Special Victims Squad/Child Abuse Squad for serious sex crimes).
18. Notify the Corporation Counsel for the following offenses:
    a. Any Homicide, including attempts (request that a Corporation Counsel representative respond)
    b. Rape 1st Degree (request that a Corporation Counsel representative respond)
    c. Any First Degree Sexual Offense
    d. Assault 1st Degree
    e. Robbery 1st Degree
    f. Any Firearm-Related Offense.

JUVENILE CRIME DESK ANALYST (continued)

19. Make any other necessary notification on the behalf of arresting officer (i.e., Special Victims Squad for sex offenses with minors, etc.) with the exception of the notification to juvenile's parent/guardian.
20. Provide officer with Juvenile Crime Desk – Intake Log number, if appropriate.

ARRESTING OFFICER

21. Document the Juvenile Crime Desk – Intake Log number in the "Narrative" section of the **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)**, or in the "Details" section of the **COMPLAINT REPORT WORKSHEET (PD313-152A)**, and the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

ADDITIONAL DATA

Juvenile Crime Desk personnel will make a recommendation whether to remand or release on recognizance a juvenile based on several factors including the age of the juvenile, the offense charged, the information provided by the arresting officer, and the results of comprehensive background checks of the juvenile and their parent(s). The ultimate decision making authority, however, remains with the supervisor at the detention command. This provides the flexibility to respond to information or circumstances known only to supervisors at the field command. However, the discretion to depart from the recommendations of the Juvenile Crime Desk should be founded on the rationale that the Department will act on the principle of "what is best for the child" balanced by appropriate measures to discourage future criminal behavior. Examples of considerations that should not impact discretion are the availability of vehicles for transport or shortage of personnel. In cases where conditions in the field necessitate a departure from the Juvenile Crime Desk recommendation, the desk officer must confer with a Juvenile Crime Desk supervisor. If after conferral with the Juvenile Crime Desk supervisor, the desk officer's decision is to not follow the recommendation of the Juvenile Crime Desk, the commanding officer of the command of detention, will prepare a report, on ***Typed Letterhead****, to the School Safety Division explaining the reason for the non-compliance.*

School safety agents who detain and remove a juvenile to a police facility for arrest processing or for the issuance of a ***JUVENILE REPORT SYSTEM WORKSHEET*** *and* ***COMPLAINT REPORT WORKSHEET****, as per P.G. 215-08, "On-Line Juvenile Report System," are also required to comply with the above procedure. When school safety agents have removed a juvenile to a police facility for processing, they will notify the School Safety Division (SSD) Operations Center prior to calling the Juvenile Crime Desk. The SSD Operations Center member will issue the agent a SSD Operations Center serial number for entry on a* ***SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)****, if appropriate. When the detention of a juvenile takes place within school grounds, the SSD Operations Center will contact the Juvenile Crime Desk on behalf of the arresting agent, if necessary. This process will ensure that the SSD Operations Center remains aware of all enforcement activity occurring in and around New York City public schools.*

It is not the function of the Juvenile Crime Desk to collect or disseminate statistical data on juveniles and juvenile incidents.

Section: Juvenile Matters	Procedure No: 215-22

REQUESTS FOR ASSISTANCE FROM THE ADMINISTRATION FOR CHILDREN'S SERVICES (ACS) CHILD PROTECTION SPECIALISTS IN RELATION TO AN OFFICIAL ACS INVESTIGATION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 2

PURPOSE To ensure the safety of all persons present when responding to requests for assistance by Administration for Children's Services (ACS) Child Protection Specialists.

SCOPE Police officers may be requested to assist Administration for Children's Services Child Protection Specialists when:

1. Executing an Order of Entry endorsed by a Family Court judge;
2. Executing a Child Removal Order or warrant endorsed by a Family Court judge;
3. Conducting an emergency removal pursuant to *Section 1024 Family Court Act*.
4. The ACS Child Protection Specialist is concerned for his/her personal safety due to suspicion that guns, drugs, or prior or threatened acts of violence against ACS Child Protection Specialists exist.

ACS Child Protection Specialist (CPS) may only request assistance in these matters when a complaint has been lodged with the State Central Registry.

When requesting patrol assistance, ACS Child Protection Specialists are required to provide the reason for the request and a contact cellular telephone number to make outreach easier.

PROCEDURE Upon being dispatched to assist an ACS Child Protection Specialist:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to the scene.
   a. Give dispatcher 10-84 code upon arrival.
   b. Locate the Administration for Children's Services employee.

NOTE *ACS Child Protection Specialists carry cellular telephones issued by their agency. Therefore, police officers may request that the communications section contact the caller to obtain the Child Protection Specialist's exact location.*

2. Confer with ACS Child Protection Specialist at the scene who requested assistance.
   a. Determine specific reason for request for police response.
   b. Obtain copy of Removal/Entry Order(s) or warrant, if that is purpose of request for assistance.

NOTE *In an emergency removal situation the ACS - Child Protection Specialists may not have a warrant or Removal Order.*

3. Request patrol supervisor, if not already present.

PATROL SUPERVISOR

4. Respond and confer with uniformed members of the service and ACS Child Protection Specialist.
5. Determine if precinct detective, borough Special Victims or Child Abuse squads have an open case regarding this family, if possible.
6. Review Entry/Removal order(s) from ACS, if applicable.
   a. Confer with Legal Bureau if question as to validity of the order exists. Be guided by response from Legal Bureau personnel.
7. Determine if additional Department resources are needed.

UNIFORMED MEMBER OF THE SERVICE

8. Ensure the safety of all persons present.
9. Aid in carrying out Entry/Removal order(s), if applicable.
10. Follow *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children,"* if arrest is required for child abuse or neglect.
11. Follow appropriate complaint or arrest procedure for other cases involving criminal activities, if appropriate.
12. Make an entry in digital **Activity Log** including:
    a. ACS Child Protection Specialist's name.
    b. Specific purpose of the request for assistance (see SCOPE statement 1 through 4).
    c. ACS case number. (Also known as "State Connections" ID #).

PATROL SUPERVISOR

13. Take appropriate action.

ADDITIONAL DATA

When an ACS Child Protection Specialist appears at a police facility and requests assistance as outlined in this procedure, the desk officer will ensure that the communications section is notified in a timely manner and a 10-68A code is dispatched. The desk officer will direct the Child Protection Specialist to the scene to await patrol response.

A new radio code (10-68A) has been created for "Request for Assistance to ACS Child Protection Specialists."

Nothing is to preclude a police officer from taking police action if evidence of criminal activity exists.

RELATED PROCEDURES

Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)
Family Court Warrant for Child Abuse/ Neglect Cases (P.G. 215-04)
Preliminary Investigation of Complaints (Other Than Vice Related or Narcotics Complaints) (P.G. 207-07)

PURPOSE To provide for the appearance of arresting officers at the weekend Department of Probation intake location, at the Corporation Counsel office, when a juvenile delinquent has been taken into custody, delivered to the appropriate facility designated by the Administration for Children's Services (ACS), and the respective borough Family Court will not be in session due to the weekend or court holiday.

DEFINITIONS BOROUGH FAMILY COURT- A location in the borough of arrest where juvenile delinquents are routinely brought to be arraigned during non-holiday weekdays.

WEEKEND/HOLIDAY COURT PROCESSING – When a juvenile delinquent is taken into custody and does not qualify for personal recognizance and the borough Family Court will not be in session the next calendar day due to the weekend or holiday, the arresting officer will appear at Manhattan Criminal Court to process the arrest.

MANHATTAN CRIMINAL COURT – All weekend/holiday juvenile delinquent court processing will take place at Manhattan Criminal Court. The Manhattan Criminal Court is located at 100 Centre Street.

PROCEDURE When a juvenile delinquent has been taken into custody and does not qualify for personal recognizance and the borough Family Court will not be in session the next calendar day due to the weekend or court holiday:

DESK OFFICER

1. Notify the Juvenile Crime Desk when juvenile is detained and removed to a police facility.
2. Provide detained juvenile's pedigree, primary charge and any other information the Juvenile Crime Desk analyst requests.
3. Ensure multiple arrests resulting from one incident, which will be arraigned in Family Court and Criminal Court, are separated and assigned to two different arresting/assigned officers.
   a. Be guided by *P.G. 208-20, "Turnover Arrests"* when re-assigning an arrest.
   b. Ensure assigned officer is given arrest(s) which will be arraigned in Criminal Court.

NOTE *Due to the challenges that may occur when processing prisoners in two different courts (Family and Criminal Court), it is mandated that an arrest involving an adult/juvenile offender/adolescent offender and juvenile delinquent be separated and assigned to different officers (e.g., juvenile delinquent processed in Family Court; adult prisoner/juvenile offender/adolescent offender processed in Criminal Court). The assigned officer given the arrest(s) that will be arraigned in Criminal Court must re-interview the complainant/witness in order to prevent double "hearsay."*

JUVENILE DESK ANALYST

4. Perform required information inquires.
5. Inform desk officer of recommendation to either deliver juvenile into the custody of the Department of Juvenile Justice or release juvenile delinquent on personal recognizance.
6. Ascertain whether juvenile will be lodged at the appropriate facility designated by the Administration for Children's Services (ACS), prior to 0600 hours.
   a. If juvenile is lodged prior to 0600 hours, the arresting officer will be required to appear that same day at Manhattan Criminal Court to complete the arrest process (only if that day is a Saturday, Sunday or official court holiday).
   b. If juvenile is lodged after 0600 hours, the arresting officer will be required to appear the following day at Manhattan Criminal Court to complete the arrest process (only if that day is a Saturday, Sunday, or official court holiday).
7. Inform desk officer of arresting officer's mandatory appearance for a Weekend/Holiday Pre-Petition Detention Hearing at Manhattan Criminal Court, pursuant to step "6 a or b."

DESK OFFICER

8. Have juvenile NOT eligible for personal recognizance or for whom NO application for personal recognizance was made delivered to the appropriate facility designated by the Administration for Children's Services (ACS).
9. Have officer delivering juvenile to the appropriate facility designated by the Administration for Children's Services (ACS) provide Department of Juvenile Justice intake personnel with one copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, **COMPLAINT REPORT (PD313-152)**, if prepared, and **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT (PD277-151)**.
10. Direct arresting officer to appear at 100 Centre Street, Room 132, at 0900 hours the following weekend or court holiday morning.
11. Ensure that parent/legal guardian of juvenile delinquent and complainant(s)/ victim(s) in the case are notified and informed of the time and location to be present at Manhattan Criminal Court for the juvenile delinquent's court arraignment.

ARRESTING OFFICER

12. Report to Manhattan Criminal Court, 100 Centre Street, at 0900 hours the next calendar day, if the borough Family Court will not be in session due to weekend and/or court holiday in order to begin juvenile arraignment process.
13. Bring two copies of arrest paperwork for each juvenile delinquent taken into custody and delivered to the appropriate facility designated by the Administration for Children's Services (ACS).
14. Sign-in at the Manhattan Court Section desk in Room 132 and be guided by court section supervisor.

ARRESTING OFFICER (continued)

15. Report to the 14th floor for conferral with representatives from the Department of Probation and Corporation Counsel, for preparation of Family Court complaint and possible testimony at a pre-petition detention hearing.
    a. Provide both the probation officer and the Assistant Corporation Counsel handling the case with one copy of arrest paperwork each.
16. Upon being excused by Corporation Counsel following arraignment, report to Room 132 to sign-out.
17. Inform court section supervisor and desk officer of command, if notified by judge or Corporation Counsel, to appear for subsequent hearings.

DESK OFFICER

18. Make entry in Telephone Record pertaining to required uniformed member's appearance for subsequent hearings.
19. Ensure Appearance Control Unit is notified the next business day of requested appearance.
20. Notify the operations coordinator and integrity control officer of any mandatory overtime and/or appearance for members of the service who are required to be present at court on a weekend or court holiday.

NOTE

Due to the possibility of short-date notifications, desk officers should be aware that the Corporation Counsel may contact the command to have a uniformed member notified for a court appearance. When a member of the service is not at the command (i.e., regular day off, at a training session, etc.) the desk officer will attempt to notify the member of the service by telephone. All such attempts must be documented in the Telephone Record.

ADDITIONAL DATA

Members of the service are reminded to adhere to current Department procedures when obtaining a return date for an ***APPEARANCE TICKET-FAMILY COURT (PD277-130)*** *for juvenile(s) released on personal recognizance. Return dates for juvenile(s) released on personal recognizance do not have to coincide with a Weekend/Holiday Pre-Petition Detention Hearing scheduled for juvenile(s) delivered to the appropriate facility designated by the Administration for Children's Services (ACS). Arraignments for juveniles released on personal recognizance can be held at a later date.*

Desk officers are reminded of their obligation to forward DNA, narcotics and firearm evidence to the Police Laboratory in a timely manner as outlined in P.G. 218-04, "Delivery of Evidence to the Police Laboratory" and P.G. 218-49, "Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME)."

Desk officers will ensure uniformed members of the service are provided with a means of transportation to Manhattan Criminal Court. School Safety personnel will contact their Operations Desk in order to coordinate transportation to Manhattan Criminal Court.

If a complainant/victim has difficulty in finding transportation to Manhattan Criminal Court, a reasonable effort should be made by the command to provide transportation. Under no circumstances will such effort take priority over the field operations of the command.

The Manhattan Court Section desk is located in Room 132 at Manhattan Criminal Court, 100 Centre Street.

ADDITIONAL DATA (continued)

Members of the service are reminded that any subsequent hearings following a weekend or court holiday appearance at Manhattan Criminal Court will be conducted in the borough Family Court (borough origin of complaint).

NYPD

PURPOSE To ensure official Department photographs of juveniles charged as juvenile delinquents, juvenile offenders, or as adolescent offenders, are taken at the time of arrest, when legally permissible, and are stored in the Photo Manager System for investigatory purposes.

PROCEDURE When a juvenile is arrested and charged as a juvenile delinquent, juvenile offender, or adolescent offender:

DESK OFFICER

1. Direct arresting officer to contact Juvenile Crime Desk, as per P.G. 215-21, "Utilization of the Juvenile Crime Desk" after juvenile is removed to command of detention; and, comply with *Patrol Guide 215-09, "Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender)"* or *Patrol Guide 215-10, "Arrest of Juvenile Offender,"* as appropriate.
2. Determine if the offense for which the juvenile is charged allows him/her to be photographed.
   a. Photographs will be taken of juveniles charged with juvenile delinquency as follows:
      i. 11 or 12 years of age and charged with a class "A" or "B" felony
      ii. 13, 14, 15, 16 or 17 years of age and charged with <u>any</u> felony.
   b. Photographs will be taken of all juveniles charged as juvenile offenders and adolescent offenders.
3. Ensure juvenile is properly placed in front of the "Photograph Background Board" prior to taking the arrest photograph utilizing the command's Digital Camera Capture Station System.

NOTE *In all cases in which photographs are taken of juveniles as part of this procedure, the newly created "Photograph Background Board" MUST be used. This gray colored board is used to ensure that all juvenile photographs have the same color background.*

Should the Photograph Background Board need to be repaired or replaced, notify the Facilities Management Division.

Absent unusual circumstances, the new Photograph Background Boards should also be used for adult digital Prisoner Movement Slip photographs.

4. Direct the arresting officer to photograph the juvenile delinquent or juvenile offender utilizing the command's Digital Camera Capture Station System.

NOTE *The official arrest photograph for juveniles charged as juvenile delinquents will be the photograph taken at the command of arrest utilizing the Digital Camera Capture Station System.*

NOTE (continued) *The official arrest photograph for juveniles charged as juvenile offenders will be the photograph taken at the borough court section booking facility. However, if a determination is subsequently made to charge the juvenile as a juvenile delinquent and not a juvenile offender, then the official arrest photograph taken at the borough court section booking facility will be deleted, and the Digital Camera Capture Station System photograph will become the official arrest photograph.*

ARRESTING OFFICER

5. Properly place juvenile in front of the "Photograph Background Board" prior to taking the arrest photograph.
6. Take one full frontal photograph of the juvenile utilizing the command's Digital Camera Capture Station System, and crop the image to obtain a centered, straight-on, in-focus photograph of the juvenile.
   a. If the juvenile wears prescription eyeglasses, take one photograph with eyeglasses and one without eyeglasses.
7. Take one side-view photograph of the right side of the face of the juvenile.
   a. Turn the juvenile to the left so the right side of the face is photographed.
   b. If the juvenile wears prescription eyeglasses, take one photograph with eyeglasses and one without eyeglasses.

NOTE *Under **no circumstances** should intimate areas of the body (e.g., breast, lower waist area, buttocks, etc.) be exposed or photographed.*

8. Ensure the following when taking photographs:
   a. No other person is in the photograph,
   b. Juvenile's face is expressionless,
   c. Juvenile is not photographed while laughing, smiling, biting their lips or pursing their lips,
   d. Juvenile has eyes open,
   e. Juvenile is standing straight,
   f. Sunglasses and hats are removed,
   g. Hair is not covering the face,
   h. If the juvenile is wearing a turtle-neck sweater, hooded sweatshirt, or a garment with a large collar, the garment will be folded down to allow as much of the juvenile's neck to be seen as possible.
9. Save the juvenile's image if the requirements listed in steps "5," "6," "7," and "8" are satisfied.

NOTE *The digital capture system will automatically verify the quality of the photograph taken. The member of the service will have three attempts to take a photograph that passes validation. Only after three unsuccessful attempts may a member override the validation and submit a photo. All photographs taken with the digital capture system, including DESK APPEARANCE TICKETS (DATs), are subject to this quality control procedure and must pass validation.*

If the juvenile refuses to be photographed, the arresting officer will notify the desk officer. The desk officer will attempt to obtain compliance from the juvenile. If the juvenile continues to refuse to be photographed, the desk officer will confer with the Legal Bureau.

ARRESTING OFFICER (continued)

10. Return juvenile to the area designated for the interrogation of juveniles and continue arrest processing.
11. Generate digital Prisoner Movement Slip with digital photograph using the Digital Camera Capture Station System, and retain with juvenile.

DESK OFFICER

12. Ensure the arrest is based upon Probable Cause and the arrest was made in compliance with Department procedures and arrest photographs of the juvenile are taken in compliance with the requirements listed in step "2."
13. Confer with Juvenile Crime Desk regarding juvenile arrest and juvenile arrest photograph procedures including the requirements listed in steps "2", "5," "6," "7," and "8."
14. If a juvenile arrest is voided **OR** if juvenile arrest photographs were not taken in compliance with the requirements listed in step "2" **OR** if juvenile arrest photographs were inadvertently "accepted" when they should have been "rejected", prepare a **Typed Letterhead** addressed to Director, Photographic Services requesting arrest photograph and arrest record / information be deleted from the system and explaining the reasons for deletion (see *ADDITIONAL DATA*).
    a. E-mail the **Typed Letterhead** to the Photographic Unit
    b. Make an entry in the Command Log stating the date and time the **Typed Letterhead** was e-mailed to the Photographic Unit and explaining the reasons why the arrest photograph had to be deleted.

ADDITIONAL DATA

*Pursuant to the Family Court Act, juvenile delinquent arrest photographs must be kept confidential and in the exclusive possession of the Department. Juvenile delinquent arrest photographs must also be kept separate from adult arrest photographs and juvenile offender arrest photographs. Additionally, pursuant to the Family Court Act, the Department may **ONLY** retain juvenile delinquent arrest photographs:*

1. *During the pendency of the Family Court proceeding that is the subject of the arrest.*
2. *Following the disposition of the Family Court proceeding that is the subject of the arrest, only upon the conviction of a juvenile 11 or 12 years of age, for a class "A" or "B" felony OR the conviction of a juvenile 13, 14, 15, 16 or 17 years of age for any felony.*

In all other circumstances, ALL copies of juvenile delinquent arrest photographs must be retrieved and destroyed.

To ensure compliance with the strict controls mandated by the Family Court Act, members of the service must comply with the following guidelines concerning juvenile delinquent arrest photographs:

a. *Juvenile delinquent arrest photographs and adult arrest photographs should never be displayed together.*
b. *Juvenile delinquent arrest photographs and juvenile offender arrest photographs should never be displayed together.*
c. *Juvenile delinquent arrest photographs must be treated as confidential and retained in the exclusive control of the Department.*

ADDITIONAL DATA (continued)

d. Juvenile delinquent arrest photographs will not be printed from the Photo Manager System except: (1) to create and preserve a copy of a photo array displayed to a victim / witness; or (2) to preserve a copy of an arrest photograph identified by a victim / witness during a Mugshot photo viewing identification procedure; or (3) to assist in the execution of a Family Court warrant for the charge that is the subject of the arrest for which the juvenile delinquent arrest photograph was taken and entered into the Photo Manager System; or (4) to generate a digital Prisoner Movement Slip. If there are questions concerning the printing of juvenile delinquent arrest photographs from the Photo Manager System, confer with the Legal Bureau. Member in non-investigative assignment will record such conferral in digital ***Activity Log****. Member in investigative assignment will record such conferral in the appropriate manner in the related electronic case file or non-electronic case folder.*

e. Juvenile delinquent arrest photographs will not be provided to outside agencies, including other law enforcement agencies, except the District Attorney's Office, NYC Corporation Counsel's Family Court Division or US Attorney's Office, when requested. If there are questions concerning the distribution of juvenile delinquent arrest photographs to other agencies, confer with the Legal Bureau. Member in non-investigative assignment will record such conferral in digital ***Activity Log****. Member in investigative assignment will record such conferral in the appropriate manner in the related electronic case file or non-electronic case folder.*

f. Juvenile delinquent arrest photographs will not be used for wanted flyers.

g. Juvenile delinquent arrest photographs will not be used for missing person flyers without permission from the Legal Bureau.

h. Juvenile delinquent arrest photographs will not be released to the media.

SAMPLE OF TYPED LETTERHEAD

POLICE DEPARTMENT
CITY OF NEW YORK

[DATE]

From: [RANK, NAME, COMMAND]

To: Director, Photographic Services

Subject: ***REQUEST FOR DELETION OF JUVENILE DELINQUENT ARREST PHOTOGRAPHS AND RECORDS / INFORMATION***

1. On [DATE], [RANK] [FULL NAME] [TAX REGISTRY #], arrested [JUVENILE'S FULL NAME], [ARREST NUMBER], as a juvenile delinquent for [CHARGES]. Arrest photographs of the respondent were erroneously taken due to the fact that [STATE REASON(S) WHY DELETION IS NECESSARY].

2. Based upon the forgoing facts, I request that all copies of arrest photographs and arrest records / information be deleted.

3. For your information and appropriate attention.

[SUPERVISOR'S FULL NAME]
[SUPERVISOR'S RANK]

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-25	
CHILD CUSTODY EXCHANGES OCCURRING AT NEW YORK CITY POLICE DEPARTMENT FACILITIES			
DATE ISSUED: 03/21/18	DATE EFFECTIVE: 03/21/18	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide a safe and neutral environment to perform child custody exchanges.

DEFINITION CHILD CUSTODY EXCHANGE – The physical exchange of a child from one party to another.

PROCEDURE When a member of the service is notified by a person that they are present at a Department facility for the purpose of conducting a child custody exchange, as stipulated by a New York City Family Court order:

MEMBER OF THE SERVICE

1. Notify the desk officer.

DESK OFFICER

2. Designate a uniformed member of the service to monitor the child custody exchange.
3. Make an entry in the Command Log and record, for each party present, the date and time of arrival, the person's full name, address, date of birth, and the name of the uniformed member of the service monitoring the child custody exchange.

UNIFORMED MEMBER OF THE SERVICE

4. Ensure party is fit to take custody of child (i.e., not under the influence of controlled substances, etc.).
5. Monitor the child custody exchange.
6. Encourage parties to leave Department facility at staggered departure times.

DESK OFFICER

7. Enter in the Command Log the time of departure, for each party.

ADDITIONAL DATA *Members of the service are reminded that the Department has no authority to take enforcement action where one or more parties involved in the child custody exchange refuses to comply, wholly or in part, with the exchange. In such circumstances, members of the service will advise the parties to return to the court, which issued the visitation order to gain compliance. However, should a verbal dispute or offense arise during the course of a child custody exchange, members of the service will comply with P.G. 208-36, "Family Offenses/Domestic Violence."*

Section: Juvenile Matters		Procedure No: 215-27
SCHOOL RELATED THREATS AT A NYC DEPARTMENT OF EDUCATION SCHOOL/PROPERTY		
DATE EFFECTIVE: 12/02/22	LAST REVISION: I.O. 116	PAGE: 1 of 2

PURPOSE To ensure a thorough investigation is conducted regarding school-related threats received at a NYC Department of Education school/property.

DEFINITION SCHOOL-RELATED THREAT – A threat with no corroborating evidence to support that it will be carried out (e.g., jokes or statements made in anger that are expressions of feelings, or figures of speech, rather than expressions of a genuine intent to harm someone).

PROCEDURE When a school-related threat has been made at a NYC Department of Education school/property:

UNIFORMED MEMBER OF THE SERVICE

1. Confer with School Safety Division Counterterrorism Unit prior to taking enforcement action against a student regarding school-related threats.
2. Ascertain from principal/school staff any pertinent information about student and specific details of threat.
3. Request response of patrol supervisor.

SCHOOL SAFETY DIVISION COUNTER-TERRORISM UNIT

4. Make recommendation regarding threat based on factors that are determined by the Commanding Officer, School Safety Division.
5. Comply with *P.G. 215-17, "Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property"* when taking enforcement action in a NYC Department of Education facility, or on NYC Department of Education property.

PATROL SUPERVISOR

6. Ensure conferral was made with School Safety Division Counterterrorism Unit.
7. Confer with School Safety Division Counterterrorism Unit supervisor when:
   a. There is disagreement with recommendation from School Safety Division Counterterrorism personnel.
8. Notify commanding officer/duty captain, if not in agreement with recommendation of School Safety Division Counterterrorism Unit supervisor.

COMMANDING OFFICER/ DUTY CAPTAIN

9. Review circumstances of incident.
10. Confer with School Safety Division Counterterrorism Unit, if necessary.
11. Make final determination regarding action to be taken.

ADDITIONAL DATA *This procedure does not preclude a member of the service from ensuring the safety of other students and school administrators when responding to a school-related incident. In the event a member of the service develops information that a subject may be connected to terrorism, he or she must comply with P.G. 212-110, "Communications Between the Intelligence Division and Units in the Field Regarding Suspected Terrorist Activity."*

ADDITIONAL DATA (continued)

Threats made by students materialize in a myriad of ways (e.g., social media accounts, e-mail, phone, letter, fax, word of mouth, etc.). These communications require a thorough investigation before a student is formally charged with a crime. Presently, the School Safety Division Counterterrorism Unit is the central repository of all threats affecting the New York City school system. Their knowledge and expertise regarding the severity of threats will assist responding officers with making a final determination of whether an arrest of a student(s) is warranted, or if the incident should be referred back to the school for appropriate discipline and/or counseling. When notified, School Safety Division Counterterrorism Unit personnel will assess the exigency of the alleged threat to determine if it is a low-level, unverified threat with little substantive evidence to warrant detention, or if the threat is serious enough to support a charge based on probable cause. Furthermore, School Safety Division Counterterrorism Unit personnel will make follow-up notifications corresponding to the appropriate threat level.

When the School Safety Division Counterterrorism Unit determines that the incident in question is a low-level, unverified threat and is being referred back to the school for discipline, and/or no further investigation is needed, it is not necessary to notify the Intelligence Division in regard.

RELATED PROCEDURES

Arrests - General Processing (P.G. 208-03)
Prisoners General Procedure (P.G. 210-01)
Truants (P.G. 215-07)
On-Line Juvenile Report System (P.G. 215-08)
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)
Personal Recognizance Juvenile Delinquent (P.G. 215-12)
Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs (P.G. 215-13)
Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property (P.G. 215-17)

POLICE DEPARTMENT CITY OF NEW YORK

PURPOSE To provide safe transport for children in Department vehicles.

PROCEDURE When transporting a child under the age of eight in a Department vehicle:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer in order to arrange to have a child car seat and/or booster seat delivered to the scene.

DESK OFFICER

2. Ensure uniformed member of the service placing child in child car seat or booster seat has been trained in its use and installation.

UNIFORMED MEMBER OF THE SERVICE

3. Ensure child is placed safely in appropriate safety seat, and that safety belts are in working order and properly buckled.
4. Notify radio dispatcher of the presence of a child, the time entering the Department vehicle, their gender and the beginning mileage.
   a. Notify the radio dispatcher of the time the child exited Department vehicle and ending mileage upon arrival at destination.
5. Enter in digital **Activity Log**:
   a. Time trip starts,
   b. Identity of child transported,
   c. Place of beginning and end of trip,
   d. Purpose of trip,
   e. Time trip ends, and
   f. Notation a child car seat and/or booster seat was utilized.

DESK OFFICER

6. Inspect child car seat and booster seat at the start of every tour to ensure:
   a. Restraints are in proper working order
   b. Restraints are not beyond expiration.
7. Notify operations coordinator, if defective or expired.

OPERATIONS COORDINATOR

8. Verify child car seat and booster seat are properly secured in the command, and in proper working order.
   a. Order new child car seat and/or booster seat, as necessary.

TRAINING SERGEANT

9. Ensure that all uniformed members of the command have been appropriately trained in the use and installation of child car seats and booster seats.

ADDITIONAL DATA *All children under the age of eight must be properly secured in a restraint system while riding in a motor vehicle. Children under the age of four must be secured in a child car seat. If they are under the age of two, the seat must be facing the rear of the vehicle. The booster seat must be utilized for children aged four to seven. Both the child car seat, and the booster seat, must only be used in the back seat of the vehicle.*

RELATED PROCEDURES

Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Emergency Removals or Investigations and Reporting of Abused, Neglected or Maltreated Children (P.G. 215-03)

NYPD
POLICE DEPARTMENT CITY OF NEW YORK

PURPOSE To electronically record custodial interrogations of juveniles for any offense.

DEFINITION JUVENILE – An individual who is at least 7, but less than 18 years of age, who will undergo a custodial interrogation for any offense.

PROCEDURE When a uniformed member of the service conducts a custodial interrogation of a juvenile regarding any offense:

INVESTIGATOR

1. Immediately notify unit supervisor or, if applicable, supervisor from Bureau concerned.
2. Notify Juvenile Crime Desk (24 hours a day/seven days a week), when a juvenile is taken into custody.
   a. Have age determined by questioning juvenile or parent/guardian.
   b. Verify age by satisfactory documentary proof.
3. Notify parent/guardian immediately and document notification in Enterprise Case Management System (ECMS) case file and **Omniform Complaint Revision**.
4. Detain juvenile in authorized command juvenile room until such time as the electronic recording of juvenile interrogation is set to commence.
5. Activate electronic recording equipment and ensure it is properly functioning and recording prior to subject being escorted into Interrogation Room.
6. Utilize recording software to create a "new case" and fill in required fields, as prompted.
7. Comply with *D.G. 502-30, "Electronic Recording of Custodial Interrogations,"* as appropriate.
8. Remove juvenile from authorized command juvenile room and place juvenile into activated and recording squad Interrogation Room.

NOTE *At no time will adult and juvenile prisoners be detained in the same holding pen. Juvenile delinquents, juvenile offenders, and adolescent offenders must be held in the location in the stationhouse specifically designated as suitable for the interrogation of juveniles, unless they are 18 years of age or older at the time of arrest.*

When a detective squad has more than one Interrogation Room, only the Interrogation Room equipped with electronic recording equipment is authorized as a location suitable for the interrogation of juveniles.

9. Ensure that parent/guardian is present in Interrogation Room during the interrogation
10. Advise at the same time, juvenile AND parent/guardian of rights as stated in **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)** prior to interrogation.

NOTE *The juvenile may be questioned if the juvenile waives their rights in the presence of the parent/guardian. The parent/guardian does not have to separately waive the Miranda rights; they only need to be advised of such rights. However, if the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur even if the juvenile is willing to answer questions.*

Should a subject invoke their right to counsel prior to commencing an electronic recording of a custodial interrogation, all uniformed members of the service are strictly prohibited by operation of law, from administering new Miranda warnings for the purpose of electronically capturing the administration of those Miranda warnings on video. Should a subject invoke right to silence, then uniformed members of the service should adhere to the following:

1. If conversation is initiated by the subject, uniformed members of the service should commence Electronic Recording of Custodial Interrogation, or

2.. If a uniformed member of the service wishes to reengage the subject in conversation, a minimum waiting time of two hours must be scrupulously honored.

INVESTIGATOR

11. Telephone the Information Technology Bureau (ITB) Service Desk and speak with a supervisor if there are any technical problems or questions.

UNIT SUPERVISOR

12. Respond to involved unit and remain until the completion of custodial interrogation.
13. Ensure parent/guardian is notified, and such notification is documented.
14. Notify precinct youth coordination officer of presence of juvenile.
15. Ensure that parent/guardian is present in Interrogation Room during interrogation.
16. Ensure that a notification is made to the commanding officer or, if applicable, duty captain of the bureau concerned.
17. Comply with *D.G. 502-30, "Electronic Recording of Custodial Interrogations."*

UNIT COMMANDING OFFICER/ DUTY CAPTAIN

18. Respond to involved unit, if appropriate.
19. Ensure assigned unit supervisor is present at place of interrogation and supervises until completion of custodial interrogation.
20. Notify Legal Bureau with legal problems or questions as follows:
    a. Monday through Friday, from 0800 hours to 2230 hours and speak with a supervising attorney, and
    b. All other times, telephone Operations Division and speak with a supervisor.

ADDITIONAL DATA *Section 305.2 of the Family Court Act requires that all juvenile interrogations, regardless of the crime being investigated, that take place in an Office of Court Administration (OCA) approved juvenile room (e.g., precinct juvenile room, detective squad interrogation room), be recorded in their entirety. This includes the notice of rights provided to the juvenile. Furthermore, persons recorded must be identifiable and their speech intelligible. A copy of the recording will be subject to discovery.*

ADDITIONAL DATA (continued)

Moreover, the good faith exceptions that apply to video recording requirements for adults do not apply to juveniles. There are no exceptions to the requirement that juvenile confessions be recorded when taking place in an OCA approved juvenile room. Therefore, an unrecorded statement will be inadmissible even if the lack of recording was because of equipment malfunctions or because the juvenile/guardian refused to recorded.

NYPD

PURPOSE To render necessary aid, take corrective or summary action and prepare the prescribed forms.

DEFINITIONS AIDED CASE - Any occurrence coming to the attention of a uniformed member of the service which requires that a person, OTHER THAN A PRISONER, receive medical aid or assistance because such person is:

a. Sick or injured (except vehicle or bicycle collision)
b. Dead (except vehicle or bicycle collision)
c. Lost person
d. Mentally ill
e. An abandoned, destitute, abused or neglected child
f. Runaway child
g. Adult/child requiring care due to arrest, hospitalization, death of parent/guardian/person responsible for care
h. Homeless individual.

NOTE *Contact with homeless individuals resulting from outreach efforts will be recorded by selecting the "Other (Explain in Details)" check box on the **AIDED REPORT** and including the circumstances of the contact under the "Details" section of the **AIDED REPORT**.*

ROUTINE SICK AT HOME - Requires ONLY a digital **Activity Log** entry if aided is at any residence AND

a. Is conscious and properly identified
b. No other police service or notification is required
c. No dependent adults or uncared for children are in household
d. No other investigation is needed.

NOTE *Ascertain that ambulance is responding and resume patrol.*

ROUTINE SICK IN NURSING HOMES - Uniformed members of the service will NOT respond to sick cases in nursing homes. However, other than a routine sick case (injury, cardiac, D.O.A., etc.), a uniformed member will respond to the nursing home, prepare an **AIDED REPORT**, and make necessary notifications.

PROCEDURE Upon arrival at the scene of an aided incident:

UNIFORMED MEMBER OF THE SERVICE

1. Render reasonable aid to sick or injured person.
   a. Refer individual to NYC Well and provide a **NYC WELL PALM CARD (PD154-181)**, if appropriate (see ADDITIONAL DATA).
2. Request an ambulance or doctor, if necessary.
   a. If not assigned to patrol, request dispatcher to assign patrol unit concerned

UNIFORMED MEMBER OF THE SERVICE (continued)

b. If aided person is wearing a Medic Alert Emblem indicating diabetes, heart disease, etc., notify radio dispatcher and bring to the attention of ambulance attendant. Do not remove Emblem.

3. Wait in view to direct the ambulance or have a responsible person do so.
4. Make a second call in twenty minutes if ambulance does not arrive.
5. Make digital **Activity Log** entry.
   a. Include name of person notified regarding Medic Alert Emblem
   b. Include Ambulance Call Report (ACR) number or Patient Care Report (PCR) number related to the aided (obtain from the responding ambulance attendant).
6. Accompany unconscious or unidentified aided to hospital in body of ambulance.
   a. Witness search by hospital authorities and sign hospital property record as witness
   b. Examine property removed in attempt to determine identity of aided
   c. Record, in digital **Activity Log**, a list of property removed and identity of person conducting search.

NOTE *When a uniformed member of the service responds to an aided case and finds that the aided has been removed from the scene prior to the arrival of the member, such member will ascertain the location of the aided and obtain all information necessary for preparation of **AIDED REPORT**.*

7. Obtain name, address and telephone number of relative or friend for notification.
8. Prepare **AIDED REPORT**.
   a. Include under "Details," name of person notified regarding Medic Alert Emblems worn.

ALL AIDED CASES:

UNIFORMED MEMBER OF THE SERVICE

9. Have relatives/friends notified if aided is admitted to a hospital or dies.
10. Classify aided "Unidentified" if unable to make identification and inform desk officer.
11. Submit **AIDED REPORT** to desk officer.

DESK OFFICER

12. Ascertain that notification has been made or comply with *P.G. 216-03, "Unidentified Persons."*
13. Review **AIDED REPORT** for accuracy and completeness.

NOTE *In cases where a death has occurred or the person is seriously injured and likely to die, the desk officer will ensure that a notification is made in a timely manner and document the time and date of the notification as well as the name of member making notification under caption "Notification" on the **AIDED REPORT**.*

14. Process **AIDED REPORT** in accordance with *P.G. 216-02, "Preparation of Aided Report."*

DESK OFFICER (continued)

15. Notify the New York City Human Resources Administration Adult Protective Services to obtain care for a dependent adult due to arrest, hospitalization or death of a guardian.

ADDITIONAL DATA

When an aided person is placed in care of ambulance or medical personnel at a hospital, the authority and responsibility for the medical care of the aided rests solely with hospital personnel.

Uniformed members of the service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner.

If a person is unconscious in a manhole, the uniformed member of the service concerned should immediately request the services of the Emergency Service Unit. If there is reason to believe that the victim was asphyxiated by lack of oxygen, or toxic gas in the manhole, the member WILL NOT DESCEND into the manhole unless equipped with a self-contained oxygen breathing apparatus such as a Scott Air Pack, NOT a filter mask as used by the military. If a person is unconscious in a manhole and there is reason to believe the atmosphere in the manhole is safe, the member concerned, before descending into the manhole, shall obtain a rope or similar article and tie the rope, etc., securely around his/her body. A capable person outside the manhole should hold the free end.

A member of the service (uniformed or civilian) who receives a report of a crime involving personal physical injury, death or loss of essential personal property to an innocent crime victim will notify the victim, or a dependent or surviving relative, of the State Crime Victim's Compensation Program and that additional information and applications are available at any precinct stationhouse, police service area or transit district.

Whenever a uniformed member of the service is present at the scene of an aided case that is not life threatening, and there is a difference of opinion between the aided, aided's family, or other interested parties and Emergency Medical Service (EMS) personnel relative to the medical treatment or removal of the aided to a hospital, the member concerned will IMMEDIATELY request the patrol supervisor and an EMS supervisor to respond to the scene. If the patrol supervisor is not available, the Communications Section dispatcher will automatically direct the patrol supervisor from the adjoining command to respond without delay.

The patrol supervisor will immediately respond to ascertain the facts, and if the situation is resolved, the request for the EMS supervisor will be canceled. If the situation cannot be properly resolved, the patrol supervisor will make a second request for an EMS supervisor to respond to the scene.

When responding to an aided case, and the aided is the victim of domestic violence, uniformed members concerned will ensure that photographs are taken of the visible injuries, as per Patrol Guide 208-39, "Family Offenses/Domestic Violence (Digital Photography of Visible Injuries/Damaged Property)."

NYC Well is a treatment referral program for individuals or families in need of counseling assistance outside the purview of this Department (e.g., drug/alcohol abuse, mental health related issues, the lonely and confused, etc.). Members of the service responding to aided

ADDITIONAL DATA (continued)

*cases encountering such individuals or families are directed to give to them a **NYC WELL PALM CARD**, which contains the program's contact information. NYC Well personnel can be reached by a toll-free number, text, or via website, 24 hours a day, 7 days a week. Texting and live chat services are available in various languages. NYC Well is not intended as an alternative means by which to handle mentally ill or emotionally disturbed persons who may pose a danger to themselves or others. In such situations, members will comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

Uniformed members of the service at the scene of an incident at which an aided is acting in a deranged, erratic manner apparently caused by a drug overdose (e.g., cocaine psychosis, angel dust, heroin overdose, etc.) will request the response of the patrol supervisor. If an ambulance is not immediately available, the supervisor will determine if aided should be removed to the appropriate hospital by utilizing an RMP or await the arrival of an ambulance. The aided is not to be brought to a police facility.

Cocaine induced psychosis or other illegal drug usage may cause violent behavior, which may be a means of self-defense against imagined persecutors. In addition to paranoia, the individual may experience visual, auditory, or tactile (e.g., bugs crawling under the skin, etc.), hallucinations, high body temperature and seizures. Since sudden death may ensue, uniformed members of the service are reminded to have such person brought to an appropriate hospital facility and NOT TO A POLICE FACILITY.

*Pending arrival of an ambulance, the uniformed member should allow a sick/injured person to be treated by a doctor, emergency medical technician or paramedic, if such person volunteers his/her services, and the uniformed member reasonably believes the volunteer is a professional. The medical attention should take place, if possible, under the observation of the member concerned. When the emergency situation is under control, request identification from volunteer, including name and address, and record information in digital **Activity Log** and under "Details" on **AIDED REPORT**. The volunteer's role is limited to providing medical assistance ONLY. Determination regarding removal procedures via ambulance, Medivac, etc., will be determined by Emergency Medical Service personnel.*

RELATED PROCEDURES

Arrests - Removal to Department Facility for Processing (P.G. 208-02)
Family Offenses/Domestic Violence (Digital Photography of Visible Injuries/Damaged Property) (P.G. 208-39)
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Runaway Children (P.G. 215-05)
Preparation of Aided Report (P.G. 216-02)
Unidentified Persons (P.G. 216-03)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Notifications (P.G. 216-15)
Safeguarding Property of Deceased Persons (P.G. 218-28)

FORMS AND REPORTS

AIDED REPORT
NYC WELL PALM CARD (PD154-181)

PURPOSE To provide statistical data and record occurrences and services rendered.

PROCEDURE To record an aided case:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **AIDED REPORT** utilizing the Finest Online Records Management System (FORMS).
   a. Complete all boxes with captions pertaining to the aided case.
   b. Document the type of "Treatment" the aided received on **AIDED REPORT** using the appropriate caption (i.e., "Removed to Hospital," "Treated at Scene," "Refused Medical Aid").
   c. If a person is unidentified and hospitalized, enter the hospital admission number under caption "Admission #: If unidentified and hospitalized" on **AIDED REPORT**.
   d. If the City is involved, check caption "City Involved" and enter agency code, official diagnosis, description of area and witness' name, address and telephone number under caption "Dept. or Agency Involved."
   e. If intradepartmental notifications are required, select and complete caption "Department Notifications" on **AIDED REPORT**. These include but are not limited to:
      (1) PRECINCT YOUTH COORDINATION OFFICER (Child's Temporary Resident Precinct) – If person deceased or removed to hospital and UNCARED FOR CHILDREN are left with friends, neighbors, relatives, etc., not residing in household
      (2) PRECINCT YOUTH COORDINATION OFFICER (Child's Permanent Resident Precinct) – If child is neglected, abused or maltreated
      (3) EMERGENCY SERVICES UNIT – If cardio-pulmonary resuscitation (CPR) is administered by members of the service
      (4) HARBOR UNIT – If person injured or killed in boating collision or person aided on an island inaccessible to a patrol precinct
      (5) OTHER – If directed by Patrol Guide, or other directive, forward duplicate copy of **AIDED REPORT** to unit concerned.

NOTE *Intradepartmental notifications must be made as required. Notifications are to be made electronically through FORMS. If notification through FORMS is not possible, then notification is to be made via telephone, or other means, as appropriate.*

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

f. If additional Department reports are required, indicate "Form Type," "Report Number," "Violation Section" (as appropriate), and "Precinct," in "Additional Reports Prepared" caption.

g. When applicable, document in the appropriate field boxes whether the aided accepted or refused shelter and the name of the facility.

h. Document whether a Conducted Electrical Weapon (CEW) was used in the field box "CEW Used? Yes/No."

i. If a "Suspected Narcotics Overdose" aided case:

(1) Enter the "Suspected Narcotic Type:" used by aided, if known

(2) Enter "Method of Use:," if known (i.e., smoked, ingested, snorted, injected, etc.)

(3) Enter name of person that informed MOS of narcotic type used by aided in the "Informed By:" field box

(4) Select whether "Naloxone/Narcan Used:," enter the "Number of Uses:," "Administered By:," "Agency:," and select whether "Responded to Naloxone/Narcan?"

i. If Naloxone/Narcan was administered, enter "Naloxone/Narcan Log No." obtained from Operations Division

ii. If Naloxone/Narcan was administered by NYPD, enter the rank, name and tax registry of each uniformed member who discharged a spray in the "Details" caption.

j. If Oleoresin Capsicum (O.C.) spray used, select caption "MOS Who Discharged O.C. Spray" on **AIDED REPORT**, and enter in the rank, name and tax registry number of each uniformed member of the service who discharged spray.

k. Under "Details" caption, use own words to describe apparent illness or injury, such as "stomach pains," "head injury," "maternity," etc.

l. If an unidentified person was treated and released, record such facts under "Details" caption.

m. If child/dependent adult left uncared for, enter the following in the "Details" caption:

(1) Name of child/dependent adult, date of birth, phone number, cell phone number, address, and current location

(2) Designated caregiver's name, date of birth, phone number, cell phone number, and address.

2. Comply with *P.G. 208-03, "Arrests – General Processing,"* if alerted on Department mobile device (e.g., cellular telephone, tablet, etc.) that aided has a felony warrant or an active **INVESTIGATION CARD (PD373-163)** labeled, *"Perpetrator – Probable Cause To Arrest."*

3. Report incident to desk officer, precinct of occurrence.

4. Submit **AIDED REPORT** to the desk officer.

DESK OFFICER

5. Review **AIDED REPORT** using FORMS and ensure that all required captions are complete and accurate, and that all proper notifications are made.
   a. If unable to verify accuracy and completeness, return to submitting uniformed member of the service for necessary attention.
6. Approve **AIDED REPORT** using FORMS, after verifying accuracy and completeness, and ensure appropriate action is immediately taken.
7. Ensure Command Clerk prepares duplicate reports for outside agencies, as necessary.

COMMAND CLERK

8. Prepare duplicate reports for outside agencies by printing out and placing copy in a white envelope, addressed appropriately (e.g., Office of the Comptroller, One Centre Street, New York, NY 10007, attn: CIF Department) and forward to the Mail and Distribution Unit.

ADDITIONAL DATA

Once aided information is entered into FORMS, aided numbers will be automatically and sequentially issued by the system for each precinct, and will be composed of:

a. A four digit year number; and
b. A three digit precinct number; and
c. A five digit serial number.

If a number of persons are aided as a result of the same occurrence:

*a. The first numbered FORMS **AIDED REPORT** will describe the full details*
*b. On each succeeding **AIDED REPORT** for the same occurrence, only the aided number, name, address, sex, age, and the nature of the injury/illness of the aided person will be entered. (Include the name of hospital and name of attendant if different from information contained on first **AIDED REPORT**)*
*c. Under "Details," make reference to the full name of the person on the **AIDED REPORT** that describes the full details of incident.*

*Upon receipt of additional information related to an aided case that has already been entered into FORMS, the uniformed member receiving additional information will prepare an additional **AIDED REPORT**. The desk officer will review the new information and approve the **AIDED REPORT**, and ensure that it is electronically linked to the original **AIDED REPORT** in the "Additional Reports Prepared" caption.*

*When an **AIDED REPORT** is prepared in other than the precinct of occurrence, the desk officer/supervisory counterpart, command of report, will review and submit the **AIDED REPORT** to the desk officer, precinct of occurrence electronically. The desk officer/supervisory counterpart, precinct of occurrence is responsible for final approval.*

*When FORMS becomes disabled, members of the service will prepare an **AIDED REPORT WORKSHEET (PD304-152b)** and be guided by their desk officer regarding input into FORMS.*

RELATED PROCEDURES

Arrests – General Processing (P.G. 208-03)

FORMS AND REPORTS	***AIDED REPORT*** ***AIDED REPORT WORKSHEET (PD304-152b)*** ***INVESTIGATION CARD (PD373-163)***

NYPD

PURPOSE To record and initiate investigation of an unidentified person.

DEFINITION UNIDENTIFIED PERSON - Subject of an aided/collision case and is:

a. Unable to identify himself or such information cannot be determined at once, OR
b. Admitted to a hospital, or a child in a shelter, whose relatives or friends cannot be located or are unknown at the address given, OR
c. Actually or apparently under eighteen years of age and refuses to identify himself or give his home address, OR
d. Dead human body and the true name and address are unknown, or if known, the relatives or friends cannot be located.

PROCEDURE Upon responding to the scene of an aided/collision case and the victim is unidentified.

UNIFORMED MEMBER OF THE SERVICE

1. Interview neighbors/witnesses to obtain information regarding identity of relatives or friends of aided/collision victim.
2. Accompany subject to hospital and obtain any information that may assist in identifying subject from hospital authorities.

NOTE *If aided/collision victim is deceased, comply with P.G. 218-28, "Safeguarding Property of Deceased Person."*

3. Make digital **Activity Log** entry of incident and include an accurate description of subject and clothing worn.
4. Prepare **AIDED REPORT** or **Police Accident Report (MV104AN)**, as appropriate, one copy of **MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)** if victim is deceased (see *P.G. 216-04, "Dead Human Body General Procedure").*

DESK OFFICER

5. Check command records.
6. Notify detective squad to conduct preliminary investigation.
   a. If no detective is immediately available, the patrol supervisor will commence the preliminary investigation, pending arrival of assigned detective.

NOTE *Assigned detective is responsible for continuing and completing the investigation.*

PRECINCT DETECTIVE/ PATROL SUPERVISOR

7. Notify Missing Persons Squad of available information.
   a. Enter name of Missing Persons Squad member notified on copy of **MISSING/UNIDENTIFIED PERSON REPORT**.
8. Conduct an immediate preliminary investigation, AND
   a. Interview neighbors/witnesses in an effort to obtain further information.

PRECINCT DETECTIVE/ PATROL SUPERVISOR (continued)

b. Examine documents/property removed from aided/collision victim or from residence, e.g., personal papers, wills, bankbooks, insurance policies, etc.

c. Make any other reasonable effort to identify aided/collision victim or locate relatives or friends.

9. Notify desk officer and Missing Persons Squad of results of preliminary investigation.

NOTE *If subject is homicide victim, the assigned precinct detective handles the identification and notification process. The Missing Persons Squad will provide assistance, if needed.*

COMMAND CLERK

10. Enter unidentified person complaint in OMNIFORM System and obtain serial number.

DESK OFFICER

11. Have **MISSING/UNIDENTIFIED PERSON REPORT** typed from copy prepared by uniformed member of the service.
    a. If unidentified aided/collision victim is at least 7 but less than 18 years of age, prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and assign precinct serial number.
12. Review, sign and forward **MISSING/UNIDENTIFIED PERSON REPORT**, **AIDED REPORT**, **Police Accident Report** and **JUVENILE REPORT SYSTEM WORKSHEET**, if prepared, as per instructions on the form.

YOUTH COORDINATION OFFICER

13. Process all **JUVENILE REPORT SYSTEM WORKSHEET** prepared for unidentified aided/collision victims and provide assistance to precinct detective squad.

ASSIGNED DETECTIVE

14. Forward associated Enterprise Case Management (ECMS) entries within three working days detailing the steps taken in the preliminary investigation UNLESS the investigation was closed on the **MISSING/UNIDENTIFIED PERSON REPORT**.
    a. Obtain Missing Persons Squad case number and identity of assigned detective.

RELATED PROCEDURES

On-Line Juvenile Report System (P.G. 215-08)
Aided Cases General Procedure (P.G. 216-01)
Preparation of Aided Report (P.G. 216-02)
Dead Human Body General Procedure (P.G. 216-04)

PURPOSE To ensure that notifications to concerned authorities and relatives are properly made and recorded, evidence is preserved and proper disposition is made of dead human bodies.

PROCEDURE Upon arrival at scene of an apparently dead human body:

UNIFORMED MEMBER OF THE SERVICE

1. Request ambulance and patrol supervisor to respond.
2. Exclude unauthorized persons from scene.
3. Obtain names of witnesses and detain at scene if death is suspicious.
4. Screen area from public view, if possible.
5. Cover body with waterproof covering, if publicly exposed.
6. Ascertain facts and notify desk officer as soon as possible.
7. Request aided person be removed to hospital or that doctor be dispatched if pronouncement of death by ambulance attendant, emergency medical technician or paramedic is questioned by anyone.

DESK OFFICER

8. Notify:
   a. Detective squad.

NOTE *Responding detective will notify Crime Scene Unit, if an apparent homicide, suicide, or death is suspicious.*

   b. Harbor Unit, if aided is removed from navigable waters by other than Harbor Unit personnel
   c. Operations Unit, if an apparent homicide, suicide or death is suspicious
   d. Communications Section, if death is unusual or homicide
   e. Medical Examiner
      (1) Obtain Medical Examiner Case Number for entry on **AIDED REPORT**
      (2) Inform Medical Examiner if plastic sheet or bag may be factor in death
      (3) Make follow-up call to Medical Examiner, if he/she fails to respond within one hour.
9. Record all calls to Medical Examiner in Telephone Record.

UNIFORMED MEMBER OF THE SERVICE

10. Prevent anyone from disturbing body or its effects, EXCEPT:
    a. Paramedic, E.M.T., or doctor (caution not to disturb evidence)
    b. Medical Examiner or assistant
    c. District Attorney or assistant
    d. Members of the Detective Bureau, detective squad or Crime Scene Unit
    e. Member of Highway District assigned as "collision technicians" or "collision investigators"
    f. Member of Emergency Service Unit, if body is on train tracks or in subway tunnel.

NOTE *Make digital **Activity Log** entry identifying all persons entering crime scene.*

UNIFORMED MEMBER OF THE SERVICE (continued)

11. Prepare and attach **IDENTIFICATION TAG (PD317-091)** on body.

NOTE *An **IDENTIFICATION TAG** will be placed on dead human bodies, parts of bodies, and human fetuses that are to be delivered to the morgue.*

12. Obtain receipt on lower half of **IDENTIFICATION TAG** for body when removed to morgue, and for body and death certificate if released to a funeral director or other authorized person.
13. Prepare **AIDED REPORT** or **Police Accident Report (MV104AN)**, as appropriate, and under "Details" include:
    a. Name and badge number of morgue vehicle operator removing body, or
    b. Name and address of undertaker authorized to remove body and name, address, and relationship or person authorizing such removal, or
    c. Name, address, and relationship of person to whom body was released.

NOTE *A notification to a member of the immediate family of the deceased will be made tactfully and in person, if possible. Efforts should be made to have a friend or neighbor present when making such notification.*

14. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
15. Enter all facts in digital **Activity Log** including
    a. Identity and complete description of deceased person and clothing worn
    b. Name of doctor, paramedic or E.M.T. who made death pronouncement
    c. Name, address and identification of person to whom body was released.
16. Safeguard body and effects until instructions are received from patrol supervisor
17. Deliver receipt for body and death certificate to desk officer.

PATROL SUPERVISOR

18. Ascertain that precinct detective squad, Crime Scene Unit and Operations Unit have been notified, when necessary.

NOTE *An immediate telephone notification to the Operations Unit of all unusual incidents involving a homicide or suspicious death is required. The initial notification will include the preliminary facts and circumstances. However, subsequent notifications should be made as additional information becomes available or developments occur during the course of the incident or investigation.*

19. Have body and premises searched in the presence of witnesses, when possible, if deceased resided alone or died at a location other than residence.

NOTE *A police officer of either sex may search a dead body.*

PATROL SUPERVISOR (continued)

20. Direct member searching body to safeguard property.
21. Examine reporting officer's digital **Activity Log** entries and certify accuracy by signing rank and name.
22. Make appropriate digital **Activity Log** entry.

DESK OFFICER

23. Direct command clerk to prepare **COMPLAINT REPORT (PD313-152)** from **COMPLAINT REPORT WORKSHEET**, by entering information in OMNIFORM System.
    a. Ensure serial number is obtained from OMNIFORM System.
24. Close complaint at precinct level when deceased is properly identified, Medical Examiner certifies death as natural, and relatives are present and notified.

NOTE *If deceased remains unidentified or relatives cannot be located, prepare **MISSING/ UNIDENTIFIED PERSONS REPORT (PD336-151)**, enter in OMNIFORM System, obtain a new serial number, and comply with P.G. 216-03, "Unidentified Persons."*

25. Direct officer who discovered body in a homicide case to report to the morgue at 0900 hours, the next day, to identify the body to two Medical Examiners.
    a. Assign officer first on the scene, or another officer who is not on a regular day off, if reporting officer is not available, who can identify the body as the one found or observed at scene.

NOTE *If a person dies as the direct result of a police action, the uniformed member involved in or actually witnessing the incident WILL NOT be assigned to identify the body at the morgue. Another member who can make the identification will be assigned.*

26. Direct officer concerned to arrange for a relative or other person who knew the deceased to be present to identify body in presence of the officer.
27. File receipt for body and death certificate, if received, in the Property Receipt Book.

ADDITIONAL DATA *A body, offensive to public decency, may be removed from a public place. However, if death is suspicious, permission of the Medical Examiner and the assigned detective investigating the incident must be obtained.*

RELATED PROCEDURES
Aided Cases General Procedure (P.G. 216-01)
Unidentified Persons (P.G. 216-03)
Notifications (P.G. 216-15)
Safeguarding Property of Deceased Person (P.G. 218-28)

FORMS AND REPORTS
AIDED REPORT
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
IDENTIFICATION TAG (PD317-091)
MISSING/UNIDENTIFIED PERSONS REPORT (PD336-151)
Police Accident Report (MV104AN)

PURPOSE To execute a valid New York State Mental Hygiene Law Removal Order, and safely remove a mentally ill or emotionally disturbed person to a psychiatric/medical facility.

DEFINITION NEW YORK STATE MENTAL HYGIENE LAW REMOVAL ORDER – A court order that mandates an individual be removed to a psychiatric hospital or treatment center by a peace, police or sheriff's officer involuntarily.

PROCEDURE When a valid New York State Mental Hygiene Law Removal Order is received by the Department, or when a member of the service determines an individual is subject to involuntary admission to a psychiatric hospital, as authorized, by a valid New York State Mental Hygiene Law Removal Order:

OPERATIONS UNIT MEMBER

1. Review, then verify contents of removal order.

NOTE *Removal orders may include an expiration date. If an expired removal order is received, contact the sender and request a valid and current removal order. Do not have expired removal orders forwarded for execution.*

2. Enter in Command Log:
   a. Name of clinician making notification, and
   b. Pedigree information of subject.
3. Request New York City Sheriff's Office to execute removal order by contacting NYC Sheriff's 24-hour operations desk at [redacted].
   a. If Sheriff's Office is not available for execution of removal order:
      (1) Notify patrol borough command concerned or Housing Bureau and advise that a removal order is to be effected,
      (2) Forward copy of removal order to patrol borough command concerned or Housing Bureau, as appropriate,
      (3) Indicate all information pertinent to the removal order, and
      (4) Advise clinician's estimated time of arrival.

NOTE *New York State Mental Hygiene Law Removal Orders will be handled cooperatively by the New York City Sheriff's Office and the New York City Police Department (NYPD). The Sheriff's Office can effect removals 24 hours a day, 7 days a week. The NYPD will effect removals only if the Sheriff's Office is unavailable. If the Sheriff's Office personnel respond to execute a New York State Mental Hygiene Law Removal Order and find the subject to be non-cooperative or violent, they will request the assistance of the NYPD. Uniformed members of the service assigned will assume command at the scene and comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

IN CASES WHERE THE NYC SHERIFF'S OFFICE IS UNAVAILABLE TO EXECUTE NEW YORK STATE MENTAL HYGIENE REMOVAL ORDER:

OPERATIONS UNIT

4. Review removal order and verify it is a valid court mandated New York State Mental Hygiene Removal Order that allows for involuntary removal of an individual to a psychiatric hospital.

PATROL BOROUGH/ HOUSING BUREAU MEMBER

5. Upon receiving notification from Operations Unit advising that a removal order is to be effected:
   a. Notify precinct/police service area (PSA) concerned that a removal order is to be effected,
   b. Forward copy of removal order to precinct/PSA concerned, as appropriate,
   c. Indicate all information pertinent to the removal order, and
   d. Advise clinician's estimated time of arrival.

DESK OFFICER PRECINCT/PSA CONCERNED

6. Review removal order.
7. Enter the following information in Command Log:
   a. Type of removal order,
   b. Subject's name, race, age, gender, and address,
   c. Rank, name, shield and tax registry numbers of uniformed members of the service assigned to execute the removal order, and
   d. Name of assigned clinician (when determined).
8. Request Communications Section assign patrol supervisor, RMP unit, Emergency Service Unit and ambulance to execute removal order.
9. Direct personnel to respond to the precinct/PSA and transport clinician to the scene, if necessary.

NOTE *Await arrival of assigned clinician before executing removal order. If clinician does not contact the precinct/PSA or respond within one hour, notify both the patrol borough concerned or Housing Bureau Wheel, and the Operations Unit.*

ASSIGNED UNIFORMED MEMBER OF THE SERVICE

10. Respond to precinct/PSA concerned to pick up clinician, if necessary, then proceed directly to scene.

PATROL SUPERVISOR

11. Respond to scene and assume command.
12. When subject of the New York State Mental Hygiene Removal Order is present, comply with the following:
    a. Confirm ambulance is responding to scene, and
    b. Indicate that execution of a New York State Mental Hygiene Removal Order as the reason for requesting transport.

NOTE *If subject is not present, consider whether a search of the immediate area would be fruitful. In the event that subject is unable to be located, have precinct records and Department computerized databases checked to determine if subject has had any interaction with the*

NOTE (continued) *police (e.g., arrested, aided, involved in a collision, etc.). Notify precinct detective squad and request the preparation of an* ***INVESTIGATION CARD (PD373-163)****. Consult with assigned clinician to determine when they will return to make additional attempts to execute removal order. If it is believed that the subject may frequent transit, have the appropriate transit district notified. Notify desk officer of actions taken and results.*

PATROL SUPERVISOR (continued)

13. Permit clinician (if present) to interview subject to gain voluntary compliance.
14. Determine if response of the commanding officer/duty captain and/or Emergency Service Unit is required.
    a. Cancel Emergency Service Unit, if services are not required.

NOTE *If subject of New York State Mental Hygiene Removal Order will not voluntarily comply, request response of commanding officer/duty captain and comply with provisions of P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

15. Assign uniformed member of the service to accompany subject in body of ambulance to the psychiatric emergency room of hospital named on removal order.

NOTE *In the event that no specific hospital is cited in the New York State Mental Hygiene Removal Order, then the subject will be brought to the closest psychiatric emergency room designated under Section 9.39 of the Mental Hygiene Law. However, EMS personnel performing the transport have the authority to bring subject to a closer or different hospital than that cited if the subject becomes violent, or if they believe the subject's condition requires it.*

ASSIGNED UNIFORMED MEMBER OF THE SERVICE

16. Remain with subject throughout medical triage and until examined by hospital psychiatrist.
    a. Comply with *P.G. 216-07, "Firearm Safety Stations at Psychiatric Wards and Admitting Areas"* upon arrival at the psychiatric emergency room of hospital.
17. Notify desk officer upon completion of removal.
18. Enter details of transport in digital **ACTIVITY LOG**.
19. Prepare **AIDED REPORT**.
    a. Enter "New York State Mental Hygiene Removal Order" and name of assigned clinician under "Details" section.
20. Submit **AIDED REPORT** to desk officer.

DESK OFFICER

21. Enter completion time and aided number in margin opposite original Command Log entry of incident.
22. Notify patrol borough concerned/Housing Bureau Wheel and Operations Unit of disposition.
23. Notify the NYC Sheriff's operations desk of the execution of order, if EMS was used for transport.
    a. Provide removal order number, name, and date of birth of subject.

OPERATIONS UNIT

24. Notify the appropriate clinician of case disposition, as appropriate.

<u>WHEN A UNIFORMED MEMBER OF THE SERVICE ENCOUNTERS AN INDIVIDUAL IN THE FIELD WHO IS THE SUBJECT OF A VALID NEW YORK STATE MENTAL HYGIENE LAW REMOVAL ORDER:</u>

UNIFORMED MEMBER OF THE SERVICE

25. When practical and safe to do so, verify the individual is subject to involuntary admission to a psychiatric hospital as authorized by a valid New York State Mental Hygiene Law Removal Order.

NOTE

On a Department smartphone, members of the service will be prompted to enter the first name, last name, date of birth, and gender of the individual when conducting NYSPIN inquiries. This ensures that accurate results are provided by the New York State system and will not be displayed in local NYPD results.

26. Notify patrol supervisor to respond, and inform of details surrounding the New York State Mental Hygiene Law Removal Order.
27. Request New York City Sheriff's Office to execute removal order by contacting NYC Sheriff's 24-hour operations desk at [redacted].
    a. Request the response of ambulance to the scene if New York City Sheriff's Office is unavailable.
    b. Request the response of Emergency Service Unit, if necessary.
28. Complete the enforcement action that prompted the initial encounter prior to executing the New York State Mental Hygiene Law Removal Order, if applicable.

PATROL SUPERVISOR

29. Respond to scene and determine if response of the commanding officer/duty captain and/or Emergency Service Unit is required.
    a. Cancel Emergency Service Unit, if services are not required.
30. Confirm the individual is subject to involuntary admission to a psychiatric hospital as authorized by a valid New York State Mental Hygiene Law Removal Order.
31. Notify desk officer of pertinent details.
32. Assign uniformed member of the service to accompany subject in body of ambulance to the psychiatric emergency room of hospital named on removal order, if NYC Sheriff's Office is unavailable.

ASSIGNED UNIFORMED MEMBER OF THE SERVICE

33. Comply with steps "16" through "20," if NYC Sheriff's Office is unavailable.

DESK OFFICER

34. Comply with steps "21" through "23," if NYC Sheriff's Office is unavailable.

NOTE

Specific New York State Mental Hygiene Law Removal Orders are obtained through NYSPIN "Missing Person" inquiries conducted in DAS and Z-finest. Language in the body of the text, such as a "peace, police, or sheriff's officer" taking custody of a person for "involuntary admission" to a hospital authorized by "Mental Health Law 9.27 and 9.60," will be a clear indication that a New York State Mental Hygiene Law Removal Order has been received in the search results. Members of the service who are uncertain that a New York State Mental Hygiene Removal Order has been received in search results can contact the Operations Unit via telephone.

ADDITIONAL DATA

HOSPITAL TRANSPORTS

If the patient is initially treated in a hospital other than the one cited in the removal order and later not admitted, they must still be transported to the hospital named in the order. When the assigned member is informed by hospital staff that the patient is ready to be transported, they will notify the desk officer concerned. The desk officer will then request that an EMS ambulance be dispatched to the hospital where the patient is located for a transfer. EMS will transport the patient and the assigned member to the hospital named on the removal order.

However, if the patient is admitted to the initial hospital, even though it is not the hospital named in the order, Department personnel will no longer be required to accompany the patient. The assigned member will notify the desk officer of the circumstances, and that the patient has been admitted. The borough command and Operations will be notified in turn, as noted above. Operations will notify the appropriate clinician of the circumstances, and the clinician will seek to have the removal order vacated.

Sheriff's Office or Department personnel may be required to return at a later time to assist in the transport of the subject to another hospital.

INVESTIGATION CARD

*When a precinct detective squad is notified to prepare an **INVESTIGATION CARD** because the subject of a removal order was not found, the member preparing the **INVESTIGATION CARD** will enter the following under the "Crime/Charge" caption: "Subject of New York State Mental Health Removal Order." Under caption "Additional Information/ Characteristics/Peculiarities," enter the following: "To be removed to hospital for psychiatric examination. Contact Operations Unit for further information."*

ADDITIONAL DATA (continued)

MENTAL HEALTH LAW SECTION 9.39, DESIGNATED HOSPITALS

BRONX	*BROOKLYN*	*QUEENS*	*MANHATTAN*
BronxCare	*Brookdale*	*Elmhurst*	*Bellevue*
Jacobi	*Coney Island*	*Flushing*	*Beth Israel*
Lincoln	*Interfaith*	*Holliswood*	*Harlem*
Montefiore – Weiler	*Kings County*	*Jamaica*	*Lenox Hill*
Montifore – Moses	*Kingsbrook Jewish*	*Long Island Jewish*	*Lenox Health*
Montifore - Wakefield	*Lutheran*	*Queens Hospital Center*	*Metropolitan*
North Central Bronx	*Maimonides*	*St. John's Episcopal*	*Mt. Sinai*
St. Barnabas	*Methodist*		*NYP Columbia*
	Woodhull		*N.Y.P Cornell*
STATEN ISLAND			*NYU Langone*
			St. Lukes Roosevelt
Richmond University Medical Center			
Staten Island University			

LOCATIONS OF ASSISTED OUT-PATIENT TREATMENT TEAMS

Bellevue Hospital (Manhattan)
North Central Bronx Hospital (Bronx)
Woodhull Hospital (Brooklyn and Staten Island)
Elmhurst Hospital (Queens)

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Hostage/Barricaded Person(s) (P.G. 221-14)

FORMS AND REPORTS

AIDED REPORT
INVESTIGATION CARD (PD373-163)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-07	
FIREARM SAFETY STATIONS AT PSYCHIATRIC WARDS AND ADMITTING AREAS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To utilize firearms safety stations, when available, for the safe unloading and reloading of firearms at psychiatric wards or psychiatric admitting areas of city hospitals.

PROCEDURE Upon entering a hospital psychiatric ward or psychiatric admitting area of a city hospital:

UNIFORMED MEMBER OF THE SERVICE

1. Escort mentally ill or emotionally disturbed person to designated patient waiting area.
2. Sign in and complete entries under captions in Psychiatric Admitting Log maintained by hospital security police.
3. Proceed to designated firearms safety station, when available, and unload firearm(s).
   a. Replace unloaded firearm(s) in holster and put loose ammunition, and/or magazine containing ammunition, into pocket.
4. Confer with psychiatric admitting staff and provide necessary information.
5. Safeguard patient at hospital until examined by a psychiatrist.

NOTE *If the psychiatrist refers a patient to the hospital emergency room for medical evaluation and clearance, a uniformed member shall reload firearm(s) at the firearms safety station before leaving the psychiatric admitting area, and unload upon return. A member unloading/reloading a firearm will make interim entries in "Remarks" column of the Psychiatric Admitting Log.*

6. Inform psychiatrist of circumstances which brought patient into police custody.

NOTE *Inform relieving uniformed member of circumstances regarding aided, if safeguarding extends beyond expiration of tour. Relieving uniformed member will comply with sign-in and firearms unloading procedures in addition to informing psychiatrist of circumstances regarding aided.*

7. Enter details in digital **Activity Log** and prepare **AIDED REPORT**.
   a. Indicate on **AIDED REPORT**, name of psychiatrist and admission number, when appropriate.
8. Proceed to designated firearms safety station location and reload firearm(s) prior to leaving hospital facility.
9. Complete "time-out" entry in Psychiatric Admitting Log.
10. Submit **AIDED REPORT** to desk officer.

ADDITIONAL DATA *Patrol supervisors/integrity control officers shall comply with unloading procedures and make a visit entry in the Psychiatric Admitting Log when supervising activities of subordinates.*

When a mentally ill or emotionally disturbed prisoner is escorted to a Department of Correction Forensic Psychiatry Ward, uniformed members will comply with the regulations of the Department of Correction regarding unloading and safeguarding firearms.

ADDITIONAL DATA (continued)

The following Health and Hospitals Corporation facilities are designated for emergency admission, care and treatment of mentally ill and emotionally disturbed persons:

HOSPITAL

Bellevue Hospital Center
Bronx Municipal Hospital Center
City Hospital Center at Elmhurst
Coney Island Hospital
Harlem Hospital Center
Kings County Hospital Center
Lincoln Hospital
Metropolitan Hospital Center
North Central Bronx Hospital
Queens Hospital Center
Woodhull Hospital

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

FORMS AND REPORTS

AIDED REPORT

NYPD

Section: Aided Cases		Procedure No: 216-08	
PERSONS OVERCOME BY GAS, DRUGS, OR OTHER POISONOUS SUBSTANCES			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To secure special assistance and obtain samples of poisonous substances in appropriate cases.

PROCEDURE When it appears that aided person is suffering from ingestion of drugs, a poisonous substance or inhalation of gas:

UNIFORMED MEMBER OF THE SERVICE

1. Call an ambulance.
2. Request Emergency Service Unit, if oxygen required.
3. Give ambulance attendant information regarding the nature of the poisoning.
4. Permit doctor or attendant to take the substance, prescription or container, if not required as evidence.
   a. If evidence, give sample to doctor or attendant and deliver remainder of substance to the desk officer or detective assigned.
5. Notify, and make samples available to, the Poison Control Center of the Health Department, if required.
6. Obtain a receipt for such materials.
7. Make digital **Activity Log** entry of facts and time required notifications were made.
8. Prepare **AIDED REPORT**.
9. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if necessary.

ADDITIONAL DATA *The desk officer will notify the Operations Unit in poisoned or infected food cases, or in wood or denatured alcohol poisoning cases.*

ADDITIONAL GUIDELINES FOR PROCESSING CONTAMINATED FOOD OR DRUG SAMPLES:

a. Cases of spoiled or biologically contaminated foods served in restaurants or other locations where food may be obtained will be referred to the Department of Health, Food Poisoning Investigation Unit which will determine the proper course of action to be taken.

b. Person treated at a hospital for apparent poisoning - if sample of suspected substance is available, the sample will be taken directly to Department of Health Laboratories, 455 First Avenue, Manhattan, with ***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)*** *attached.*

(1) If a food product is involved, immediately notify Department of Health, Food Poisoning Investigation Unit.

c. When pattern emerges concerning several separate incidents of suspected poisoning that occurred under similar circumstances, the Poison Control Center will be notified and the uniformed member of the service will comply with instructions received.

d. The mass removal of a potentially dangerous product that must be removed from retail shelves will be handled on a case by case basis. Under no circumstances will items be removed from a retail establishment and brought to a precinct stationhouse/command before consultation with concerned city, state and federal agencies via the Operations Unit.

ADDITIONAL DATA (continued)

e. Samples of evidence in cases having potential criminal sanctions and not covered in any of the above categories will be delivered to the Police Laboratory with ***REQUEST FOR LABORATORY EXAMINATION*** *attached. Materials not classified as evidence in an investigation will be invoiced and forwarded to the Property Clerk for safekeeping in appropriate cases.*

f. Substances delivered to a member of the service by a citizen for analysis will not be accepted if there is no allegation of danger to public health or of specific criminal activity. The complainant will be notified that in civil negligence cases, private laboratories conduct such analysis. When an item is a sealed food product, the Food Poisoning Investigation Unit will be notified for follow-up at point of purchase.

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT (PD313-152)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

NYPD

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-09
ANIMAL BITES		
DATE EFFECTIVE: 11/18/21	LAST REVISION: I.O. 110	PAGE: 1 of 2

PURPOSE To notify the New York City Department of Health and Mental Hygiene of human exposure to a rabid animal, an animal suspected of being rabid, and/or an animal that has bitten, scratched, or abraded a human being and to provide for the observation of the animal involved.

DEFINITION HUMAN EXPOSURE TO RABIES: A bite or a scratch from a rabid animal, an animal suspected of being rabid or contamination of an open or fresh wound (i.e., having bled within the last twenty-four hours) or mucous membranes (e.g., eyes, nose, mouth, etc.) with infectious material (e.g., saliva, nervous tissue, etc.) from a rabid animal or an animal suspected of being rabid.

PROCEDURE Upon responding to a complaint which concerns exposure to a rabid or suspect-rabid animal and/or an animal that has bitten, scratched, or abraded a human being, follow normal aided case procedures and in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Render reasonable aid and prepare **AIDED REPORT**, if applicable.
2. Comply with *P.G. 219-17, "Use of Patrol Kits."*
3. Advise person concerned to thoroughly wash affected area with soap and water, and to seek medical attention as quickly as possible (even if the injury or exposure is not serious).
4. Ascertain owner of animal.
   a. Obtain description of animal and attempt to locate for examination.
   b. If animal is located comply with *P.G. 214-33, "Care and Disposition of Animals."*
5. Prepare **DANGEROUS ANIMAL/BITE REPORT (PD311-152)** in all instances in which responding to or becoming apprised of an incident involving an animal bite and/or dangerous animal and include the ICAD Incident number on form.
   a. If the animal is gone upon arrival at the scene, a **DANGEROUS ANIMAL/BITE REPORT** must still be prepared, regardless of whether or not a person has been injured by the animal.
6. Deliver **DANGEROUS ANIMAL/BITE REPORT** and submit **AIDED REPORT**, if prepared, to desk officer.

NOTE *The Department of Health and Mental Hygiene, Animal Bite Unit can be notified from 0900 to 1700 hours, Monday through Friday. After hours, the Poison Control Center of the Department of Health and Mental Hygiene must be notified.*

DESK OFFICER

7. Review and approve **AIDED REPORT**, if applicable.
8. Process **AIDED REPORT** in accordance with *P.G. 216-02, "Preparation of Aided Report."*

DESK OFFICER (continued)

9. Review and sign **DANGEROUS ANIMAL/BITE REPORT** and distribute as delineated on form.
10. Notify Department of Health and Mental Hygiene by telephone of an animal that has bitten, scratched, or abraded a human being and/or of human exposure to a rabid animal or of an animal suspected of being rabid.
11. Forward the Department of Health and Mental Hygiene copy of **DANGEROUS ANIMAL/BITE REPORT** via the Mail and Distribution Unit.
12. Notify Department of Health and Mental Hygiene by telephone if animal or owner is located after **DANGEROUS ANIMAL/BITE REPORT** has been forwarded.
    a. Ensure that all supplementary information is recorded on **AIDED REPORT** and entered in the Finest Online Records Management System.
13. File command copy of all **DANGEROUS ANIMAL/BITE REPORTS**.

ADDITIONAL DATA

*Snakebite cases require a notification to the Poison Control Center of the Department of Health and Mental Hygiene. Enter notification on **AIDED REPORT**.*

*In other than animal bite, injury, or exposure cases, a member of the service is required to notify the Department of Health and Mental Hygiene, Bureau of Communicable Disease by telephone of any animal of which he/she has knowledge that is rabid, or is suspected of being rabid, or of any animal which has been bitten by, come in contact with, or kept together with a rabid animal. The member must complete the **DANGEROUS ANIMAL/BITE REPORT** and deliver the **DANGEROUS ANIMAL /BITE REPORT** to the desk officer to be reviewed and distributed as delineated on the form. Forward Department of Health and Mental Hygiene copy of **DANGEROUS ANIMAL/BITE REPORT**, via the Mail and Distribution Unit.*

For cases involving rabies, the Department of Health and Mental Hygiene, Bureau of Communicable Disease can be notified from 0900 to 1700 hours, Monday through Friday. After hours, the Poison Control Center of the Department of Health and Mental Hygiene must be notified.

Raccoons are primarily nocturnal animals; any raccoon seen active during the daytime should be considered rabid until proven otherwise. Any raccoon acting friendly or aggressively should be considered rabid.

P.G. 214-33, "Care and Disposition of Animals," will be complied with whenever an animal is located. All parties will be removed from the immediate vicinity of the animal. The location of the animal, if not contained, will be monitored and the Emergency Services Unit or the Animal Care and Control of New York City (A.C. & C.) will be contacted for assistance regarding the animal's capture and removal. Uniformed members of the service shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat. When a suspected rabid animal is captured, A.C. & C. of New York City must be notified of the location of capture, the primary reason the police were called, and the names and addresses of all persons and animals that were potentially exposed to the suspected rabid animal.

Section: Aided Cases		Procedure No: 216-10	
TAXICAB DRIVERS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To report certain aided cases involving taxicab drivers to the New York City Taxi and Limousine Commission.

PROCEDURE Upon responding to an incident in which a taxicab is involved and it is apparent that the taxi driver has epilepsy, vertigo, heart disease or other condition making him/her unfit to operate a taxi:

UNIFORMED MEMBER OF THE SERVICE

1. Follow normal aided case procedures.
2. Obtain driver's credentials and give **RECEIPT FOR CREDENTIALS (PD616-011)**.

DESK OFFICER

3. Forward credentials and facts of the aided case on **REPORT OF VIOLATION (PD672-151)** to New York City Taxi and Limousine Commission.
4. Note on **REPORT OF VIOLATION** if unable to obtain credentials.

FORMS AND REPORTS

RECEIPT FOR CREDENTIALS (PD616-011)
REPORT OF VIOLATION (PD672-151)

NYPD

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-11
COMMUNICABLE DISEASE		
DATE EFFECTIVE: 11/18/21	LAST REVISION: I.O. 109	PAGE: 1 of 1

PURPOSE To assist in the orderly removal of a person with a communicable disease.

DEFINITION COMMUNICABLE DISEASE - an infectious disease capable of being passed to another by direct contact with an infected individual or his/her discharges.

PROCEDURE When advised by the Department of Health that a person with a communicable disease is to be removed to a hospital:

DESK OFFICER

1. Assign a uniformed member of the service to assist in the removal of patient.

UNIFORMED MEMBER OF THE SERVICE

2. Comply with the pertinent provisions of *A.G. 330-09, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."*
3. Accompany patient to the hospital when requested by the hospital attendant or physician.

ADDITIONAL DATA

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 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 or Hazardous Materials."

RELATED PROCEDURES

Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (A.G. 330-09)
Prisoners General Procedure (P.G. 210-01)
Aided Cases General Procedure (P.G. 216-01)

FORMS AND REPORTS

MEDICAL TREATMENT OF PRISONER (PD244-150)

PURPOSE To maintain a record of a school crossing guard injured while performing duty.

PROCEDURE When a school crossing guard is injured in the line of duty, follow normal aided case procedures and:

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor to respond.

PATROL SUPERVISOR

2. Investigate circumstances.
3. Interview the school crossing guard.
   a. Obtain name of hospital, attendant and doctor, if removed to a hospital.
4. Notify the Operations Unit promptly, if the member of the service injured requires hospital treatment.
   a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

NOTE *This notification is in addition to, and does not preclude the requirement for other notifications to Operations as indicated elsewhere in this procedure.*

5. Have school crossing guard prepare, in own handwriting, if possible, two copies of **Employee's Notice of Injury (Law Department Form WCD 23)** and submit to commanding officer of precinct of occurrence.
6. Interview the witnesses and request them to prepare **WITNESS STATEMENT - INJURY TO MEMBER OF DEPARTMENT (PD429-065)**.
7. Direct uniformed member of the service to prepare **Police Accident Report (MV104AN)**, if vehicle is involved, OR **AIDED REPORT** in all other cases.
8. Report circumstances to the desk officer.

DESK OFFICER

9. Make Command Log entry regarding circumstances of incident and results of investigation.
10. Notify Employee Resources Section, Civilian Employee Services Unit during next business day and Operations Unit within twenty-four hours.
11. Prepare **Typed Letterhead** explaining circumstances and deliver to commanding officer with a copy of Command Log entry attached.

COMMANDING OFFICER

12. Forward two copies of the **Typed Letterhead** with the two copies of the **Employee's Notice of Injury** and the **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT**, if any, to Employee Resources Section (Attention: Civilian Employee Services Unit).

COMMANDING OFFICER (continued)

13. Keep school crossing guard on payroll, without pay, from time of injury until return to duty, and cause **Election of Rate of Change Against Annual and/or Sick Leave Balances** form to be prepared.
14. Notify Employee Resources Section, Civilian Employee Services Unit when school crossing guard returns to duty and every subsequent time that the guard reports sick and returns to duty as a result of the injury.
15. Direct that **Supervisor's Report of Injury (Law Department Form 201)** be prepared within forty-eight hours after occurrence.
16. Direct that **Report to Employee Benefits Unit (Form E)** be prepared.

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Vehicle Collisions - General Procedure (P.G. 217-01)
Civilian Member - Injury (A.G. 319-15)

FORMS AND REPORTS

AIDED REPORT
WITNESS STATEMENT- INJURY TO MEMBER OF DEPARTMENT (PD429-065)
Election of Rate of Change Against Annual and/or Sick Leave Balances Form
Employee's Notice of Injury (Law Dept. Form WCD 23)
Police Accident Report (MV104AN)
Report to Employee Benefits Unit (Form E)
Supervisor's Report of Injury (Law Dept. Form 201)
Typed Letterhead

NYPD

PURPOSE To report and record line of duty injuries and deaths of auxiliary police officers.

DEFINITIONS For the purpose of this procedure, the following definitions will apply:

LINE OF DUTY - An incident that occurred while a member was on duty. Auxiliary police officers are considered ON DUTY after they "sign-in" on the **Auxiliary Police Roll Call (APS #10)** until they sign out at the end of their tour. Line of duty designation will NOT be given for any off duty incidents.

INVESTIGATING SUPERVISOR

a. The lieutenant platoon commander, precinct of occurrence, if available, will act as investigating supervisor.
b. A patrol supervisor, precinct of occurrence will act as the investigating supervisor, if the lieutenant platoon commander is unavailable.
c. The precinct commanding officer/executive officer/duty captain will be the investigating supervisor, if the injured auxiliary police officer sustains a serious physical injury, is likely to die, or dies.

PROCEDURE Upon being notified or arriving at a location where a member of the Auxiliary Police Program has been injured while on duty:

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor to respond.
2. Notify desk officer of:
   a. Circumstances of injury, and
   b. Request witnesses to await arrival of supervisor and precinct auxiliary coordinator (if coordinator is on duty).
3. Remain at scene with auxiliary police officer unless:
   a. Hospitalization or medical attention is required, and/or
   b. Further police action is necessary.

NOTE *If injury is the result of a reportable use of force incident, P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," and P.G. 221-06, "Member of the Service Subjected to Force While Performing Lawful Duty" will be complied with.*

PATROL SUPERVISOR

4. Respond to scene.
5. Interview auxiliary police officer.
   a. If removed to a hospital, obtain name of hospital, attendant, and doctor.
6. Have auxiliary police officer prepare, in own handwriting, if possible, two copies of **Employee's Notice of Injury (Law Department Form WCD 23)**.
   a. If member is unable to do so, the patrol supervisor will prepare and submit report to the commanding officer, precinct of occurrence.
7. Request witnesses to await arrival of investigating supervisor, if necessary.

PATROL SUPERVISOR (continued)

8. Obtain and safeguard shield, identification card, portable radio and personal property of auxiliary police officer, if hospitalized.
9. Report circumstances to desk officer.
10. Prepare **Police Accident Report (MV104AN)**, if vehicle collision involved.
11. Have **AIDED REPORT** prepared, if a vehicle is not involved.

DESK OFFICER

12. Notify investigating supervisor as indicated in above "DEFINITION."
13. Make Command Log entry.
14. Notify Operations Unit and supervisor at Auxiliary Police Section.
    a. Notify member's command, if not assigned to precinct of occurrence.
15. Notify precinct commanding officer, or duty captain if member dies, or is likely to die.
16. Notify borough commander, if member dies.
17. Enter results of investigation in Command Log, indicating whether injury was sustained in line of duty.

INVESTIGATING SUPERVISOR

18. Interview injured auxiliary police officer and investigate circumstances.
19. Notify Operations Unit, promptly, if injured member of the service requires hospital treatment.
    a. An additional notification to Operations Unit is required, before final reports are prepared, to update Operations Unit of the status of injured member of the service.

NOTE

This notification is in addition to, and does not preclude the requirement for other notifications to Operations Unit as indicated elsewhere in this procedure.

20. Make initial report to desk officer without delay.
21. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**, as appropriate.
22. Interview witnesses and request that they prepare and sign **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)**.
23. Prepare report on **Typed Letterhead** or **UNUSUAL OCCURRENCE REPORT (PD370-152)**, and forward to precinct commander.

COMMANDING OFFICER AUXILIARY POLICE SECTION

24. Designate supervisory member of the unit to respond and assist the precinct commanding officer/executive officer/duty captain, if injured auxiliary police officer dies or is likely to die.

AUX. POLICE COORDINATOR PRECINCT OF OCCURRENCE

25. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** in accordance with *P.G. 221-06, "Member of the Service Subjected to Force While Performing Lawful Duty,"* for each auxiliary member who is injured as a result of force used against them.

AUX. POLICE COORDINATOR PRECINCT OF OCCURRENCE (continued)

26. Ensure all required reports and forms are forwarded to Auxiliary Police Section within ten days, including any copies of **UNUSUAL OCCURRENCE REPORTS**.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

27. Prepare report on **Typed Letterhead** or **UNUSUAL OCCURRENCE REPORT** for line of duty death or serious injury and likely to die, and forward as indicated in *P.G. 212-09, "Unusual Occurrence Reports"* (exclude copy for Police Pension Fund).
28. Forward two copies of **Employee's Notice of Injury** and **WITNESS STATEMENT - INJURY TO MEMBER OF DEPARTMENT**, if any, to Commanding Officer, Auxiliary Police Section.

ADDITIONAL DATA

In line of duty cases where an auxiliary police officer dies or is likely to die, the command auxiliary police coordinator where member is assigned shall maintain liaison with the Patrol Borough Auxiliary Police Section. In the absence of the command coordinator, the precinct commanding officer will designate an alternate uniformed member of the service who will perform this function.

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Department Vehicle Collisions (P.G. 217-06)
Unusual Occurrence Reports (P.G. 212-09)
Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)
Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)

FORMS AND REPORTS

AIDED REPORT
UNUSUAL OCCURRENCE REPORT (PD370-152)
WITNESS STATEMENT-INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)
THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT
Auxiliary Police Roll Call (APS #10)
Employee's Notice of Injury (Law Department Form WCD 23)
Police Accident Report (MV104AN)
Typed Letterhead

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-14	
AIDED CASES ON NEW YORK CITY TRANSIT TRAINS			
DATE ISSUED: 10/18/16	DATE EFFECTIVE: 10/18/16	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide procedures for the handling of aided cases occurring on trains.

PROCEDURE Upon arriving at the scene of a sick or injured passenger on a train:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain the condition of the aided, e.g., unconscious, pregnant, epileptic, intoxicated, bleeding, etc.
2. Transmit this information, immediately, via the radio dispatcher.
3. Remove aided from train, if feasible, unless it is not advisable to move the aided due to the nature of his or her illness or injury.
   a. Seek assistance of train crew or passengers, if necessary.

NOTE *Where removal from the train is not feasible, due to lack of adequate assistance, the radio dispatcher and the New York City Transit Command Center will coordinate a point along the train route where the train will be moved to and have adequate assistance dispatched to that location.*

Where removal from the train or movement of the train is not feasible due to the serious condition of the aided, medical and other assistance shall be dispatched to the scene immediately. If it is subsequently determined that the aided can be moved, the aided shall be removed from the train and train service will continue.

4. Keep the radio dispatcher informed of pertinent developments.
5. Avoid unnecessary interruptions of train service.

NOTE *Unnecessary interruption of train service can inconvenience thousands of passengers and endanger public welfare. In addition, unnecessary interruptions can increase temperatures significantly in trains and stations, and may cause panic on crowded trains stopped in tunnels. Service will be interrupted only when absolutely necessary.*

6. Notify passengers of delay in service and alternate routes, when possible.
7. Prepare **AIDED REPORT**.

RADIO DISPATCHER

8. Obtain all relevant information concerning aided.
9. Provide all relevant information to field units responding.
10. Dispatch sufficient personnel and assistance promptly.
11. Notify other city agencies as necessary.
12. Notify Operations Unit for serious incidents.

RELATED PROCEDURES
Aided Cases General Procedure (P.G. 216-01)
Preparation of Aided Report (P.G. 216-02)
Dead Human Body General Procedure (P.G. 216-04)

FORMS AND REPORTS ***AIDED REPORT***

Section: Aided Cases		Procedure No: 216-15	
NOTIFICATIONS			
DATE ISSUED: 10/18/16	DATE EFFECTIVE: 10/18/16	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure that relatives or friends are notified, where necessary, in aided and collision cases.

PROCEDURE When it is necessary to notify relatives/friends of a deceased, injured or sick person:

DESK OFFICER 1. Direct notifications be made by telephone, if possible.

NOTE *Make notifications tactfully and in person, if possible, when aided/collision victim is deceased or seriously injured and likely to die. Efforts should be made to have a relative, friend or neighbor present.*

In cases where a death has occurred or the person is seriously injured and likely to die, the desk officer will ensure that a notification is made in a timely manner and document the time and date of the notification as well as the name of member making notification under caption "Notification" on the ***AIDED REPORT*** *or under caption "NOTIFICATIONS" on the* ***Police Accident Report (MV104AN)****.*

2. Have notifications made as follows, if telephone notification not possible:
   a. Relatives or friends residing within precinct of occurrence, notification will be made by member assigned to precinct.
   b. Relatives or friends residing outside precinct but within New York City, notification will be made by member assigned to resident precinct.
   c. Relatives or friends residing outside New York City, make notification through Inter-City Correspondence Unit. If notification cannot be made within a reasonable amount of time, prepare **MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)** and comply with pertinent provisions of *P.G. 216-03, "Unidentified Persons."*
   d. DO NOT NOTIFY relative or friend of firefighter killed or injured at scene of fire without permission of the fire officer in charge.
   e. DO NOT NOTIFY relative or friend of an inmate who dies in a Department of Correction Facility UNLESS requested to do so by the Correction supervisor in charge.
   f. The assigned detective will make notification to relative or friends of a homicide victim.
3. Comply with the following special notification procedures:
   a. Aided killed/injured on MTA bus - Desk officer will notify NYC Transit.
   b. Aided killed/injured on scaffold - Desk officer will notify the Department of Buildings.
   c. Aided killed/injured at construction site - Desk officer will notify the Operations Unit.
   d. Aided killed/injured on Parks Department property - Desk officer will notify the Operations Unit.

DESK OFFICER (continued)

e. Aided killed/injured in a factory or store - Desk officer will notify the Operations Unit.

NOTE *In all other cases notifications will be made even though other authorities (hospital, etc.) indicate they have already made the notification.*

MEMBER OF THE SERVICE

4. Record name, address, telephone number and relationship of person notified and the identity of member of the service making notification under the caption "Notifications" on the **AIDED REPORT** or **Police Accident Report (MV104AN)**, as appropriate.
   a. Under "Details" on the rear of the **AIDED REPORT** enter the rank and name of fire officer in charge at fire where firefighter was killed or injured or the rank and name of the supervisor in charge of the Department of Corrections facility where an inmate died.
   b. Indicate which agency will make the notifications, i.e., Police Department, Fire Department or Corrections Department.
   c. Enter name of detective making notification, if applicable, when an unidentified person is subsequently identified and relatives or friends are notified.
5. If notification cannot be made, electronically save **AIDED REPORT** and notify desk officer.

DESK OFFICER

6. Review and sign **AIDED REPORT** and process in accordance with *P.G. 216-02, "Preparation of Aided Report."*
7. Print and retain duplicate copy of **AIDED REPORT** at the desk, if required notifications have not been made.
   a. Mark "Supplementary" on face of duplicate **AIDED REPORT**.
8. Enter notification, once obtained, into the Finest Online Records Management System (FORMS) and file "Supplementary" **AIDED REPORT** at command.
9. Enter name of detective making notification on **AIDED REPORT** when subject is a homicide victim.
10. Ensure appropriate notifications are made once aided information is inputted into FORMS.

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Preparation of Aided Report (P.G. 216-02)
Unidentified Persons (P.G. 216-03)

FORMS AND REPORTS

AIDED REPORT
MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)
Police Accident Report (MV104AN)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-16	
SUSPICIOUS DEATH OR SUICIDE IN DEPARTMENT OF CORRECTION FACILITY			
DATE ISSUED: 10/18/16	DATE EFFECTIVE: 10/18/16	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To investigate suspicious deaths or suicides in Correction Department facilities.

PROCEDURE When notified by Department of Correction of a suspicious death or suicide in a Department of Correction facility:

DESK OFFICER

1. Notify:
   a. Precinct detective squad
      1. If detective squad member not available, notify detective borough command concerned.
   b. Commanding officer/duty captain
   c. Patrol borough
   d. Internal Affairs Bureau (obtain log number)
   e. Operations Unit

NOTE *Uniformed member of the service assigned to duty in uniform will NOT respond to Correction facility.*

2. Direct preparation of **AIDED REPORT**.
   a. Include under "Details" name and rank of Department of Correction supervisor present and identity of person making the death pronouncement.
3. Have **COMPLAINT REPORT (PD313-152)** prepared.
   a. Include Internal Affairs Bureau log number.
4. Verify that Medical Examiner's office has been notified.
   a. Enter time of notification, identity of person receiving call and name of Medical Examiner on **AIDED REPORT**.
   b. Make follow-up call if Medical Examiner does not respond within one hour.
   c. Obtain Medical Examiner case number for entry on **AIDED REPORT**.

NOTE *Record all calls to the Medical Examiner in the Telephone Record.*

5. Notifications WILL NOT be made to relatives or friends of an inmate who dies in a Department of Correction facility, unless requested to do so by Correction Supervisor in charge of facility.
   a. Indicate on **AIDED REPORT** that Department of Correction will make notification, where applicable.
6. Request permission of Medical Examiner prior to moving body.

RELATED PROCEDURES *Notifications (P.G. 216-15)*

FORMS AND REPORTS ***AIDED REPORT***
COMPLAINT REPORT (PD313-152)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-18
CHILD WINDOW FALL REPORT		
DATE EFFECTIVE: 10/18/16	LAST REVISION:	PAGE: 1 of 1

PURPOSE To notify the Department of Health within twenty-four hours when a child less than seventeen years of age falls from the window of any building, regardless of whether injury or death results.

DEFINITION BUILDING - Structures as indicated on the **Child Window Fall Report** caption, "Type Of Building."

PROCEDURE When responding to an incident involving a child falling from a window:

UNIFORMED MEMBER OF THE SERVICE

1. Follow *P.G. 216-01, "Aided Cases - General Procedure*."
2. Prepare Department of Health form, **Child Window Fall Report**.
   a. Immediately fax copy of **Report** to the Department of Health at [redacted] or [redacted].
   b. Mail original copy of **Report** to the Department of Health.

NOTE *To maintain confidentiality, the self-addressed, postage paid Child Window Fall Report should be folded and taped before mailing.*

Commands and Police Service Areas can obtain copies of the Child Window Fall Report directly from the Department of Health by calling [redacted].

3. Prepare **AIDED REPORT**.
   a. Indicate in "Details" section that **Child Window Fall Report** was prepared, faxed and mailed to the Department of Health.

ADDITIONAL DATA *Public inquiries regarding the Window Fall Prevention Program may be referred to the Department of Health at (212) 676-2162 or (212) 676-2158 (24-hour number).*

RELATED PROCEDURES *Aided Cases - General Procedure (P.G. 216-01)*

FORMS AND REPORTS ***AIDED REPORT***
Child Window Fall Report

PURPOSE To account for and properly document the use of Automated External Defibrillators (AEDs) in assigned commands, and to provide for the training and certification of uniformed, civilian and auxiliary members of the service in their use.

DEFINITIONS AUTOMATED EXTERNAL DEFIBRILLATOR (AED) – An electronic device that is used to defibrillate the heart by applying an electric shock to it.

UTILIZATION OF AED – Once an AED is placed on an aided, the Department considers that as utilized, even if a shock is not administered. When the AED pads are placed on an aided the machine will perform an analysis and advise what actions should be taken.

CARDIO PULMONARY RESUSCITATION (CPR) ADMINISTERED – The Department considers that CPR has been administered once a member of the service performs rapid chest compressions or mouth-to-mouth ventilation on an aided.

PROCEDURE In all commands assigned Automated External Defibrillators (AEDs):

DESK OFFICER

1. Account for all AED kits assigned to command at the beginning of each tour.
2. Assign an AED at the start of each tour to a member of the service trained and certified by the Department, as AED qualified.
3. Notify radio dispatcher of the unit(s) that have been assigned an AED kit.
4. Make a Command Log entry accounting for all AED kits and the notification to radio dispatcher.
   a. Note the assignment of AED kits by their serial numbers, with the prefix "AED" (e.g., AED 1234).
5. Ensure assignment of AED kits are noted on the roll call.
6. Secure AED kits that are not in use, in an appropriate location (e.g., radio room, property room).

MEMBER OF THE SERVICE CERTIFIED TO UTILIZE AED/ ADMINISTER CPR

7. Inspect the AED kit to ensure that it contains the following items:
   a. Operational AED – one device
   b. Electrode pads with wire leads – two sealed packages, each containing two pads
   c. Pocket mask
   d. Gloves
   e. Cloth/gauze compress
   f. Razor.
8. Notify desk officer of any deficiencies/missing equipment and make appropriate digital **Activity Log** entries.

UPON ARRIVING AT THE SCENE OF A CARDIAC AIDED CASE

MEMBER OF THE SERVICE CERTIFIED TO UTILIZE AED/ ADMINISTER CPR

9. Advise radio dispatcher of aided's condition and request response of Emergency Medical Service (EMS) to the scene.
10. Utilize the AED device in compliance with Department guidelines/ training.
    a. The AED will only be attached to an unconscious adult patient after it has been confirmed that the patient is not breathing and does not have a pulse.
    b. Provide care until relieved by advanced level emergency medical personnel.
11. Brief responding EMS crew or other advanced level emergency medical personnel of the following:
    a. Condition of the patient when found
    b. Nature of care provided, (i.e., rescue breathing, CPR, defibrillation, etc.).
12. Prepare **AIDED REPORT**.
    a. Note in "Details" section of **AIDED REPORT** if the AED was utilized, or CPR administered and results achieved.
        (1) If AED utilized, include serial number.
    b. If CPR was administered, check the appropriate caption on the **AIDED REPORT**.
13. Submit **AIDED REPORT** immediately to the desk officer after returning to the command.

NOTE *If an AED/CPR is administered by a uniformed member of the service on a prisoner in the custody of this Department, a **MEDICAL TREATMENT OF PRISONER (PD244-150)** form will be completed instead of an **AIDED REPORT**.*

DESK OFFICER

14. Telephone the ESU desk to obtain an AED/CPR Log number and enter this number on the **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form.
    a. Forward a copy of the completed **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form to the ESU-AED Coordinator via fax, and via Department mail to the Emergency Service Unit, Attention: EMT School.
    b. Ensure AED is secured until delivery, and is not reassigned.
15. Schedule an appointment and ensure the AED is delivered to the ESU-AED Coordinator, for downloading of information after each use.

ESU-AED COORDINATOR

16. Download information from the data card or AED, as appropriate, and submit to the Supervising Chief Surgeon or designee.
    a. Check AED for operability/serviceability (battery charge, etc.).
17. Fax a copy of the **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form to the Office of the Supervising Chief Surgeon.
18. Maintain:
    a. Permanent file of data collected from the AED Program
    b. List of AED kits by serial number
    c. Supply of AED pads and batteries for replacement when needed by commands.

SUPERVISING CHIEF SURGEON/ DESIGNEE

19. Review the data received from the Emergency Service Unit.

COMMANDING OFFICER

20. Designate the command's training sergeant as the AED liaison for the command.
21. Ensure all members of the service assigned to use AEDs attend a one day AED training course at the Police Academy.

COMMAND TRAINING SERGEANT

22. Act as command's liaison with ESU-AED coordinator and the Police Academy.
    a. Resolve issues with the AED program.
    b. Schedule members of the service to attend the one day training session at the Police Academy via the Training Attendance Certification Transcript Integrated Collection System (T.A.C.T.I.C.S.) based on allotments assigned by the borough/bureau training coordinator. The course is available under "BLASTT – Basic Life Support and Trauma Treatment CPR-AED-Naloxone-BTK."

ADDITIONAL DATA

In the event of loss or theft of an AED kit or its contents (except cloth/gauze compress and plastic gloves) comply with Patrol Guide 219-20, "Loss or Theft of Department Property."

Replacement of AED supplies, i.e. batteries, pads, etc., defective AED equipment, and other issues related to this program, may be referred to the ESU-AED coordinator.

If any command wishes to purchase or accept a donation of an AED, that command must contact the ESU-AED coordinator, for inventory control and guidance as to which equipment has been approved by the Department.

Training issues relating to this Program may be referred to the Police Academy.

RELATED PROCEDURES

Departmental Recognition – Uniformed Members of the Service (A.G. 329-03)
Aided Cases General Procedure (P.G. 216-01)
Loss or Theft of Department Property (P.G. 219-20)
Gifts Offered to the Police Department (A.G. 325-33)

FORMS AND REPORTS

AIDED REPORT
MEDICAL TREATMENT OF PRISONER (PD244-150)

PURPOSE To assist the Department of Health and Mental Hygiene in the removal of recalcitrant patients sheltered in Human Resources Administration facilities, who have tuberculosis and are refusing treatment.

PROCEDURE When the Department of Health and Mental Hygiene notifies the Operations Unit that a removal and detention order has been issued:

OPERATIONS UNIT PERSONNEL

1. Upon notification by the Department of Health and Mental Hygiene (DOHMH) that a removal and detention order has been issued.
   a. Ascertain location of removal.
   b. Enter in the Command Log the name of the DOHMH personnel making notification and the pedigree information of the subject.
2. Notify Communications Section to assign a patrol supervisor, an RMP unit and Emergency Service Unit to respond.

PATROL SUPERVISOR

3. Respond to scene and assess the situation.
4. Determine if services of Emergency Service Unit are necessary.
   a. Cancel Emergency Service Unit if not required.
5. Confirm that the Removal and Detention Order is possessed by the DOHMH physician/peace officer at the shelter site.
6. Assign uniformed member of the service to accompany the subject and DOHMH physician/peace officer in the transportation vehicle provided by DOHMH to the pre-designated hospital.

NOTE *The primary responsibility of the Department, during these removals is to assist in the arrest and preserve the peace. If the patient resists, physical force may be used, but only to the extent necessary to restrain the subject until delivery to the hospital. Members of the service assigned are not to personally assist in forcing entry to the premises, securing it afterwards, or safeguarding property thereat. Those duties, if necessary, will be performed by other agencies at the direction of the Department of Health and Mental Hygiene (DOHMH) physician/peace officer.*

In the event that the Human Resources Administration is unable to provide a vehicle, an ambulance will be requested through Communications. Except in extreme cases, Department vehicles will not be utilized for transportation purposes.

Responding members of the service will take appropriate precautions, including the wearing of plastic gloves and facial masks. Facial masks will be provided at the shelter site by the Department of Health and Mental Hygiene.

Due to the medical conditions of the patient and the Department's responsibility to minimize exposure of the patient to others, it is imperative that they be transported only to the designated Health and Hospitals Corporation facility. This includes those situations where the subject to be removed engages in conduct where an arrest is effected for other than refusal to comply with the DOHMH physician/peace officer's order. In these cases, the arrest will be made by members of this Department and P.G. 210-02 "Hospitalized Prisoners," will be followed.

UNIFORMED MEMBER OF THE SERVICE

7. Accompany patient along with a DOHMH physician/peace officer to pre-designated hospital.
8. Enter details of removal and transport in digital **Activity Log**.
9. Ensure that the name of the DOHMH physician/peace officer, and the patient removed, are recorded in digital **Activity Log** and on any other Department forms prepared.
10. Comply with the pertinent provisions of *A.G. 330-09, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."*

ADDITIONAL DATA

If the patient exhibits behavior where it is likely that the patient or others may be seriously injured or the patient barricades himself in the premises and refuses to comply, members of the service at the scene will comply with the provisions of P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons" and P.G. 221-14, "Hostage/ Barricaded Person(s)," as appropriate.

RELATED PROCEDURES

Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (A.G. 330-09)
Hospitalized Prisoners (P.G. 210-02)
Hostage/Barricaded Person(s) (P.G. 221-14)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

NYPD

DEFINITIONS

CARBON MONOXIDE - a colorless and odorless gas that interferes with the delivery of oxygen to the cells of the body. The signs and symptoms of carbon monoxide poisoning are headache, nausea, vomiting, confusion and disorientation. In severe cases cherry red skin can be present. Carbon monoxide is created by incomplete combustion of burning fuels, such as gasoline, oil, wood and paper.

PROCEDURE

When responding to a report of a residential carbon monoxide alarm:

UNIFORMED MEMBER OF THE SERVICE

1. Promptly respond to location and attempt to identify what type of alarm has been transmitted (e.g. residential, central station monitored, EMS call).
2. Interview any person(s) that may have information regarding location of the alarm.
3. Refrain from entering location.
4. Request the response of Patrol Supervisor, if alarm confirmed.
5. Establish frozen area.
6. Render reasonable aid to victims, if present.
7. Request Emergency Medical Service to respond if necessary.
8. Observe affected individuals for signs and symptoms of carbon monoxide poisoning and direct them to EMS for treatment.

PATROL SUPERVISOR

9. Respond to location.
10. Evaluate situation upon arrival.
11. Maintain frozen area and extend if necessary, until hazard is removed.

NOTE

Patrol Supervisors should be guided by Patrol Guide 212-37, "Hazardous Materials," when responding to a carbon monoxide alarm and setting up frozen areas.

12. Establish Crime Scene, if necessary.
13. Request response of ESU personnel.
14. Prevent all non-ESU police personnel from entering location.
15. Notify Duty Captain and precinct Desk Officer.
16. Direct Communications to notify Department of Buildings if location is City owned.

EMERGENCY SERVICE UNIT MEMBER

17. Respond to location and determine whether carbon monoxide gases are present.
18. Advise patrol supervisor on appropriate frozen area boundaries, as necessary.
19. Determine whether location is safe for re-entry.

UNIFORMED MEMBER OF THE SERVICE

20. Remain outside location until ESU deems location habitable.
21. Assist EMS with removal of aided(s) if location is properly vented and ESU personnel advise the location is safe to enter.
22. Comply with *P.G. 216-01, "Aided Cases General Procedure."*

PATROL SUPERVISOR

23. Direct preparation of **AIDED REPORT** and a **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if appropriate.
24. Confer with ESU personnel to determine if location is safe for occupants to re-enter prior to allowing re-entry.
25. Comply with pertinent provisions of *Patrol Guide 212-37, "Hazardous Materials,"* if it is determined that a continuing carbon monoxide threat exists.

RELATED PROCEDURES

Hazardous Materials (P.G. 212-37)
Aided Cases General Procedure (P.G. 216-01)

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT WORKSHEET (PD313-152A)

PURPOSE To safeguard and remove mentally ill or emotionally disturbed persons at the direction of Mobile Crisis Outreach or Assertive Community Treatment Teams pursuant to section 9.58 of the New York State Mental Hygiene Law.

DEFINITIONS MOBILE CRISIS OUTREACH TEAMS - These teams are independently operated by local hospitals or community-based mental health organizations, are usually funded by the Department of Health and Mental Hygiene (DOHMH), and may sometimes be attached to New York State licensed "comprehensive emergency programs." Their goal is to assess, stabilize and rapidly refer patients to longer-term providers.

ASSERTIVE COMMUNITY TREATMENT TEAMS (ACT) - Similar to Mobile Crisis Outreach Teams, but are "hospitals on wheels," more richly staffed by mental health workers and charged with providing a wide range of ongoing services. ACT teams sometimes need to order involuntary transport of their patients to hospital emergency rooms. They receive contract funding from the Department of Health and Mental Hygiene and are licensed by the New York State Office of Mental Health.

QUALIFIED MENTAL HEALTH PROFESSIONAL (QMHP) - Members of a Mobile Crisis Outreach or Assertive Community Treatment Team who are licensed psychologists, certified social workers or registered professional nurses who are eligible to direct a removal under section 9.58 of the New York State Mental Hygiene Law.

PROCEDURE When requested to a location where a physician or qualified mental health professional assigned to a Mobile Crisis Outreach Team or Assertive Community Treatment Team is on scene, uniformed members of the service will:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with provisions of *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* as required.
2. Request the physician or qualified mental health professional on scene to present section 9.58 identification card along with signed and completed **OMH 482** form **(Mobile Crisis Outreach Team Authorization for Transport)**.
   a. Photograph section 9.58 identification card and signed **OMH 482** form with Department smartphone.
      (1) Attach photographs of section 9.58 identification card and **OMH 482** form to digital **Activity Log**.
   b. Record pertinent information in digital **Activity Log** including the identity of the physician or qualified mental health professional ordering the removal, and the length of time the aided was in police custody.

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Inform communications dispatcher that the removal is involuntary, when appropriate.
4. Prepare **AIDED REPORT** and include the following:
   a. Individual was removed pursuant to section 9.58 of the New York State Mental Hygiene Law.
   b. Name of physician or qualified mental health professional who directed the removal and the Mobile Crisis Outreach Team name.

NOTE

*To accurately record removals under section 9.58 of the New York State Mental Hygiene Law, uniformed members of the service will select "Emotionally Disturbed" in the "Aided Person" section of the **AIDED REPORT** and select the captions "Mobile Crisis Team Removal? – Yes" and "Involuntary Removal? – Yes" in the "Additional Information" section.*

ADDITIONAL DATA

*Qualified mental health professionals assigned to Mobile Crisis Outreach Teams / Assertive Community Treatment Teams must prepare **OMH 482 form (Mobile Crisis Outreach Team Authorization for Transport)** prior to directing the involuntary transport of an individual. The completed form must be presented to responding officers to allow officers to digitally capture photograph.*

A uniformed member of the service will request an ambulance to provide transportation of the patient to the hospital and ride in the body of the ambulance with the patient. When transporting an emotionally disturbed individual to the hospital, the officer may frisk the individual's person for weapons. If the individual has a bag or any similar item, the officer may only frisk that bag/item for a weapon or concern for safety to protect the individual and others, and the bag is in a grabbable area. If the officer feels what appears to be a weapon during the frisk, the officer may search the bag for the weapon.

The member of the mobile crisis team ordering the section 9.58 removal is responsible to communicate details of the removal to hospital staff and doctors as well as provide any required documentation. Once the individual has been removed to the hospital for evaluation and registered as a patient, uniformed member of the service presence is no longer required unless the patient is exhibiting violent behavior.

Mobile Crisis Outreach or Assertive Community Treatment Teams ordering the removal of a mentally ill person will safeguard all personal property (other than contraband) removed from the patient.

Uniformed members of the service are reminded to contact the Legal Bureau if the validity of a removal is in question.

RELATED PROCEDURES

Unusual Occurrence Reports (P.G. 212-09)
Hostage/Barricaded Person(s) (P.G. 221-14)
Aided Cases General Procedure (P.G. 216-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Mental Health Removal Orders (P.G. 216-06)

FORMS AND REPORTS

AIDED REPORT
Mobile Crisis Outreach Team Authorization for Transport (Form OMH 482)

VEHICLE COLLISIONS – GENERAL PROCEDURE

PURPOSE To record and determine the cause of each vehicle collision and take or recommend corrective action.

DEFINITIONS VEHICLE COLLISION – A collision which occurs on a public highway, a street between building lines, or private property and involves a vehicle, including a parked vehicle, attended or unattended.

VEHICLE – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

QUALIFYING VEHICLE – For the purposes of this procedure is:

a. Any commercial truck having a Gross Weight Rating or Gross Combined Weight Rating more than 10,000 pounds
b. Any vehicle displaying a hazardous materials placard
c. A bus designed to carry nine or more persons, including the driver.

BICYCLE – Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

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

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

E-SCOOTER (ELECTRIC SCOOTER) – Every device weighing less than one hundred pounds that may have handlebars, has a floorboard that can be stood upon by the operator, and an electric motor; can be powered by the electric motor and/or human power; and has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor.

NOTE *For the purposes of this procedure "E-Bike" and "E-Scooter" collisions are to be treated in the same manner as bicycle collisions, and the provisions of P.G. 217-17, "Bicycle Collisions – General Procedure" are to be complied with.*

DEFINITIONS (continued)

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

NOTE

For the purposes of this procedure, "Motorized Scooter" collisions are to be treated in the same manner as vehicle collisions, and the provisions contained within this procedure are to be complied with.

CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

SERIOUS PHYSICAL INJURY – For the purpose of this procedure, a physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

SERIOUS TRAFFIC VIOLATION – For the purpose of this procedure, a serious traffic violation includes and traffic violation under the following sections of the New York State Vehicle and Traffic Law.

Section 511:	Operation while license or privilege is suspended or revoked; aggravated unlicensed operation
Section 600:	Leaving the scene of an incident without reporting
Section 1100 – 1105:	Obedience to and effect of traffic laws
Section 1110 – 1117:	Traffic signs, signals and markings
Section 1120 – 1131:	Driving on right side of roadway, overtaking and passing, etc.
Section 1140 – 1146a:	Right of way
Section 1160 – 1166:	Turning and starting and signals on stopping and turning
Section 1170 – 1176:	Special stops required
Section 1180 – 1182-b:	Speed restrictions
Section 1212:	Reckless driving.

PROCEDURE

Upon notification or observation of a vehicle collision:

UNIFORMED MEMBER OF THE SERVICE

1. Park Department vehicle behind vehicle(s) involved, so that traffic will not be impeded.
   a. The first responding unit (e.g., the unit assigned to vehicle collision via Communications Section, pickup by unit, etc.), regardless of command, assignment, or whether vehicle collision occurred on the border of two or more precincts, will interview motorists, witnesses, etc., and prepare **Police Accident Report (MV104AN)**, if required.

UNIFORMED MEMBER OF THE SERVICE (continued)

b. If determined to be a property damage only vehicle collision (see *ADDITIONAL DATA* for list of disqualifiers):
   (1) Provide each motorist with **Report of Motor Vehicle Accident (MV104), COLLISION INFORMATION EXCHANGE (PD301-157)** form, and **WHAT YOU SHOULD KNOW ABOUT VEHICLE COLLISIONS (PD571-111)** card,
   (2) Inform motorists they must prepare and forward a **Report of Motor Vehicle Accident** to the New York State Department of Motor Vehicles within ten days for vehicle collisions resulting in damage over $1,000 (failure to do so may result in license and/or registration suspension),
   (3) Instruct each motorist involved that they are to exchange pertinent information, and
   (4) Provide radio code "**10-99T3 – Referred to DMV**," and resume patrol/assignment.

c. Under no circumstances, will a motorist be instructed to wait for a response from the precinct of occurrence, or Highway personnel, for preparation of a **Police Accident Report**.

2. Ascertain if there are any injuries and request ambulance, if needed.
   a. Place **IDENTIFICATION TAG (PD317-091)** on aided, if unconscious and removed to hospital.
   b. When there is serious physical injury, determine if any operator involved committed a serious traffic violation, as defined in this procedure. If so, administer a Preliminary Breath Test (PBT) to all operators involved (unless operator is removed from the scene for immediate medical attention), if qualified to do so. If not qualified, request assistance from another uniformed member of the service qualified to administer the PBT.
      (1) If operator(s) refuses, they are in violation of VTL Section 1194(1)(b) and a summons may be issued.
      (2) If probable cause is established that an operator is under the influence of alcohol and/or drugs, effect arrest and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest."*
   c. If the injury is critical, serious and likely to die, or death, comply with *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury."*
3. Divert traffic, if necessary.
   a. Use traffic cones, turret lights and danger signs, whenever available.
   b. Place first cone at least two hundred feet from the collision on high-speed highways, bridges, etc.
4. Obtain driver's license, vehicle registration, and insurance identification card from the drivers of all vehicles involved in collision.
   a. Record required information and return credentials to driver(s).

NOTE *The following vehicles do not require insurance identification cards:*
a. Taxis, buses and other rented vehicles,
b. Vehicles operating under the authority of the Public Service Commission and ICC,
c. Government owned vehicles, and
d. Certain farm vehicles.

UNIFORMED MEMBER OF THE SERVICE (continued)

5. Have vehicles removed from roadway as soon as practical.
6. Attempt to identify any uninvolved witnesses to the collision.
   a. Record any statements made by witnesses to the collision.
   b. Obtain name, address, home telephone number, and mobile number of as many witnesses to the collision as possible.
7. Determine the cause of the collision by inquiry and observation.

NOTE *When responding to a collision between a pedestrian or bicyclist and a motor vehicle where the pedestrian or bicyclist was attempting to lawfully cross a street and the motor vehicle operator failed to exercise due care, the member of the service concerned should contemplate taking enforcement action under New York City Administrative Code Section 19-190 as described in P.G. 217-18, "Vehicle Collision – Pedestrian/Bicyclist Right of Way Law."*

8. Survey the scene carefully and be alert for common insurance fraud indicators.
9. Take summary action, if necessary.
   a. If a moving violation summons is issued and the collision from which the violation arose resulted in the death or serious physical injury of someone other than the violator, the summonsing officer must write "D" for death or "SPI" for serious physical injury in the "Description/Narrative" section of the summons.
   b. If it has been determined that a PBT should be administered due to the injury and traffic violations, the result of the PBT, or the refusal of the operator to submit to the PBT, is to be documented in the **Police Accident Report**.
10. Prepare **COLLISION INFORMATION EXCHANGE**, as appropriate, and give to operators.
    a. Advise operator, if incapacitated, that another participant in the collision, or the owner of vehicle, must complete bottom portion of **COLLISION INFORMATION EXCHANGE** form.
    b. Complete bottom portion of **COLLISION INFORMATION EXCHANGE**, if the owner of vehicle, or no other participant in the collision is available.
11. Use a Department mobile digital device (e.g., cellular telephone, tablet, etc.), if available, to prepare the **Police Accident Report** utilizing the Finest Online Records Management System (FORMS).
    a. A legible handwritten copy must be completed if a member of the service does not have the ability to complete a **Police Accident Report** electronically.

UNIFORMED MEMBER OF THE SERVICE (continued)

12. Complete all relevant captions, with particular attention to the following:
    a. Account for all passengers in the vehicle taking care to note their seating position, name and injury (if any).
        (1) Include statement on **Police Accident Report** as to whether the airbag inflated and deployed, if injury is involved.
    b. Attempt to identify passengers through documentation (photo identification if possible). If unable to do so note on **Police Accident Report**.
    c. Enter passenger information in the "All Involved" section of the **Police Accident Report**, boxes "A" through "F."
    d. Draw a straight line through every unused box of this section and initial it, if handwritten form is completed.
    e. Repeat the same process as above on the reverse side of the **Police Accident Report**, in the "Persons Killed Or Injured In Accident" section, boxes "A" through "E."
    f. Enter information concerning operator of bicycle involved in section captioned "Vehicle 2," if applicable.
        (1) Enter the name and address of the bicycle rental company in the applicable registration information captions, if a rental bicycle is involved.
    g. Ensure "E-Bike (with pedals)," "E-Bike (without pedals)" or "E-Scooter (standing)" category is checked in "Vehicles" section of **Police Accident Report**, whenever an E-Bike/E-Scooter is involved.
        (1) If handwritten **Police Accident Report** is prepared, include E-Bike/E-Scooter involvement in "Details" section of **Police Accident Report**.
13. Obtain the vehicle identification numbers (VIN) from the dashboard and door of each vehicle involved in the collision.
    a. Ensure that they match.
14. Record VIN on **Police Accident Report** as follows:
    a. Enter VIN in the stand-alone caption provided, if entering **Police Accident Report** via FORMS, or
    b. List VIN in the caption labeled "Accident Description/Officer's Notes," if preparing a handwritten copy of **Police Accident Report**.
15. Inspect vehicles/bicycles involved in the collision and indicate the type of vehicle/bicycle in the "Vehicle Type" caption on the **Police Accident Report** (see *ADDITIONAL DATA*).
16. Obtain pedicab information, if involved in collision.
    a. Enter pedicab Department of Consumer and Worker Protection License number in "Driver License ID Number" caption on **Police Accident Report**.
    b. Enter pedicab registration number in "Plate Number" caption on **Police Accident Report**.

UNIFORMED MEMBER OF THE SERVICE (continued)

17. Prepare **Truck and Bus Supplemental Police Accident Report (MV104S)** in FORMS, if at least one vehicle involved is a qualifying vehicle and the collision resulted in one of the following "conditions of severity" for any person or any vehicle involved:
    a. At least one person sustained fatal injuries,
    b. At least one person was transported for immediate medical treatment, and/or
    c. At least one vehicle was towed/transported from the scene (other than for a flat tire).

NOTE *If a collision involved a qualifying vehicle and a "condition of severity," as described above, a **Truck and Bus Supplemental Police Accident Report** must be prepared for each qualifying vehicle and attached to the corresponding **Police Accident Report**.*

18. Check appropriate "Duplicate Copy Required For" captions on rear of **Police Accident Report** and, in addition, check box captioned "Other City Agency," if necessary, and enter:
    a. DEPARTMENT OF CONSUMER AND WORKER PROTECTION - If tow truck or pedicab licensed by Department of Consumer and Worker Protection is involved in collision.
    b. NEW YORK CITY DEPARTMENT OF TRANSPORTATION - if collision involved collision with a "crash cushion" or "highway impact attenuator."
    c. DEPARTMENT OF PARKS - Person killed or injured on roadway under jurisdiction of Department of Parks, or motor vehicle collision resulting in damage to a tree on park land, city street, or on any other public property owned by the City of New York.
    d. MISSING PERSON SQUAD (MEDICAL EXAMINER'S LIAISON UNIT) - Person killed in collision.
    e. HIGHWAY DISTRICT (COLLISION INVESTIGATION SQUAD) - Person killed in collision.

NOTE *Subdivisions "d" and "e" above will also be followed when a supplementary **Police Accident Report** is prepared indicating that a death has resulted at a later date after the original report has been forwarded.*

    f. NEW YORK CITY FIRE DEPARTMENT, ACTIONS AND CLAIMS UNIT - If collision involves any of the following:
        (1) Fire Department vehicles
        (2) Health and Hospitals Corporation ambulance (staffed by FDNY - Emergency Medical Service personnel)
        (3) Fire hydrants
        (4) Fire alarm boxes.
    g. DEPARTMENT OF EDUCATION, OFFICE OF PUPIL TRANSPORTATION - Vehicle collision involving a school bus.
    h. NYC TAXI AND LIMOUSINE COMMISSION - If taxi or for hire vehicle (livery/limousine) is licensed by the NYC Taxi and Limousine Commission.

UNIFORMED MEMBER OF THE SERVICE (continued)

i. NYC OFFICE OF THE COMPTROLLER - All collisions where New York City personnel or City property is involved.

19. Inform person(s) involved in collision that copy of **Police Accident Report** may be obtained as follows:
    a. Electronically, or by mail, via New York State Department of Motor Vehicles website,
    b. In person, at precinct of occurrence, within thirty days of collision. A current, valid form of photo identification (e.g., driver license, passport, etc.) is required,
    c. By mail request, at precinct of occurrence, when received within thirty days of collision, with a self-addressed stamped envelope,
        (1) Any mail request not accompanied by a photocopy of a current, valid form of photo identification (e.g., driver license, passport, etc.) will be returned.
    d. Electronically, via the Department's public internet website.
20. Sign and deliver handwritten copies of the **Police Accident Report** to the desk officer, precinct of occurrence, if prepared.
    a. Members assigned to outside commands will deliver any handwritten **Police Accident Reports** to the desk officer, precinct of occurrence.
21. Make complete digital **Activity Log** entry.

COMMAND CLERK

22. Make required entries in FORMS for **Police Accident Reports** prepared during the tour.

DESK OFFICER

23. Review and sign all handwritten copies and electronically sign-off on all digital copies of **Police Accident Reports** for collisions occurring in the command, and ensure that required entries are made in FORMS on each tour.
    a. Ensure any deficiencies on **Police Accident Reports** are amended by the reporting officer during the tour.

NOTE *The desk officer WILL NOT accept **Police Accident Reports** for collisions occurring in another command.*

24. Forward handwritten copies of **Police Accident Reports** to precinct traffic safety officer/designee.

TRAFFIC SAFETY OFFICER/ DESIGNEE

25. Review all **Police Accident Reports** (both handwritten and entered directly into FORMS).
    a. In absence of traffic safety officer, a uniformed member of the service authorized by the commanding officer, will review **Police Accident Reports**.
26. Inform training sergeant of any deficiencies found in either handwritten or electronically submitted **Police Accident Reports**.

TRAFFIC SAFETY OFFICER/ DESIGNEE (continued)

27. After reviewing handwritten copies of **Police Accident Reports**:
    a. Ensure barcode coversheet is generated via FORMS, and
    b. Ensure completed handwritten forms are scanned and electronically attached to digital entry by command clerk.
28. Send copies of **Police Accident Reports** marked "Duplicate Copies For" to appropriate agency in an addressed white envelope and forward envelope via Mail and Distribution Unit.
29. Fax copy of all **Police Accident Reports** involving a "crossover" collision to the Corporation Counsel and the Highway District.

TRAFFIC SAFETY SERGEANT

30. Monitor and review all **Police Accident Reports**.

ADDITIONAL DATA

PROPERTY DAMAGE ONLY VEHICLE COLLISIONS

*The following circumstances disqualify a vehicle collision from being classified as property damage only, and will require the preparation of a **Police Accident Report**, as required:*

(a) Any person trapped, injured, incapacitated, or deceased,
(b) Any vehicle requiring a tow,
(c) Motorists unable, or unwilling, to exchange information/paperwork,
(d) Damage to property other than any vehicle involved, or the contents thereof,
(e) Disputes,
(f) Any act of suspected criminality,
(g) Any vehicle classified as a "Qualifying Vehicle,"
(h) Any City involved vehicle collision, and/or
(i) Any vehicle collision involving a deer and/or a domestic animal.

POLICY CONSIDERATIONS

*If collision involves an arrest for Driving While Intoxicated/Impaired, a copy of the **Police Accident Report** will be attached to court papers and delivered by the arresting officer to the assistant district attorney in the complaint room.*

*Prepare **Police Accident Report** in any vehicle collision case when the City is involved or an animal (horse, dog, domestic cattle, etc.) is killed or injured.*

*Personal injury bicycle, E-Bike and E-Scooter collisions, not involving a motor vehicle, are to be reported on a **Police Accident Report** as per P.G. 217-17, "Bicycle Collisions – General Procedure."*

*Members of the service will indicate the type of vehicle/bicycle involved in the collision and enter the appropriate information in the "Vehicle Type" caption on the **Police Accident Report**:*

(a) ATV – All terrain vehicle
(b) BIKE - Bicycle
(c) CAR/SUV – Passenger car/sport utility vehicle
(d) TRUCK/BUS – Large and small commercial vehicles
(e) MCY - Motorcycle
(f) E-BIKE (with pedals)
(g) E-BIKE (without pedals)
(h) E-SCOOTER (standing)
(i) OTHER (describe in details).

ADDITIONAL DATA (continued)

Pending arrival of an ambulance, the uniformed member should allow a sick/injured person to be treated by a doctor, emergency medical technician or paramedic, if person volunteers their services, AND the uniformed member reasonably believes the volunteer is a professional. The medical attention should take place, if possible, under the observation of the member concerned. When the emergency situation is under control, request identification from volunteer, including name and address, and record information in digital ***Activity Log*** *and under "Details" in* ***Police Accident Report****. The volunteer's role is limited to providing medical assistance ONLY. Determination regarding removal procedures via ambulance, Medevac, etc., will be determined by Emergency Medical Service personnel.*

A ***REQUEST FOR COPY OF COLLISION RECORD (PD301-165)*** *will be given to involved party upon request at any precinct stationhouse.*

Members are reminded to be guided by P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury," as necessary.

RELATED PROCEDURES

Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Mandatory Driver's License Checks (P.G. 209-24)
Aided Cases General Procedure (P.G. 216-01)
Unidentified Persons (P.G. 216-03)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Accidents and Collisions – City Involved (P.G. 217-04)
Department Vehicle Collisions (P.G. 217-06)
Collisions – Private Vehicles Authorized for Police Use (P.G. 217-07)
Bicycle Collisions – General Procedure (P.G. 217-17)
Vehicle Collision – Pedestrian/Bicyclist Right of Way Law (P.G. 217-18)

FORMS AND REPORTS

COLLISION INFORMATION EXCHANGE(PD301-157)
IDENTIFICATION TAG (PD317-091)
REQUEST FOR COPY OF COLLISION RECORD (PD301-165)
WHAT YOU SHOULD KNOW ABOUT VEHICLE COLLISIONS (PD571-111)
Police Accident Report (MV104AN)
Report of Motor Vehicle Accident (MV104)
Truck and Bus Supplemental Police Accident Report (MV104S)

VEHICLE COLLISIONS WHICH RESULT IN DEATH, SERIOUS INJURY AND LIKELY TO DIE, OR CRITICAL INJURY

PURPOSE To investigate vehicle collisions in which death, serious injury and likely to die, or critical injury has occurred and to present facts to the District Attorney.

DEFINITION CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

PROCEDURE After responding to a vehicular collision in which death, serious injury and likely to die, or a critical injury has occurred, follow normal vehicle collision procedures and, in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Detain drivers, occupants, vehicles involved, and witnesses.
2. Effect arrest and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest,"* if probable cause is immediately established that an operator is under the influence of alcohol and/or drugs.
3. Ensure operators of all vehicles involved in a motor vehicle collision resulting in death, serious injury and likely to die, or critical injury to a person, remain at the scene unless:
   a. A vehicle operator is removed from the scene for immediate medical attention or;
   b. Otherwise directed by a supervisor on the scene.
4. Ensure any other operator(s) remain at the scene pending the administration of a hand held Preliminary Breath Test (PBT) by a qualified member of the service assigned to the Highway District Collision Technician Group, Highway District Collision Investigation Squad, or authorized Highway Unit member.
   a. Observe operator(s) for any indication of impairment by alcohol and/or drugs.
   b. Effect arrest and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest,"* if probable cause is subsequently established that an operator is under the influence of alcohol and/or drugs.
   c. Transport prisoner directly to the designated testing location without undue delay so that the IDTU technician may commence testing within two hours from time of arrest in order to minimize the possibility of a reduced alcohol concentration level reading of a chemical test when administered.

NOTE *A certified Drug Recognition Expert will conduct intoxicated/impaired driver screening and testing of all motorists involved in arrests resulting from a collision investigation scene as follows:*

a. Conduct intoxicated/impaired driver screening on motorists arrested for a charge other than intoxicated or impaired driving when the arrest was made prior to the arrival of Highway District personnel (e.g., Vehicle and Traffic Law Section 511, Administrative Code Section 19-190 by precinct personnel, etc.)

NOTE (continued)

b. Conduct breath alcohol testing for all motorists arrested for intoxicated/impaired driving

c. Conduct blood testing for any motorist arrested for intoxicated/impaired driving and is hospitalized.

UNIFORMED MEMBER OF THE SERVICE (continued)

5. Obtain name, address, home and business telephone numbers of any person who must leave the scene.
6. Confer with on–scene emergency medical service personnel to ascertain if any person involved in collision has been classified as critically injured as per FDNY EMS guidelines.
7. Request patrol supervisor to respond to scene.
8. DO NOT disturb collision scene unnecessarily.
   a. Mark position of vehicle and/or injured person with chalk, if person/vehicle must be moved.
9. Make digital **Activity Log** entry.

PATROL SUPERVISOR

10. Respond to collision scene.
11. Upon arrival at the collision scene where a death, serious injury and likely to die, or critical injury has occurred, request the response of:
    a. Precinct Detective Squad
    b. Highway District Collision Technician Group
    c. Highway District Collision Investigation Squad.
12. Notify desk officer and commanding officer/duty captain regarding circumstances of incident.
13. Notify Operations Unit if an extended closure of a roadway(s) is required or if perishable merchandise or current newspapers are involved.
14. If member of the service is involved and suspected of operating a motor vehicle under the influence of alcohol and/or any other intoxicant, immediately notify the commanding officer/duty captain.

COMMANDING OFFICER/ DUTY CAPTAIN

15. Confer with patrol supervisor regarding incident.
    a. Ensure criteria for a critical injury have been met, or in circumstances where criteria for a critical injury have not been met, determine whether the extent of injuries and/or unique circumstances of a collision warrant an investigation under the parameters of this procedure.
    b. Ensure appropriate units have been notified and are responding.
16. If a member of the service tests positive on a hand held Preliminary Breath Test (PBT) as listed in step "4" above, ensure said member is transported directly to the designated testing location without undue delay and ensure that the IDTU technician commences testing within two hours from time of arrest.

PRECINCT DETECTIVE SQUAD MEMBER

17. Interview witnesses and secure the crime scene pending arrival of the Highway District Collision Technician Group and the Highway District Collision Investigation Squad.

HIGHWAY DISTRICT COLLISION TECHNICIAN GROUP MEMBER

18. Conduct Standardized Field Sobriety Testing – Test Battery.
19. Request Preliminary Oral Fluid Drug Screening Samples from all operators involved in collision.
20. Administer Preliminary Breath Test (PBT) to all operators involved in collision.

NOTE *A certified Drug Recognition Expert will be requested to respond through the Highway District to conduct intoxicated or impaired driver testing on all subjects arrested for any charge in connection with a collision investigation.*

21. Process collision scene.
22. Confer with Highway District Collision Investigation Squad member in regards to processing the collision scene.
23. Prepare **MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)**.

HIGHWAY DISTRICT, COLLISION INVESTIGATION SQUAD MEMBER

24. Notify and inform appropriate District Attorney's Office of preliminary facts of incident prior to the conclusion of the investigation.
25. Conduct on-scene collision investigation with Highway District Collision Technician Group member.
26. Prepare **WITNESS STATEMENT - VEHICLE COLLISION (PD301-061)**.
27. Prepare **Early Notification of Fatal Accident (MV-104EN)**, if appropriate, and fax to New York State Department of Motor Vehicles within twenty-four hours.
28. Prepare **Police Report for Fatal Motor Vehicle Accidents (MV-104D)**, if appropriate.
    a. Complete a separate **Police Report for Fatal Motor Vehicle Accidents** when more than one person in a motor vehicle collision is deceased or if more than three vehicles are involved in a fatal collision.
29. Forward copies of completed **Early Notification of Fatal Accident** and **Police Report for Fatal Motor Vehicle Accidents**, and all other reports prepared to the Highway District Collision Investigation Squad concerned.
30. Notify relatives or friends of the deceased in a timely manner, if applicable.

DESK OFFICER, PRECINCT OF OCCURRENCE

31. Have a separate **COMPLAINT REPORT (PD313-152)** prepared for each person killed, or seriously injured and likely to die, or received a critical injury as a result of the collision.
    a. Classify **COMPLAINT REPORT** either "Case Open-Investigate Motor Vehicle Collision/Fatal," or "Case Open-Investigate Motor Vehicle Collision/Serious Injury and Likely to Die/Critical Injury," as appropriate.
32. Record as "Referred to Collision Investigation Squad" and forward copies of **COMPLAINT REPORT**, as appropriate.

DESK OFFICER, PRECINCT OF OCCURRENCE (continued)

33. Ensure that notifications to relatives or friends are made in a timely manner and document the time and date of the notification as well as the name of member making notification under caption "NOTIFICATIONS" on the **Police Accident Report (MV104AN)**.
    a. Ensure above notifications are made by the Highway District Collision Investigation Squad when a vehicle collision has resulted in a death.

HIGHWAY DISTRICT COLLISION TECHNICIAN GROUP MEMBER

34. Forward all reports, including any subsequent reports directly related to collision investigation, to the Highway District Collision Investigation Squad.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

For cases in which the collision is preceded by or precedes a criminal act, use of force by police, or other incident that requires investigation, the Highway District Collision Technician Group will process the collision scene and the Highway District Collision Investigation Squad will investigate the collision component only. The appropriate investigative unit (Precinct Detective Squad, Force Investigation Division, etc.) will be determined by the commanding officer/duty captain and will maintain investigative responsibility for all other components of the incident.

The Highway District Collision Technician Group and the Highway District Collision Investigation Squad investigators will maintain an open dialogue to ensure a proper and successful investigation is conducted.

A designated member of the Highway District Collision Investigation Squad will coordinate the investigation and presentation of facts to District Attorney concerned.

*When a precinct desk officer is notified that a person who sustained an apparent minor injury in a vehicle collision (**COMPLAINT REPORT** was NOT prepared) has died as a result of the collision, a **COMPLAINT REPORT** and a supplementary **Police Accident Report** will be prepared. The **COMPLAINT REPORT**, supplementary **Police Accident Report** and a copy of the original **Police Accident Report** will be forwarded to the Collision Investigation Squad concerned. Additionally, the Collision Investigation Squad concerned will also be notified by telephone.*

When making a determination as to when an extended roadway closure should be placed into effect in order to assist in a collision investigation (including the length of time a closure will remain in effect and whether or not to partially or fully close the roadway), the severity of injuries sustained by the individual(s) involved should be weighed versus other contributing factors (i.e., the time and day of occurrence, the specific type of roadway involved [e.g., arterial highway, major thoroughfare, etc.], the ability to effectively detour traffic and the need to preserve evidence at the scene). Operations Unit personnel will ensure that the Traffic Management Center is aware of any closures involving an arterial highway.

ADDITIONAL DATA (continued)

If a moving violation summons is issued and the violation resulted in a collision that caused the death or serious physical injury of someone other than the violator, the summonsing officer must write "D" for death or "SPI" for serious physical injury in the "Description/Narrative" section of the summons.

LEGAL CONSIDERATIONS

In accordance with Vehicle and Traffic Law, Section 1194.1 subsection (b), when requested to do so, all operators of vehicles involved in motor vehicle accidents are required to submit to a breath test for alcohol.

As there are no legal requirements to submit to a Preliminary Oral Fluid Screening Test, operators refusing to be screened may not be penalized, as would be the case if refusing a breathalyzer, and no paperwork should be forwarded to the Department of Motor Vehicles. Finally, oral fluid for the purpose of conducting the screening test may not be collected from unconscious individuals unable to consent, as this would constitute a warrantless search subjecting any evidence collected to suppression.

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Vehicle Collisions - General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury – Mechanical Defect Involved (P.G. 217-03)
Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Chemical Test Warrant Application (P.G. 217-16)
Bicycle Collisions – General Procedure (P.G. 217-17)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)
WITNESS STATEMENT - VEHICLE COLLISION (PD301-061)
STANDARDIZED FIELD SOBRIETY TEST NOTES (PD383-141)
Police Accident Report (MV104AN)
Early Notification of Fatal Accident (MV-104EN)
Police Report for Fatal Motor Vehicle Accidents (MV-104D)

Section: Vehicle Collisions		Procedure No: 217-03	
VEHICLE COLLISIONS WHICH RESULT IN DEATH, SERIOUS INJURY AND LIKELY TO DIE, OR CRITICAL INJURY– MECHANICAL DEFECT INVOLVED			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To examine a vehicle involved in a collision which has resulted in death, serious injury and likely to die, or critical injury to an individual to ascertain if the vehicle is mechanically defective.

DEFINITION CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

PROCEDURE When a vehicle has been involved in a collision which has resulted in death, serious injury and likely to die, or critical injury to an individual, and either the operator indicates or Highway Unit personnel suspect that the vehicle has a mechanical defect:

HIGHWAY UNIT OFFICER

1. Prepare **MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)**.
   a. Prepare **WITNESS STATEMENT-VEHICLE COLLISION (PD301-061)**, if appropriate.
2. Prepare the **Early Notification of Fatal Accident (MV-104EN)**, if appropriate, and fax to New York State Department of Motor Vehicles within twenty-four hours.
3. Prepare the **Police Report for Fatal Motor Vehicle Accidents (MV-104D)**, if appropriate.
   a. Complete a separate **Police Report for Fatal Motor Vehicle Accidents** when more than one person in a motor vehicle collision is deceased or if more than three vehicles are involved in a fatal collision.
4. Forward copies of completed **Early Notification of Fatal Accident** and **Police Report for Fatal Motor Vehicle Accidents** to the Collision Investigation Squad concerned.
5. Report facts to desk officer, precinct of occurrence, and to assigned member of Collision Investigation Squad.

UNIFORMED MEMBER OF THE SERVICE

6. Summon Department tow truck and have vehicle removed to Department facility.
7. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.

DESK OFFICER, PRECINCT OF OCCURRENCE

8. Enter rank, name, and shield number of Highway Unit officer in the Command Log.
   a. Note in entry if mechanical defect is a possible factor in collision.
9. Make reference to Command Log entry on **Police Accident Report (MV104AN)**.
10. Have **PROPERTY CLERK INVOICE (PD521-141)** prepared from **WORKSHEET**, review and digitally sign.

DESK OFFICER/ SUPERVISOR AT DEPARTMENT FACILITY

11. Do not permit removal of vehicle if required as evidence or until the defect has been corrected.
12. Obtain signed statement from person correcting mechanical defect and file in Property Receipt Book.
13. Permit removal of vehicle only by properly equipped tow truck if defect is not corrected, provided vehicle is not required as evidence.

RELATED PROCEDURES

Vehicle Collisions - General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)

FORMS AND REPORTS

MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
WITNESS STATEMENT-VEHICLE COLLISION (PD301-061)
Police Accident Report (MV104AN)
Early Notification of Fatal Accident (MV-104EN)
Police Report for Fatal Motor Vehicle Accidents (MV-104D)

PURPOSE To assist the City in processing cases in which the City may be a plaintiff or defendant.

DEFINITION CITY INVOLVED - Any reported incident involving personal injury and/or property damage which may involve the City in a civil action.

PROCEDURE When it is determined that the City may be involved in a civil suit as a result of an accident or vehicle collision:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **Police Accident Report (MV104AN)** if collision and check appropriate boxes under caption "DUPLICATE COPY REQUIRED FOR," OR
   Prepare **AIDED REPORT** in other cases in which personal injury resulted and the City may be involved, OR
   Prepare **ACCIDENT REPORT - CITY INVOLVED (PD301-155)** (only) in all other cases in which the City may be involved and no personal injury resulted (property damage only).
2. Ensure that **AIDED REPORT** contains an indication that City is involved and name of City agency involved.
3. Inform persons involved that a claim against the City arising from the incident must be filed with the Comptroller of the City of New York within ninety days.
4. Submit **REPORTS** to desk officer.

DESK OFFICER

5. Review and sign reports, as appropriate.
6. Review and approve **AIDED REPORT**, if applicable.
7. Forward:
   a. **Police Accident Report** in normal manner
   b. **ACCIDENT REPORT - CITY INVOLVED** as per instructions on form.
      (1) Dispose of buff agency copy if Police Department is the **ONLY** agency involved.
      (2) Determine City agency involved as indicated below:

CONDITION	AGENCY
➢ Traffic signs, stanchions, signal lights, etc.	➔ Department of Transportation.
➢ Property damage on roadway under jurisdiction of Department of Parks, or trees damaged on parkland, City streets, or on any other public property owned by the City of New York.	➔ Department of Parks.

CONDITION	AGENCY
➢ Damaged fire alarm box/post.	➔ New York City Fire Department, Actions and Claims Unit.
➢ Lampposts.	➔ Department of Transportation.
➢ Damage to parkway, through park road, highway, stone wall, curb, fence, guide rail, post, etc.	➔ Department of Transportation, Bureau of Highways, Legal Department.
➢ Accidents on or in immediate vicinity of a ferry, bridge, tunnel, dock, airport or seaplane base.	➔ Agency concerned.
➢ City hydrants	➔ Department of Environmental Protection and the New York City Fire Department, Actions and Claims Unit.
➢ School bus collision	➔ Department of Education, Office of Pupil Transportation.
➢ Property damage occurring on or emanating from transit facilities (e.g., falling debris from elevated MTA line)	➔ NYC Transit Law Department

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

It is not unusual for claims to arise in favor of the City in certain accidents and vehicle collisions. It is the policy of the City to pursue such claims. Members of the service at the scene of an incident involving the City will detail circumstances which may support claims by the City against private entities. Additionally, members will obtain names and addresses of witnesses at the scene, including potential witnesses favorable to the City. Full cooperation with the involved City agency or the Law Department in pursuing these claims is mandatory.

FORMS AND REPORTS

ACCIDENT REPORT - CITY INVOLVED (PD301-155)
AIDED REPORT
Police Accident Report (MV104AN)

PURPOSE To investigate reports of leaving the scene of vehicle collisions.

PROCEDURE Upon arrival at scene of a vehicle collision involving personal injury and/or property damage, and the operator of one of the vehicles has fled the scene without reporting, follow *P.G. 217-01 "Vehicle Collisions – General Procedure"* and:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **COMPLAINT REPORT WORKSHEET** (**PD313-152A**), unless the operator of a vehicle that left the scene of a collision (PROPERTY DAMAGE ONLY) is apprehended and issued a summons for the traffic offense of Leaving the Scene of a Collision Without Reporting, prior to preparation of a **COMPLAINT REPORT WORKSHEET**.

IF NEW YORK REGISTRATION NUMBER IS OBTAINED

UNIFORMED MEMBER OF THE SERVICE

2. Query NYSPIN through the FINEST system to determine if vehicle is reported stolen.
   a. DO NOT give complainant hard copy.
   b. Provide information utilizing **COLLISION INFORMATION EXCHANGE (PD301-157)**.
3. Obtain name and address of registered owner.
4. Give information to complainant.

IF VEHICLE REGISTERED IN ANOTHER STATE

UNIFORMED MEMBER OF THE SERVICE

5. Query NYSPIN through the FINEST System to determine identity of registered owner.
   a. Request information needed through an adjoining command, if the command FINEST System is inoperable.
6. Provide complainant with information, if identity of owner is obtained.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

In determining whether a case should be closed or referred to the detective squad, the following criteria should be considered:

a. Extent of damage
b. Whether the facts or degree of damage indicate operator intentionally left scene knowing he caused damage
c. Availability of witnesses to testify
d. Timeliness of complaint
e. Whether the report is being made for prosecution or insurance purposes
f. Other relevant factors which would have a bearing on this determination.

ADDITIONAL DATA (continued)

In PROPERTY DAMAGE ONLY cases, a summons returnable to the Traffic Violations Bureau may be served even though the member did not observe the offense (see Vehicle and Traffic Law, Section 602).

RELATED PROCEDURES

Vehicle Collisions - General Procedure (P.G.217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Conditions of Service (P.G. 209-01)

FORMS AND REPORTS

COLLISION INFORMATION EXCHANGE (PD301-157)
COMPLAINT REPORT WORKSHEET (PD313-152A)

NYPD

PURPOSE To record and determine the causes of collisions involving Department vehicles, including vehicles leased or rented by the Department and/or issued to the Department by any Federal/State/City agency, and recommend corrective action.

DEFINITION INVESTIGATING SUPERVISOR – For the purpose of this procedure, the investigating supervisor will be as follows:

a. The precinct commanding officer/duty captain will respond and act as the investigating supervisor and complete part "A" of the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE (PD301-153)**, if the collision involves death or serious injury to anyone

b. The patrol supervisor, precinct of occurrence or a supervisory officer from the involved member's command, if available, will respond and act as the investigating supervisor and complete part "A" of the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, if collision involves property damage only and/or a non-serious injury is sustained by either a member of the service or a civilian.

PROCEDURE When a Department vehicle is involved in a collision:

MEMBER OF THE SERVICE

1. Request ambulance, if necessary.
2. Request operator, occupants and witnesses to remain pending arrival of patrol supervisor.
   a. Obtain name, address, home and business telephone numbers of persons involved and witnesses.
3. Request patrol supervisor, precinct of occurrence, to respond.
   a. If not available, Communications Section will notify patrol supervisor, adjoining precinct to respond.

NOTE *If the operator of the Department vehicle is assigned to other than the precinct of occurrence, a supervisory officer from the involved member's command, if available, will perform the duties of the patrol supervisor.*

4. Prepare **Report of Motor Vehicle Accident (MV104)** utilizing the Finest Online Records Management System (FORMS), in all cases.
   a. If incapacitated, the patrol supervisor will prepare the **Report of Motor Vehicle Accident**, in addition to other forms.

NOTE *The Police Department, the City Law Department, or their designee, will pursue claims against private entities that are at fault in Department vehicle collisions. Details concerning the cause of the collision including the names of witnesses favorable to the City will be carefully documented on Department forms. A summons will be issued to the operator of a private vehicle if the patrol supervisor determines it is appropriate. A SUMMONS WILL NOT BE ISSUED TO AN OPERATOR OF A DEPARTMENT VEHICLE.*

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

5. Respond to scene and ascertain details of collision.
6. Assume role as investigating supervisor or request the response of the appropriate investigating supervisor, as defined in the "DEFINITION."
7. Notify desk officer of details of collision.
8. Notify the Operations Unit promptly if a member of the service is injured and requires hospital treatment.
   a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

DESK OFFICER, PRECINCT OF OCCURRENCE

9. Notify commanding officer to respond to scene of collision, when applicable.
10. Notify patrol borough command of collision AND
    a. Request duty captain to respond, when applicable.
    b. Enter notification and borough collision number obtained in Telephone Record.

NOTE

If preliminary investigation discloses that the driver committed a moving violation or if a fatality occurs, and the driver is a civilian member of the service required to have a Commercial Driver's License (CDL), he/she will be required to submit to alcohol and drug testing. The desk officer concerned will contact the Medical Division, Monday through Friday, 0700 hours to 1600 hours, within one hour of the incident. All other times, contact the Medical Division Sick Desk. The desk officer will be informed as to the location where the member must be taken for drug and alcohol testing, and will comply with the instructions of the Medical Division supervisor. The member involved MUST remain available for drug and alcohol testing. Unless unavailability is the result of necessary emergency care, a member's failure to be available will be considered a refusal to submit to alcohol and drug testing and will result in disciplinary or other appropriate action.

MEMBER ON DUTY, PATROL BOROUGH OFFICE

11. Record in Borough Department Vehicle Collision Log:
    a. Date, time, precinct of occurrence, location, borough collision number, rank, name and command of supervisor preparing **Police Accident Report**.
12. Notify the duty captain to respond to scene of collision, when requested.
    a. If duty captain is unable to respond notify available captain (or above) performing duty in borough.
13. Fax consolidated daily Department Vehicle Collision reporting forms directly to the Personnel Safety Desk.
    a. Commanding officers will ensure that these reports are submitted no later than 0700 hours each day.

INVESTIGATING SUPERVISOR

14. Respond to scene of collision.
    a. Comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* when:
       (1) A person in police custody is injured as a result of the Department vehicle collision (e.g., collision occurred while transporting a prisoner to court, etc.)

INVESTIGATING SUPERVISOR (continued)

(2) Any person is injured as the result of a Department vehicle pursuit

(3) Any person is injured as a result of a member of the service attempting to stop a vehicle or apprehend a suspect.

15. Conduct canvass for witnesses and for any video surveillance that may have captured the collision.
16. Interview all persons involved, including witnesses.
17. Secure copy of video surveillance, if available.
    a. Ensure copy of video surveillance is placed in Jewelry Security Envelope.
    b. Ensure copy of video surveillance is invoiced as property category "INVESTIGATORY EVIDENCE" utilizing the Property and Evidence Tracking System.
        (1) Select "MOS INVOLVED" caption.
        (2) Enter in "Remarks" section "Do not destroy without the authorization of the Commanding Officer, Legal Bureau."
18. Notify precinct detective squad for assistance, if video is available but not accessible due to technical difficulties.
    a. If precinct detective squad cannot retrieve video, notify Technical Assistance and Response Unit.
19. Prepare Part "A" of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, personally.
    a. Record the issuing agency and vehicle information in the "Preliminary Statement of Investigating Supervisor" caption if the vehicle involved was issued by a Federal/State/City agency.
    b. Ensure captions regarding video surveillance are completed.
20. Make a preliminary determination as to the cause of the collision and record on **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
    a. Consider the actions taken by both the operator and recorder in determining cause of collision.
    b. If preliminary investigation reveals that Department vehicle operator was at fault, a statement describing member's fault shall be included in the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**. Any action taken by the recorder or omitted actions will also be noted.
21. Ensure that cause(s) of collision is correctly identified and recorded on both the **Police Accident Report** and **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
22. Sign the completed **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
    a. Send a photocopy of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** to the Commanding Officer, Professional Standards Bureau, if any video has been invoiced.
23. Deliver **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** along with copy of **PROPERTY CLERK INVOICE (PD521-141)** for video, if applicable, to desk officer, precinct of occurrence.

NOTE *If preliminary investigation discloses that any operator committed a serious traffic violation, as defined in P.G. 217-01, "Vehicle Collisions - General Procedure," and there is a person who sustained serious physical injury, the patrol supervisor is to administer a Preliminary Breath Test (PBT) to the member of the service operator (unless operator is removed from the scene for immediate medical attention), if qualified to do so. If not qualified, the patrol supervisor will request the response of a qualified Highway Unit supervisor to administer the PBT. If probable cause is established that the member of the service operator is under the influence of alcohol and/or drugs, effect arrest, immediately notify IAB, and comply with P.G. 208-40, "Intoxicated or Impaired Driver Arrest." Furthermore, the patrol supervisor will ensure civilian operators are requested to submit to a PBT, unless operator is removed from the scene for immediate medical attention.*

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

24. Prepare **Police Accident Report (MV104AN)** via FORMS in quadruplicate.
    a. Fill in each numbered box with the proper entry as determined from the corresponding code list on the cover sheet of **Police Accident Report**. If question does not apply, enter "dash" (-). If proper entry for any question is unknown, enter an "X" in the corresponding box.
    b. If injury is involved, include statement on **Police Accident Report** as to whether the airbag inflated and deployed, if applicable.
    c. Indicate if collision occurred when responding to an emergency. If so, state what warning devices were being used (e.g., siren, dome light, etc.).
    d. Enter member's command and address of that command under caption "Operator's Address."
    e. Print in large letters "POLICE INVOLVED" at top of form under caption "Police Accident Report."
    f. Have two sets of photographs taken of all Department vehicle collisions showing damage to all vehicles involved. If collision involves death or injury, photographs will be taken at scene, if possible.
        (1) Photographs will be secured in a Jewelry Security Envelope.

NOTE *If a uniformed member of the service was operating a police vehicle during an "emergency operation" as defined by Section 114-b of the Vehicle and Traffic Law, supervisors preparing the* ***Police Accident Report*** *should enter a capital letter "P" in a circle next to the name of the Department vehicle operator near the top of the report and use the following text in the "Accident Description/Officer's Notes" section of the* ***MV104AN****: "The collision occurred in a police vehicle owned/operated by the New York City Police Department while responding to an emergency situation." Emergency operation as defined by Section 114-b of the Vehicle and Traffic Law states "the operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service."*

25. Prepare and sign **Report of Motor Vehicle Accident, Police Line of Duty Accident (MV104L)** via FORMS.
    a. Ensure uniformed member of the service's driver license number is included on the **MV104L**.

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE (continued)

b. Check box next to uniformed member of the service's name if collision occurred while in "emergency operation."

c. Attach completed form to **Police Accident Report**, prior to forwarding.

NOTE *Failure to report a collision to the Commissioner of Motor Vehicles by not forwarding a **MV104L** is a misdemeanor and shall constitute grounds for the suspension or revocation of the member of the service driver's license. The **MV104L** is for the New York State Department of Motor Vehicles' internal reporting only, and is not available to the public.*

PRECINCT COMMANDING OFFICER/ DUTY CAPTAIN

26. Review **Police Accident Report** prepared by the patrol supervisor.
    a. If collision involves death or serious injury, record under caption "Accident Description/Officer's Notes" reviewed by rank, name and command, and sign.
27. Determine justification of summons, if issued, when death or serious injury is involved.
    a. Comply with *P.G. 209-18, "Summons Served or Prepared in Error"* if summons is not justified.

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

28. Deliver one completed copy of **Police Accident Report** to operator of Department vehicle involved in collision.

DESK OFFICER, PRECINCT OF OCCURRENCE

29. Notify patrol borough office of rank, name and command of supervisor who prepared the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
30. Notify Fleet Services Division and obtain Police Collision Serial Number.
31. Enter serial number assigned prefaced by caption "Police Collision Serial Number" at top of **Police Accident Report**.
    a. Enter serial number in designated box on **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
32. Fax both sides of the **Police Accident Report**, **Report of Motor Vehicle Accident**, **Police Line of Duty Accident** and **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, immediately after serial numbers are obtained from the On Line Accident System, Fleet Services and borough offices, without the final agency determination captions completed, to the Personnel Safety Desk, twenty-four hours a day. No coversheet is necessary.
    a. During business hours (0700 x 1830 hours), confirm receipt by calling the Personnel Safety Desk. If the transmission of reports cannot be completed, a photocopy of the reports will be left for the relieving desk officer to fax on the next tour. Commands with inoperative fax machines will utilize a fax machine in the closest Department facility. It will be the desk officer's responsibility to ensure that this information is expeditiously faxed to the Personnel Safety Desk on the same tour in which the collision occurred, if

DESK OFFICER, PRECINCT OF OCCURRENCE (continued)

possible. Ensure, prior to faxing, that the aforementioned reports are completed in a legible and accurate manner.

33. Indicate on **Police Accident Report** under caption, "Duplicate Copy Required For," agencies that are to receive a copy of the Report.
    a. Enter command, if vehicle is permanently assigned to other than precinct of occurrence.
34. Send Department vehicle involved in collision (even if no apparent damage) to borough service station with copy of **Police Accident Report** and set of collision photos attached.
    a. Do not place vehicle in service until inspected at service station.
        (1) Have speedometer tested before vehicle is used to enforce speed regulations.
        (2) Notify speedometer-testing station if vehicle will be out of service for an extended period.
35. Attach copy of **Police Accident Report**, copy of **PROPERTY CLERK INVOICE**, if applicable, and photographs to **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** and forward to precinct executive officer for endorsement.
36. Forward original copy of **Police Accident Report** to traffic safety officer for review and processing.

PRECINCT EXECUTIVE OFFICER

37. Convene a Precinct Vehicle Collision Safety Review Board within twenty days of a vehicle collision and review **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, photographs, video (if available) and any related reports prepared.
    a. Have the Personnel Safety Desk contacted to ascertain the number of Department vehicle collisions in which the operator concerned has been involved.
    b. The Board will be composed of:
        Precinct executive officer (chairperson)
        Lieutenant platoon commander or special operations lieutenant
        Integrity control officer or assistant integrity control officer
        Precinct training sergeant
        Traffic safety officer or designee
        Peer member (rank of operator)
        Supervisor from operator's command (if other than precinct of occurrence).

NOTE *When the vehicle operator being reviewed is above the rank of captain, the patrol borough executive officer will be the chairperson of the board.*

38. Indicate Precinct Vehicle Collision Safety Review Board recommendation by completing part "B" of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.

NOTE *In cases that do not arise to the level of discipline, but are preventable, the Precinct Vehicle Collision Safety Review Board may consider referral of the member of the service to the Professional Standards Bureau, in addition to other recommendations.*

If the precinct executive officer is unavailable, the precinct commanding officer shall be the chairperson of the board.

Factors that led to determination and explanation of delays will be the subject of Traffic Stat meetings, if board is not convened within twenty days of collision.

PRECINCT COMMANDING OFFICER

39. Ensure that the Precinct Collision Safety Review Board process was conducted properly and in a timely fashion, and complete part "C" of **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**, indicating Approval/Disapproval of the precinct executive officer's recommendation.

NOTE *IN ALL CASES, THE FINAL AGENCY DETERMINATION WILL BE MADE BY THE COMMANDING OFFICER OF THE PRECINCT OF OCCURRENCE.*

40. Endorse all reports.
    a. Forward white copy of **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**, with photographs, copy of **Police Accident Report**, and any related reports, to Personnel Safety Desk within thirty days of the collision.
    b. Forward buff copy of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, copy of **Police Accident Report**, and any related reports, to patrol borough office for review of information only.
    c. Forward copy of **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**, to Professional Standards Bureau Attn: Early Intervention Program, if Precinct Vehicle Collision Safety Review Board recommends referral to the Professional Standards Bureau.
    d. File pink copy of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** in operator's personal folder.

NOTE *The commanding officer of the member concerned must review the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE** prior to having it filed in the operator's personal folder.*

    e. File copies of all reports prepared at precinct, in chronological order, under the heading "Department Vehicle Collisions."

NOTE *All Department vehicle collision cases, regardless of the command of the operator, will be heard at the precinct of occurrence by the Precinct Vehicle Collision Safety Review Board.*

In cases where the Department vehicle collision involved a member assigned to other than the precinct of occurrence, the precinct commanding officer will notify the command/bureau of the member of the service involved that the command/bureau concerned MUST have a supervisor attend the Precinct Vehicle Collision Safety Review Board.

Members of the service assigned to the Highway District will be exempt from going through the Precinct Vehicle Safety Review Board or attending retraining by the Driver Education and

NOTE (continued)

Training Unit. When a member of the Highway District is involved in a Department vehicle collision, the Highway District will convene a Highway Vehicle Safety Review Board, and if it is deemed that the member needs retraining, the Highway Driver Training School will conduct the retraining.

PRECINCT COMMANDING OFFICER (continued)

41. Implement disciplinary (or other) action, if warranted.
42. Develop a collision reduction program for the command and report progress to the patrol borough command concerned.

PATROL BOROUGH EXECUTIVE OFFICER

43. Be accountable for compliance with this procedure AND:
    a. Ensure timely convening of the Precinct Vehicle Collision Safety Review Board
    b. Chair the Precinct Vehicle Collision Safety Review Board when member being reviewed is above the rank of captain
    c. Ensure that final "at fault" determinations are accurately made and recorded on the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**
    d. Ensure that completed reports are forwarded to the Personnel Safety Desk within thirty days of the collision
    e. Ensure that members found "at fault" are scheduled for and attend re-training within ninety days (when appropriate). Names of members who require re-training should be forwarded to the bureau training coordinator so that training slots can be distributed appropriately.

NOTE

In those cases where the Precinct Vehicle Collision Safety Review Board was chaired by the borough executive officer, the patrol borough commanding officer will provide the review function outlined in step "43(c)" above.

ASSIGNED MEMBER, LEGAL BUREAU

44. Comply with *P.G. 218-55, "Retention of Invoiced Property"* and submit a **REQUEST FOR RETENTION (PD521-169)**, utilizing the Property and Evidence Tracking System, if copy of video surveillance of Department collision is required to be held by the Property Clerk Section for more than one year.
    a. Perform a separate **REQUEST FOR RETENTION** for each associated **PROPERTY CLERK INVOICE**.
    b. Ensure retention request is updated on a yearly basis.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*Report vandalism to a Department vehicle on **Typed Letterhead** to Fleet Services Division and deliver report to borough service station with vehicle.*

The Personnel Safety Desk will forward a copy of reports received to Police Academy, Driver Education and Training Unit.

Operators of Department vehicles involved in a collision are advised to stop the vehicle immediately, extinguish any cigarettes, utilize four-way flashers, raise the vehicle's hood and utilize flares or any other warning devices. The vehicle should be moved only if its location is hazardous and likely to cause additional collisions.

ADDITIONAL DATA (continued)

When deemed appropriate, if collision involves death or serious injury, the responding precinct commanding officer/duty captain may immediately direct that the operator and/or recorder not be assigned to duty in a Department vehicle, if such action is based upon their determination, after investigation at the scene. This immediate action, as well as any further action, will be subject to review by the members' precinct/unit commanding officer. All proposed disciplinary action will be indicated on the ***COLLISION REPORT - POLICE DEPARTMENT VEHICLE*** *as a recommendation.*

If Department vehicle operator is NOT assigned to precinct of occurrence, duplicate copies of all reports prepared will be forwarded to operator's commanding officer.

If Department vehicle involved in collision is not permanently assigned to precinct of occurrence, send duplicate copies of ***Police Accident Report*** *and* ***COLLISION REPORT - POLICE DEPARTMENT VEHICLE*** *to commanding officer concerned.*

If a collision occurs with a Department vehicle outside the confines of New York City, the operator of vehicle is to notify the Operations Unit and provide particular details of accident (i.e., vehicle number, operator information, additional occupants, if any injuries, etc.). The operator of said vehicle is to request the response of the appropriate police agency of the jurisdiction concerned in order for the completion of all necessary paperwork as required by New York State. All other Department specific required paperwork is to be completed by a uniformed supervisor of member concerned and forwarded as outlined in this procedure. When possible, member concerned is to take photographs of damage to all vehicles involved, utilizing a Department cell phone or other Department device, or by any other means available.

All bureaus (e.g., Detective, Transit, Housing, etc.) should designate a supervisory member of the service to review reports involving members of their command.

All bureau executive officers should review the semi-annual Department Vehicle Collision Summary report prepared by the Personnel Bureau and, where needed, develop appropriate collision reduction programs specific to their bureaus.

If the need to interview a member of the service under the provisions of A.G. 318-11, "Interrogation of Members of the Service" becomes apparent and a serious violation is alleged or sufficient justification is present, although the violation is minor, a member will be permitted sufficient time to have a representative respond prior to start of interview.

Members of the service who were involved in Department vehicle collisions in which it has been determined that the member's driving ability was a contributory factor to the incident would benefit from the Driver Education and Training Unit's "Collision Retraining Course." However, depending upon the circumstances, other corrective measures such as disciplinary action may be more appropriate. Therefore, to ensure that only those members who would benefit are scheduled for retraining, the following guidelines are offered:

Driver retraining should be implemented only if the operator of a Department vehicle is determined to be at fault due to a driving deficiency based on factors such as:

a. weather conditions which affect the road surface
b. loss of control
c. backing
d. fender judgment
e. mirror usage (vans)
f. avoiding obstructions, debris, potholes
g. braking
h. turn negotiation

ADDITIONAL DATA (continued)

*The precinct/unit commanding officer will be responsible for ensuring that appropriate individuals attend collision retraining within **ninety days** of the collision. These provisions will be strictly adhered to absent exigent circumstances, i.e., extended sick leave or other valid reasons preventing timely retraining.*

Commanding officers are reminded that the Driver Education and Training Unit is a tool best utilized to improve a member's overall driving performance. It should not be viewed as disciplinary action. The Commanding Officer, Driver Education and Training Unit, is available to all commanding officers for conferral whether scheduling a specific member for retraining would be appropriate.

New York State Vehicle and Traffic Law section 1104(a) allows the driver of an authorized emergency vehicle, when involved in an emergency operation, to disregard regulations with certain conditions. These conditions include proceeding past a steady red signal, but only after slowing down as may be necessary for safe operation, or exceeding the maximum speed limits as long as life and property are not endangered. However, it should be noted that disciplinary action would be more appropriate than driver retraining for those members who are involved in vehicle collisions which occurred as a result of their unsafe disregard of such regulations, as opposed to the member merely having deficient driving skills.

*Amounts of property damage sustained are often unable to be determined in a timely fashion, and whether an injury has in fact occurred, or will be claimed at a future date, is often undetermined. Therefore, patrol supervisors of uniformed members of the service involved in a Department vehicle collision will prepare a **MV104L**. The **MV104L** will be prepared at the time of the collision and attached to the **Police Accident Report** prior to forwarding. Civilian members of the service involved in a Department vehicle collision will prepare **MV104**. The **MV104** will be prepared at the time of the collision and should the member of the service involved be incapacitated and unable to complete the form, the patrol supervisor will do so. (This is in addition to the **Police Accident Report** prepared by the patrol supervisor.) Failure to report a collision by a civilian member of the service to the Commissioner of Motor Vehicles by not forwarding a copy of a **MV104** is a misdemeanor and shall constitute grounds for the suspension or revocation of the member's driver's license.*

In accordance with New York State Department of Financial Services regulations, the operator of a Department vehicle may not be penalized (charged) by a private insurance company for a Department vehicle collision that occurred during the performance of duty. Likewise, insurance companies may not cancel a member of the service's personal automobile insurance policy on the basis of such collisions.

*In the event that a member of the service's private automobile insurance policy is surcharged, cancelled or not renewed unjustifiably as a result of a Department vehicle collision, such member should notify their commanding officer. The commanding officer concerned will prepare an **OFFICIAL LETTERHEAD (PD158-151)** to the insurance company concerned (see sample). The member concerned should also contact:*

New York State Department of Financial Services
One State Street
New York, New York 10004

ADDITIONAL DATA (continued)

Sample

(Date)

(Rank) (Name)
Commanding Officer (Pct.)
(Street Address)

(Insurance Company Name)
(Street Address)
(City, State)

Re: (RANK, NAME OF MEMBER OF THE SERVICE INVOLVED)
COLLISION (NUMBER)
(DATE OF COLLISION)

Dear Sir or Madam:

I am the commanding officer of (Rank, Name of member of the service involved). This letter is to inform (Name of Insurance Company) that (Name of member of the service involved) is a member of the New York City Police Department, and that the above referenced collision occurred during the performance of his/her duty with the Police Department. Therefore, pursuant to New York State Insurance Regulation section 169.1(d) (iv) of Title 11 of the NYCRR, no surcharge may be imposed for the above referenced collision.

Very truly yours,
(Rank) (Name)

RELATED PROCEDURES

Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Summons Served or Prepared in Error (P.G. 209-18)
Vehicle Pursuits (P.G. 221-15)
Vehicle Collisions – General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Accidents and Collisions – City Involved (P.G. 217-04)
Collisions – Private Vehicles Authorized for Police Use (P.G. 217-07)
Retention of Invoiced Property (P.G. 218-55)
Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)

FORMS AND REPORTS

COLLISION REPORT - POLICE DEPARTMENT VEHICLE (PD301-153)
OFFICIAL LETTERHEAD (PD158-151)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR RETENTION (PD521-169)
Police Accident Report (MV104AN)
Report of Motor Vehicle Accident (MV104)
Report of Motor Vehicle Accident, Police Line of Duty Accident (MV104L)
Typed Letterhead

PURPOSE To record and process vehicular collisions involving privately owned vehicles authorized for police use by members of the service (uniformed or civilian).

PROCEDURE When involved in a collision while operating an authorized private vehicle in the performance of police duty:

MEMBER OF THE SERVICE

1. Notify precinct of occurrence.
   a. Request response of patrol supervisor.
2. Prepare **Report of Motor Vehicle Accident (MV104)** in all cases.
   a. If incapacitated, the patrol supervisor will prepare the **Report of Motor Vehicle Accident (MV104)**, in addition to other forms.

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

3. Respond to scene.
4. Prepare **Police Accident Report (MV104AN)**.
   a. Under caption "Operator's Address," enter member's command and address of that command.
   b. Under caption "Duplicate Copy Required For," check box marked "Office of Comptroller (City Involved)" and any other boxes that apply.
   c. If injury is involved, include statement on **Police Accident Report** as to whether the air bag inflated and deployed, if applicable.
   d. Have photographs taken of collision showing damages to all vehicles involved.
      (1) If collision involves death or injury, photographs will be taken at scene, if possible.

NOTE *If preliminary investigation discloses that the driver committed a moving violation or if a fatality occurs, and the driver is a civilian member of the service required to have a Commercial Driver's License (CDL), he/she will be required to submit to alcohol and drug testing. The desk officer concerned will contact the Medical Division, Monday through Friday, 0700 hours to 1600 hours, within one hour of the incident. All other times, contact the Medical Division Sick Desk. The desk officer will be informed as to the location where the member must be taken for drug and alcohol testing, and will comply with the instructions of the Medical Division supervisor. The member involved MUST remain available for drug and alcohol testing. Unless unavailability is the result of necessary emergency care, a member's failure to be available will be considered a refusal to submit to alcohol and drug testing and will result in disciplinary or other appropriate action.*

If preliminary investigation discloses that any operator committed a serious traffic violation, as defined in P.G. 217-01, "Vehicle Collisions - General Procedure," and there is a person who sustained serious physical injury, the patrol supervisor is to administer a Preliminary Breath Test (PBT) to the member of the service operator (unless operator is removed from the scene for immediate medical attention), if qualified to do so. If not qualified, the patrol supervisor will request the response of a qualified Highway Unit supervisor to administer the PBT. If probable cause is established that the member of the service operator is under the influence of alcohol and/or drugs, effect arrest, immediately

NOTE (continued) *notify IAB, and comply with P.G. 208-40, "Intoxicated or Impaired Driver Arrest." Furthermore, the patrol supervisor will ensure civilian operators are requested to submit to a PBT, unless the operator is removed from the scene for immediate medical attention.*

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE (continued)

5. Furnish member involved in collision with two duplicated copies of **Police Accident Report** and set of collision photos for submission to Fleet Services Division and Deputy Commissioner - Management and Budget.
6. Direct member concerned to:
   a. Obtain Police Collision Serial Number from Fleet Services Division and
   b. Bring vehicle, with copy of **Police Accident Report** and set of collision photos, to Fleet Services Division for inspection and estimate of damage.
      (1) If vehicle is inoperable, notify Fleet Services Division to send a qualified person to estimate damage.

NOTE *If vehicle is inoperable, member is entitled to have vehicle removed by Department Tow to one location of choice, within New York City.*

7. Submit four copies of report, on **Typed Letterhead**, to precinct commander, summarizing collision and indicating any driving deficiency.

PRECINCT COMMANDER

8. Investigate, if a deficiency was determined, and take appropriate disciplinary action.
9. Endorse patrol supervisor's report:
   a. If in doubt regarding member's driving ability, request retesting and/or retraining by the Police Academy Driver Training Unit.
   b. Direct a record of collision be entered in the operator's personal folder.
   c. Forward report, as follows:
      (1) Original - Chief of Department
      (2) Duplicate - Personnel Safety Desk
      (3) Triplicate - Deputy Commissioner - Management and Budget
      (4) Quadruplicate - Precinct file.

NOTE *If member is not permanently assigned to precinct of occurrence, indicate on reverse side of **Police Accident Report** that a duplicated copy is required for member's permanent command. Send copy of patrol supervisor's report to commanding officer concerned.*

<u>WHEN CLAIMING REIMBURSEMENT FROM THE CITY FOR DAMAGE TO PRIVATELY OWNED VEHICLES INCURRED IN THE LINE OF DUTY</u>

MEMBER OF THE SERVICE

10. Prepare report, in duplicate, on **Typed Letterhead**, addressed to Deputy Commissioner - Management and Budget, including:
    a. Time and date of occurrence.
    b. Description of incident, including a full description of auto: year, make, model, number of cylinders and registration.

MEMBER OF THE SERVICE (continued)

c. A copy of any entry made in other Department record(s), regarding particulars of collision, as appropriate.
d. Statement that member is not claiming reimbursement for property damage from a private insurance carrier.
e. Statement that upon receipt of reimbursement from the city, the member will assign to the city any rights to reimbursement for property damage arising from the incident.

11. Obtain and attach to report:
    a. Damage estimates from two separate auto body collision repair shops
    b. Copy of **Police Accident Report**.

NOTE *If vehicle is inoperable only one outside estimate is required.*

12. Submit report, with attachments, to commanding officer.

COMMANDING OFFICER, MEMBER CONCERNED

13. Investigate and endorse request, to include:
    a. Facts as stated in request.
    b. Whether member had authorization to use vehicle at time of incident.
    c. Existence of any other official record(s) covering date and time of occurrence.
    d. Recommendation to APPROVE/DISAPPROVE request.
14. Forward report, with attachments, to commanding officer of next higher level of command.

COMMANDING OFFICER, NEXT HIGHER LEVEL OF COMMAND

15. Review request and attachments.
16. Indicate APPROVAL/DISAPPROVAL of request.
17. Forward, through channels, to Deputy Commissioner - Management and Budget.

DEPUTY COMMISSIONER MANAGEMENT AND BUDGET

18. Review request and attachments.
    a. Endorse to the Director, Fleet Services Division.

FLEET SERVICES DIVISION

19. Examine private vehicle of member concerned.
    a. Prepare an estimate of repairs
    b. Forward estimate with recommendations of amount to be paid to Deputy Commissioner - Management and Budget.

DEPUTY COMMISSIONER MANAGEMENT AND BUDGET

20. Review request and recommendation.
21. Determine reimbursement amount, if any.
22. Prepare affidavit and assignment.
    a. Forward to member concerned requesting notarized signature.

MEMBER OF THE SERVICE

23. Sign and have notarized the affidavit and assignment form.
24. Return to Deputy Commissioner - Management and Budget (DIRECT).

DEPUTY COMMISSIONER MANAGEMENT AND BUDGET

25. Indicate APPROVAL or DISAPPROVAL, upon receipt of affidavit and assignment form.
26. Return DISAPPROVED requests to requesting member by endorsement.
27. Forward APPROVED request with affidavit to Audits and Accounts Unit for payment processing.
    a. Forward two copies of approved payments eligible for subrogation to Deputy Commissioner - Legal Matters.

AUDITS AND ACCOUNTS UNIT

28. Process reimbursement payments approved by Deputy Commissioner - Management and Budget.

DEPUTY COMMISSIONER LEGAL MATTERS

29. Review reimbursement payments forwarded by Deputy Commissioner-Management and Budget.
30. Determine if cases should be forwarded to the appropriate city agency for the recovery of reimbursements paid by the Department (subrogation).

ADDITIONAL DATA

*Vandalism to vehicles will be reported to the Fleet Services Division, on **Typed Letterhead**, and delivered with the vehicle to that unit.*

The Police Department will <u>not</u> bear responsibility for any personal items stolen from the vehicle or damaged in the collision.

RELATED PROCEDURES

Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Vehicle Collisions - General Procedure (P.G. 217-01)
Private Vehicles Authorization and Usage (A.G. 325-14)

FORMS AND REPORTS

Police Accident Report (MV104AN)
Report of Motor Vehicle Accident (MV104)
Typed Letterhead

PATROL GUIDE

Section: Vehicle Collisions		Procedure No: 217-08	
AIRCRAFT ACCIDENTS			
DATE ISSUED: 08/28/19	DATE EFFECTIVE: 08/28/19	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To determine the cause of, and record data concerning aircraft accidents.

PROCEDURE On arrival at the scene of an aircraft accident follow *P.G. 216-01*, "*Aided Cases - General Procedure,*" and in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor to respond.
2. Notify the desk officer.
3. Detain pilot and aircraft.
4. Safeguard evidence until examined by authorized personnel.
5. Advise the owner or pilot of his responsibility to report the accident to the desk officer within ten hours and that failure to do so is a misdemeanor.

DESK OFFICER

6. Notify:
   a. Detective squad concerned
   b. Operations Unit
   c. Duty captain
   d. Borough office.

SUPERVISING OFFICER IN COMMAND

7. Prepare and forward report of unusual occurrence with two extra copies for Chief of Special Operations.

NOTE *An authorized investigator, FAA or Aviation Unit, determines the cause of the accident, supplies the necessary information to the detective concerned and recommends the release of the pilot and the plane when feasible.*

FORMS AND REPORTS ***UNUSUAL OCCURRENCE REPORT (PD370-152)***

PURPOSE To direct the response of designated tow trucks, through the Communications Section, to the scene of vehicular collisions, for vehicles which the reporting member deems unsafe to be driven, except that an operator of a vehicle with a gross vehicle weight of fifteen thousand pounds or more may choose their own company to respond.

SCOPE This procedure does not include collisions occurring in tunnels, on bridges, or arterial highways serviced by franchised towing companies under permits issued by Department of Transportation (see *P.G. 212-08, "Activity Logs"*). Additionally, Administrative Code Section 20-524, Subdivision "c," exempts any governmental agency from the operation of this law. Therefore, when a government vehicle is damaged in a collision, the operator of the vehicle may call his or her own tow service.

Pertinent provisions of the Administrative Code applicable to the Directed Accident Response Program state:

a. Section 20-518 (a) (3) - All participants in the program shall maintain a business premises that is under exclusive control of the participant, is not used by any other towing company and is the premises listed on such participant's license to engage in towing. Such premises shall consist of a location that is open to the public, where towing company personnel are employed, calls requesting towing service are received and towers dispatched, and where all records required by this subchapter or any rules promulgated thereunder are maintained.

b. Section 20-518 (b) - The vehicle removed from the collision scene at the direction of the Police Department shall be removed by a tow truck of a company participating in the Directed Accident Response Program. At all times the vehicle shall be stored within such storage facility as listed on the license of the towing company responding to the Police Department's direction to remove the vehicle. Such premises shall be owned, operated or controlled by such towing company and shall not be used by any other towing company.

PROCEDURE Upon arrival at a collision scene:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with pertinent provisions of *P.G. 217-01, "Vehicle Collisions – General Procedure."*
2. Ascertain if vehicle(s) can be safely driven, or if towing is required using reasonableness as a standard.
   a. Operators of government vehicles or vehicles with a maximum gross vehicle weight of fifteen thousand pounds or more may use their own tow company.
   b. A uniformed member may authorize the removal of a vehicle which cannot be safely driven if the owner/operator is incapacitated, is not present, or refuses to authorize the tow.

NOTE *Once the uniformed member makes a determination that a tow truck is needed, the request may not be cancelled.*

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Notify Communications Section dispatcher when towing service is needed.
   a. The notification will include the color, body type and plate number(s) of the vehicle(s) requiring a tow.

NOTE *DO NOT TRANSMIT THE MAKE, MODEL OR YEAR OF THE DISABLED VEHICLE(S) INVOLVED IN A COLLISION.*

COMMUNICATIONS SECTION DISPATCHER

4. Inform uniformed member at the scene of the name of the towing company responding.
5. Dispatch patrol supervisor.

NOTE *The Directed Accident Response Program operator at the Communications Section will maintain a list of tow companies participating in each zone and will make notifications on a strict rotation basis. PRECINCT COMMANDS ARE NOT AUTHORIZED TO MAKE NOTIFICATIONS.*

UNIFORMED MEMBER OF THE SERVICE

6. Allow only the tow truck dispatched by the Communications Section to remove vehicle(s), except:
   a. Where motorist(s) indicates that a private towing company will be requested and the vehicle involved has a gross vehicle weight of fifteen thousand pounds or more.
   b. Arrest evidence vehicles
   c. Vehicles held as investigatory evidence
   d. Vehicles subject to the Rotation Tow Program as stolen or abandoned
   e. Government vehicles.
7. Remain on scene for thirty minutes after radio dispatcher advises which tow company is responding.

NOTE *If the assigned tow company is not on the scene within thirty minutes of being assigned by the Communications Section, the uniformed member will request the Communications Section to cancel the initially requested tow company and assign the next tow company in the rotation. The uniformed member will prepare a* ***REPORT OF VIOLATION (PD672-151)*** *for the tow company that was cancelled and advise the dispatcher when resuming patrol. The Communications Section Dispatcher will enter the appropriate final disposition code to indicate the unit has departed the collision scene prior to the arrival of the DARP tow operator (Code Signal 10-99T9).*

8. Inform motorist(s) involved of name of tow company responding.
   a. Supply the motorist(s) involved with the telephone number of the Directed Accident Response Program operator and instruct the motorist(s) to call after thirty minutes, if the tow truck has not arrived. Inform the motorist to be prepared to give the Directed Accident Response Program operator both the vehicle plate number and the location of the collision.

UNIFORMED MEMBER OF THE SERVICE (continued)

9. Enter tow company information on **Police Accident Report (MV104AN)** only when the vehicle is towed and the tow company is known.
10. Comply with the following, if an unsolicited tow truck arrives or is found at the scene:
    a. If there is probable cause to believe that a tow operator has traveled enroute to, or responded to the collision scene without having a specific request for service from a person in charge of either a government vehicle or a vehicle with a maximum gross vehicle weight of fifteen thousand pounds or more or from the Police Department, issue summons for violation of Administrative Code, Section 20-518(b)(2) (unsolicited response by tow operator).
        (1) Prepare a **REPORT OF VIOLATION**.
    b. In those cases where there is probable cause to believe that a tow operator has solicited any of the involved parties, issue an additional summons for violation of Administrative Code, Section 20-515, subdivision (b) (soliciting for towing at the scene of a vehicular collision). This also applies to persons soliciting at a collision scene from a private vehicle.
        (1) Include this additional information on the **REPORT OF VIOLATION**.

NOTE *Members of the service may not seize unlicensed tow trucks for the sole purpose of being unlicensed by the Department of Consumer and Worker Protection.*

PATROL SUPERVISOR

11. Respond to location and supervise the removal of involved vehicles.
12. Supervise the issuance of summonses to tow truck operators when summonses are issued.
13. Insure the preparation of **REPORT OF VIOLATION** when warranted.
    a. If a witness advises that a tow company removed a vehicle from the scene prior to the officer's arrival have **REPORT OF VIOLATION** prepared. Include witness' name, address and telephone number, if obtained.

DESK OFFICER

14. Direct reporting officer to have information regarding a vehicle which is towed without the owner/operator's knowledge (e.g., operator unconscious and removed to hospital, no operator with vehicle, vehicle was parked and is now impeding traffic, etc.) entered into the FINEST system utilizing the "IMPOUND" screen.
    a. Ensure that notification is sent to registered owner of vehicle.

NOTE *If inquiry is made at stationhouse and information is not available through FINEST System "IMPOUND" screen, call DARP operator for vehicle's location.*

DESK OFFICER (continued)

15. Review and sign **REPORT OF VIOLATION**.
16. Assign precinct serial number to **REPORT OF VIOLATION**.
17. Have **REPORT OF VIOLATION** forwarded to Department of Consumer and Worker Protection, Licensing Enforcement Section, 42 Broadway, New York, New York 10004.

ADDITIONAL DATA

The tow truck dispatched by the Directed Accident Response Program will possess, and must present for inspection, a "Tow Authorization" form that must include a Department of Consumer and Worker Protection license number. The tow trucks and tow operators must be licensed by the Department of Consumer and Worker Protection.

Uniformed members advising the radio dispatcher of a final disposition from the scene of a collision must utilize one of the following disposition codes as it pertains to that particular collision situation:

a. 10-99T4 Vehicle Collision (No tow required)
b. 10-99T5 Vehicle Collision (D.A.R.P. tow service)
c. 10-99T6 Vehicle Collision (Other tow service)
d. 10-99T7 Vehicle Collision (D.A.R.P. and other tow service)
e. 10-99T8 Vehicle Collision (Highway-authorized tow service)
f. 10-99T9 Vehicle Collision (D.A.R.P. requested, waited thirty minutes, made second request, resumed patrol)

The following violations of Department of Consumer and Worker Protection regulations will be entered under "Additional Information" on ***REPORT OF VIOLATION****:*

a. UNJUSTIFIABLE REFUSAL to accept towing assignments
  (1) Violation - Article XI, subdivision F (DARP)
b. REPEATED UNJUSTIFIABLE REFUSALS to accept towing assignments
  (1) Violation - Article XI, subdivision L (DARP). (List times and dates of such refusals).

Uniformed members of the service will refrain from using any other final disposition code when a vehicle collision is involved EXCEPT if upon arrival, the vehicle(s) is not at the scene and there is no information available concerning how it was removed. In this instance, Code Signal 10-90Z [Gone on Arrival] will be utilized.

RELATED PROCEDURES

Vehicle Collisions – General Procedure (P.G. 217-01)

FORMS AND REPORTS

Police Accident Report (MV104AN)
REPORT OF VIOLATION (PD672-151)

PATROL GUIDE

Section: Vehicle Collisions		Procedure No: 217-10	
ACCIDENTS - DEPARTMENT PROPERTY			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To report damage to Department property other than Department vehicles.

PROCEDURE Upon discovery of damaged property:

UNIFORMED MEMBER OF THE SERVICE

1. Report facts to desk officer and make digital **Activity Log** entry.

DESK OFFICER

2. Have patrol supervisor investigate facts and prepare report, including:
   a. Date and time of occurrence
   b. Details
   c. Department property involved
   d. Damage to other property
   e. Owner of that property
   f. Action
   g. Witnesses
   h. Brief description of injury.

PATROL SUPERVISOR

3. Submit report to command clerk.

COMMAND CLERK

4. Type report on **Typed Letterhead** (four copies).
   a. Submit to desk officer/counterpart.

DESK OFFICER

5. Have patrol supervisor sign report.
6. File one copy of report and forward three copies, direct, as follows:

PROPERTY	**TO**
Booths, buildings	Deputy Commissioner - Management & Budget, Facilities Management Division
Horses	Mounted Unit
Aircraft, launches	Office of the Chief of Special Operations

RELATED PROCEDURES *Department Vehicle Collisions (P.G. 217-06)*

FORMS AND REPORTS ***Typed Letterhead***

PURPOSE To assist the New York City Housing Authority in processing cases in which the New York City Housing Authority may be a plaintiff or defendant.

DEFINITION N.Y.C.H.A. INVOLVED - ALL accidents involving serious injury or death, or an aided case which may involve the Housing Authority in legal action.

PROCEDURE When it is determined that the New York City Housing Authority may be involved in legal action, comply with normal aided or accident procedures and in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **FIELD REPORT**, using the Finest Online Records Management System (FORMS).
   a. 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.
2. Ensure that **FIELD REPORT** contains:
   a. Contributory conditions of areas, i.e., no lights in stairwell, rubbish on stairs, broken sidewalk, icy condition, etc., OR
   b. Non-contributory conditions of area, i.e., stairwell well lighted, dry, no obstructions noted, sidewalk dry and clear of obstructions, etc.
3. Telephone PSA desk officer and report all pertinent details of the incident.

DESK OFFICER

4. Make determination as to the severity of the incident and in appropriate cases, make the following notifications:
   a. During business hours, Monday through Friday, notify the manager of the Housing Authority location concerned, when appropriate, AND forward copies of all reports prepared to the New York City Housing Authority, Law Department Tort Division, 75 Park Place, 11th Floor, New York, New York 10007.
   b. After business hours and on holidays and weekends, notifications will be made in accordance with subdivision "a" above, by the desk officer on the next business day following the incident.
5. Make appropriate Command Log entry of notification, including name of person notified.

ADDITIONAL DATA

Notifications with respect to serious injury or death incurred as a result of a criminal action shall be excluded from the provisions of this procedure.

*Copies of all reports, including **ACCIDENT REPORT - CITY INVOLVED (PD301-155)** if prepared, will be forwarded to the Housing Authority Insurance Division for informational purposes (see P.G. 217-04, "Accidents and Collisions - City Involved").*

It is not unusual for claims to arise in favor of the Housing Authority in certain accidents. It is the policy of the Housing Authority to pursue such claims. Members of the service at the scene of an accident involving the Housing Authority, will detail circumstances which may support claims by the Housing Authority against private entities. Additionally, members will obtain names and addresses of witnesses at the scene, including potential witnesses favorable to the Housing Authority. Full cooperation with the Housing Authority or the New York City Law Department in pursuing these claims is mandatory.

RELATED PROCEDURES *Accidents and Collisions - City Involved (P.G. 217-04)*

FORMS AND REPORTS ***ACCIDENT REPORT - CITY INVOLVED (PD301-155)***
FIELD REPORT (313-1511)

NYPD

Section: Vehicle Collisions		Procedure No: 217-12	
NOTIFICATIONS - CERTAIN ACCIDENT CASES			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To notify concerned agencies in certain accident cases.

PROCEDURE Upon being informed of any of the following types of accidents:

DESK OFFICER

1. Notify Operations Unit direct if incident involves:
   a. Bridge, on, near or affecting dock, affecting structure
   b. Explosives, vehicle transporting
   c. Police signal box damaged (also notify Communications Section)
   d. Railroad, other than subway
   e. Sprinkler system inoperative
   f. Tunnel, in or affecting
   g. Construction site, serious injury or death
   h. Elevator, escalator or amusement ride, serious injury or death and there is an apparent or actual malfunction or defect in the equipment.
2. Notify the agency direct if incident involves:

• Building, affecting structure	➢ Department of Buildings (see ADD'L DATA)
• Bus, MTA	➢ N.Y.C. Transit
• Crane	➢ Department of Buildings (see ADD'L DATA)
• Elevator	➢ Department of Buildings (see ADD'L DATA)
• Fire alarm box or post damaged	➢ Fire Dept., Borough Fire Headquarters
• Housing, persons requiring shelter	➢ Dept. of Social Services
• Scaffold	➢ Department of Buildings (see ADD'L DATA)
• Subway	➢ N.Y.C. Transit

ADDITIONAL DATA *The New York City Department of Buildings can be notified twenty-four hours a day, seven days a week, through the Office of Emergency Management's (OEM) Watch Command.*

Section: Vehicle Collisions		Procedure No: 217-13	
PREPARING, AMENDING, AND RELEASING POLICE ACCIDENT REPORTS (MV 104AN) TO INVOLVED PARTIES APPEARING IN PERSON AT A POLICE FACILITY			
DATE ISSUED: 09/26/14	DATE EFFECTIVE: 09/26/14	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To minimize the means by which any involved party, that has an interest in a motor vehicle collision which has occurred, can commit insurance fraud.

DEFINITION INVOLVED PARTY- Any person/party(s) having an interest in a motor vehicle collision which has occurred. This would include, but is not limited to, the following: motorists, passengers, property owners (whose property is damaged as a result of the collision), an executor or administrator of the estate, next of kin, or insurance beneficiary of person killed in the collision, the parent or guardian of a minor involved in the collision, spouses, insurance company representatives, dependents in a Worker's Compensation claim, and attorneys.

PROCEDURE When an involved party appears in person at a police facility and requests that a **Police Accident Report (MV104AN)** be prepared, amended or released for a collision which occurred within the last thirty days:

DESK OFFICER

1. Interview and verify identification of party requesting copy of **Police Accident Report**.
2. Direct involved party to traffic safety officer/assigned uniformed member of the service in order to proceed with request.

TRAFFIC SAFETY OFFICER/ ASSIGNED UNIFORMED MEMBER OF THE SERVICE

3. Ask involved party requesting copy of **Police Accident Report**:
   a. To prepare **REQUEST FOR COPY OF COLLISION RECORD (PD301-165)**
   b. When and where collision occurred, and
   c. To present a current, valid form of photo identification (i.e., driver's license, passport, etc.)
      (1) No request will be honored without a current, valid form of photo identification
   d. An attorney must also present a notarized letter signed by the party concerned, stating that he/she is being represented by the attorney.
4. Make:
   a. Two photocopies of **Police Accident Report**
   b. One photocopy of involved party's photo identification.
5. Ensure that copies of **Police Accident Report** are correct.
6. Indicate name of person receiving copy of **Police Accident Report** on **REQUEST FOR COPY OF COLLISION RECORD**.
7. Submit **REQUEST FOR COPY OF COLLISION RECORD** to the desk officer.

DESK OFFICER

8. Sign caption on **REQUEST FOR COPY OF COLLISION RECORD** verifying proper completion of form.

TRAFFIC SAFETY OFFICER/ ASSIGNED UNIFORMED MEMBER OF THE SERVICE

9. Give one copy of **Police Accident Report** along with a copy of **REQUEST FOR COPY OF COLLISION RECORD** to requestor.
10. Staple to the original **REQUEST FOR COPY OF COLLISION RECORD**:
    a. Photocopy of **Police Accident Report**
    b. Photocopy of photo identification with **Police Accident Report** number written on the top right hand corner.
11. File chronologically on a daily basis.

INTEGRITY CONTROL OFFICER

12. Check a minimum of fifteen file copies of **REQUEST FOR COPY OF COLLISION RECORD** on a quarterly basis to ensure completed forms were verified by a supervisor.
    a. These checks will become part of the command's self inspection system.

ADDITIONAL DATA

*PREPARATION OF **POLICE ACCIDENT REPORT** AT POLICE FACILITY*

*Uniformed members of the service are required by law to complete a **Police Accident Report** and investigate the facts whenever any person(s)/party appears at a police facility and reports the following:*

ANY COLLISION which:

a. Results in serious injury or death to a person which must be investigated in accordance with P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury"

b. Results in injury to a person and the motor vehicle collision in question is being reported within five days after such collision

c. Involves a commercial vehicle where the damage incurred is disabling enough to result in a vehicle being towed from the collision scene and the motor vehicle collision in question is being reported within five days after such collision.

*Regarding the above circumstances, if the criteria as stated are met, the person/party requesting the completion of a **Police Accident Report** will be referred to the command where the collision took place. ONLY A UNIFORMED MEMBER OF THE SERVICE (UMOS) will prepare a **Police Accident Report**. The UMOS concerned will ask to view the vehicle in question (if available), and interview those claiming to be party to the collision (if present), before completing the **Police Accident Report**. In ALL cases, the UMOS must note in the "Accident Description/Officer's Notes" section of the **Police Accident Report** whether or not they had the opportunity to actually view the vehicle or interview the person(s) involved in the collision.*

*Any person(s)/party appearing in person at a police facility and requesting initial preparation of a **Police Accident Report** for a collision that does not meet the above criteria shall instead be given a copy of New York State Department of Motor Vehicles form, **Report of Motor Vehicle Accident (MV104)** to complete and submit on their own.*

*Any person(s)/party appearing in person at a police facility and requesting that a **Police Accident Report** be completed for them, where property damage to a vehicle or personal injury is involved, and the operator of one of the vehicles has fled the scene without*

ADDITIONAL DATA (continued)

reporting, will be referred to the command where the collision occurred (see P.G. 217-05, "Leaving the Scene of a Collision").

***REQUEST FOR COPY OF COLLISION RECORD** SUBMITTED BY MAIL*

*If involved party opts to file a **REQUEST FOR COPY OF COLLISION RECORD** by mail, instruct them on what valid form of identification must be included with their request in order to receive a copy of a **Police Accident Report**. Any mail request not accompanied by a photocopy of a current, valid form of photo identification, i.e., driver's license, passport, etc., and a self-addressed stamped envelope, will be returned. When the request is received along with a valid form of identification, place a copy of **Police Accident Report** in self-addressed stamped envelope and mail to requestor.*

*AMENDING A **POLICE ACCIDENT REPORT***

*A uniformed member of the service is not mandated to amend a previously completed **Police Accident Report** upon request by any person/party appearing in person at a police facility. The uniformed member may elect to do so if:*

a. In their discretion a change is warranted and

b. He/she is the officer of record.

*Absent these criteria the member can recommend that the requesting party complete **Report of Motor Vehicle Accident (MV104)** and submit to the Accident Records Bureau in Albany (address on rear of form). If a **Police Accident Report** is amended by the uniformed member of the service the caption at the top of the form, "AMENDED REPORT" must be checked.*

*REQUEST FOR **POLICE ACCIDENT REPORT** AFTER THIRTY DAYS*

*Requests for **Police Accident Reports** made after thirty days should be made directly to the New York State Department of Motor Vehicles, utilizing New York State Department of Motor Vehicles form, "**Request for Copy of Accident Report**." Person making the request will be given all information necessary to complete this form.*

RELATED PROCEDURES

Vehicle Collisions – General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Leaving the Scene of a Collision (P.G. 217-05)

FORMS AND REPORTS

REQUEST FOR COPY OF COLLISION RECORD (PD301-165)
Police Accident Report (MV104AN)
Report of Motor Vehicle Accident (MV104)

Section: Vehicle Collisions	Procedure No: 217-14

PREPARATION OF POLICE ACCIDENT REPORTS (MV 104 AN) FOR COLLISIONS OCCURRING ON HIGHWAYS, BRIDGES AND TUNNELS

DATE EFFECTIVE:	LAST REVISION:	PAGE:
05/27/21	I.O. 37	1 of 2

PURPOSE To ensure that the appropriate reference marker numerals/letters are utilized when preparing a **Police Accident Report (MV104AN)**.

PROCEDURE Upon notification or observation of a vehicle collision occurring on limited access highways, collector-distributor roadways (CDRs), entrance and exit ramps, and bridges and tunnels (Metropolitan Transportation Authority facilities, Brooklyn and Williamsburg Bridges, etc.):

UNIFORMED MEMBER OF THE SERVICE

1. Comply with *P.G. 217-01, "Vehicle Collisions - General Procedure."*
2. Locate the nearest reference marker to the collision site for collisions occurring on highways, CDRs, and ramps only.
3. Utilize and refer to the Limited Access Highway Reference Marker Listing book (maintained at each command) to determine the proper reference marker:
   a. For collisions occurring on bridges or in tunnels
      (1) The Limited Access Highway Reference Marker Listing (maintained at each command) must be used for reporting collisions occurring on bridges and in tunnels. Reference markers (if any) actually posted on bridges or in tunnels near a collision site will <u>not</u> be entered on **Police Accident Reports**.
   b. In instances where a reference marker is missing, cannot be seen due to inclement weather, etc.
4. Enter the numerals/letters taken from the reference marker near the collision site or the Limited Access Highway Reference Marker Listing book as appropriate, into the twelve box caption titled "Reference Marker" on the **Police Accident Report** (see "ADDITIONAL DATA").

COMMAND CLERICAL STAFF MEMBER

5. Record collision into the On-Line Accident Index.
6. Enter reference marker numerals/letters on the "ADD ACCIDENT" screen in the caption titled "IF HIGHWAY OR BRIDGE, ENTER REFERENCE MARKER".

TRAFFIC SAFETY OFFICER

7. Review all **Police Accident Reports** for completeness and accuracy.
8. Ensure "Reference Marker" caption is completed when required.
9. Update On-Line Accident Index.

ADDITIONAL DATA

*INCLUSION OF REFERENCE MARKER ON **POLICE ACCIDENT REPORT***

The 9 inch x 8 inch green-colored Reference Marker depicted below is located every one-tenth of a mile on limited access highways, collector-distributor roadways, and entrance and exit ramps:

9	0	7	N
B	5	C	1
4	C	0	3

*Twelve box "Reference Marker" caption as seen on **Police Accident Report**:*

Reference Marker	Coordinates *(if available)*	**Place Where Accident Occurred:** ☐ BRONX ☐ KINGS ☐ NEW YORK ☐ QUEENS ☐ RICHMOND
	Latitude/Northing:	Road on which accident occurred_____ (Route Number or Street Name)
	Longitude/Easting:	at 1) intersecting street _____ (Route Number or Street Name)
		or 2) ____ ____ ☐N ☐S ☐E ☐W of _____ Feet Miles (Milepost, Nearest Intersecting Route Number or Street Name)
Accident Description/Officer's Notes		

RELATED PROCEDURES

Vehicle Collisions - General Procedure (P.G. 217-01)

FORMS AND REPORTS

Police Accident Report (MV104AN)

PURPOSE To provide a means to more effectively and clearly document Department vehicle collisions and provide the Personnel Safety Desk and Traffic Stat with data in an expeditious manner.

SCOPE Traffic Safety Officers will be able to enter data from any Intranet-capable terminal within their command. All of the information necessary to complete the data entry can be found on the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE (PD301-153)** and the **Police Accident Report (MV-104AN)**.

PROCEDURE When a collision occurs involving a vehicle owned, leased, or rented by the Department, the Traffic Safety Officer in the precinct of occurrence will enter all pertinent information into the database as follows:

PRECINCT TRAFFIC SAFETY OFFICER

1. Obtain copies of reports relating to all Department vehicle collisions occurring within the geographical confines of the precinct.

NOTE *It is the responsibility of the Traffic Safety Officer to obtain copies of reports involving members of the service not assigned to the precinct of occurrence as well as all reports involving rented and leased vehicles as set forth in P.G. 217-06, "Department Vehicle Collisions."*

2. Login to the Department's Intranet "Department Vehicle Accident Database."
3. Enter all data from Parts "A" and "B" of the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE** and data from the **Police Accident Report** within seventy-two hours of the collision, without waiting for final agency determination.
4. Coordinate efforts with Commanding Officer to obtain agency final determination within thirty days of the collision.
5. Enter data from Part "C" of the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE** including agency final determination into database within thirty days of the collision.

DESK OFFICER PRECINCT OF OCCURRENCE

6. Fax all reports prepared regarding Department vehicle collisions to the Personnel Safety Desk, as indicated in *P.G. 217-06, "Department Vehicle Collisions."*

PRECINCT COMMANDER

7. Ensure that the endorsed copies of all reports are forwarded to the Personnel Safety Desk, Patrol Borough concerned and placed in the member's personal folder, as indicated in *P.G. 217-06, "Department Vehicle Collisions."*

NOTE *In addition to the steps outlined in this procedure, members of the service will continue to comply with the procedures required for Department Vehicle Collisions as set forth in P.G. 217-06, "Department Vehicle Collisions." All questions concerning the Police Department Vehicle Data Entry System may be directed to the Personnel Safety Desk, during normal business hours.*

ADDITIONAL DATA *All information captured on the* ***COLLISION REPORT – POLICE DEPARTMENT VEHICLE*** *will be entered into the Intranet Database, as well as the following data from the* ***Police Accident Report****.*

1. *Pedestrian/Bicyclist/Location*
2. *Pedestrian/Bicyclist/Action*
3. *Traffic Control*
4. *Light Conditions*
5. *Roadway Character*
6. *Weather*
7. *Apparent Contributing Factors*
8. *Direction of Vehicle*
9. *Pre-accident Vehicle Action*
10. *Location of First Event*
11. *Type of Accident-Collision with:*
12. *Collision Type:*

If a question DOES NOT APPLY, a dash (-) will be entered in the database.
If an answer is UNKNOWN, an (X) will be entered in the database.

RELATED PROCEDURES *Department Vehicle Collisions (P.G. 217-06)*

FORMS AND REPORTS ***Police Accident Report (MV-104AN)***
COLLISION REPORT – POLICE DEPARTMENT VEHICLE (PD301-153)

PURPOSE To apply for a chemical test warrant.

DEFINITION CHEMICAL TEST WARRANT – A Court Order and process directing medical personnel to draw blood from a person suspected of driving while under the influence of alcohol or drugs while causing serious physical injury or death to another individual, in order to determine the alcoholic or drug content of the person's blood. A chemical test warrant will be applied for if a prisoner, arrested for Driving While Intoxicated involving a vehicle collision resulting in serious physical injury or death to another individual, has refused to submit to a chemical test or is unconscious and has been under arrest for more than two hours without being subjected to a chemical test.

PROCEDURE When a uniformed member of the service has reasonable cause to believe that a person, suspected of operating a vehicle while under the influence of alcohol or drugs, is involved in a collision resulting in serious physical injury or death to another individual, and has refused to submit to a chemical test, or is unconscious and has been under arrest for more than two hours without having been subjected to a chemical test:

PATROL SUPERVISOR

1. Request Communications Section dispatcher to dispatch Highway District personnel to designated testing location or hospital, as appropriate.

DESK OFFICER, PRECINCT OF ARREST

2. Contact Operations Unit and request a notification be made to District Attorney's Office.
3. Provide Operations Unit member with the following:
   a. Arresting officer's name, tax registry number, shield number and command
   b. Prisoner's pedigree information
   c. Desk telephone number of designated testing location.
4. Make Telephone Record entry regarding notification.

OPERATIONS UNIT MEMBER

5. Notify appropriate District Attorney's Office.
6. Provide assistant district attorney with the following:
   a. Arresting officer's name, tax registry number, shield number, and command
   b. Desk telephone number of designated testing location
   c. Prisoner's pedigree information.
7. Notify desk officer, precinct of arrest and provide assistant district attorney's name and telephone number.

ARRESTING OFFICER

8. Notify desk officer, precinct of arrest, if one hour has passed and assistant district attorney has not initiated contact at designated testing location.

DESK OFFICER, PRECINCT OF ARREST

9. Contact assistant district attorney supervisor and Operations Unit, if one hour has passed and assistant district attorney has not conferred with arresting officer.
   a. Record phone call attempt(s) in Telephone Record
   b. Contact assistant district attorney supervisor every thirty minutes thereafter until assistant district attorney has been contacted.

ARRESTING OFFICER

10. Inform assistant district attorney of details of arrest.
11. Comply with instructions of assistant district attorney regarding arrest process.
12. Complete all necessary arrest paperwork, as per *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury"* and *P.G. 208-40, "Intoxicated or Impaired Driver Arrest."*
13. Complete **CHEMICAL TEST WARRANT APPLICATION (PD374-041)**.

NOTE

To apply for a chemical test warrant, the member of the service concerned must be able to articulate to the assistant district attorney and to the judge that he/she has reasonable cause to believe the defendant:

a. Operated a vehicle and during said operation,
b. Killed or caused a serious physical injury to another individual,
c. Was intoxicated or impaired by alcohol or drugs,
d. Is under arrest, and
e. Has refused a chemical test, or is unconscious and has been under arrest for <u>more</u> than two hours without having been subjected to a chemical test.

Members of the service are reminded that if an operator suffers a serious physical injury and <u>no other person</u> suffers a serious physical injury or death, a chemical test warrant can not be applied for that operator.

I.D.T.U. TECHNICIAN

14. Respond to designated testing location or hospital, as appropriate.
15. Prepare and sign **Report of Refusal to Submit to Chemical Test (NYSDMV AA-134)**, when applicable.
    a. Have arresting officer sign **Report of Refusal to Submit to Chemical Test**.
16. Distribute copies of **Report of Refusal to Submit to Chemical Test** as indicated on form.
    a. Arresting officer must bring two copies for the assistant district attorney when the complaint is drawn.

NOTE

*If prisoner refuses to submit to chemical test or any portion thereof, maintain the initial charge for which the prisoner was arrested unless new evidence warrants a change in charge. The arresting officer must be able to articulate circumstances which led to original charge of Intoxicated or Impaired Driving (e.g., witnessed prisoner operating vehicle, slurred speech, odor of alcohol on breath, etc.). After arraignment, the court will forward to the arresting officer a **NOTICE OF SUSPENSION** and/or **NOTICE OF HEARING** form with instructions to appear at a designated date, time and place for a hearing, which will be within fifteen days of the arraignment. Roll call personnel will schedule the arresting officer accordingly.*

17. Supply arresting officer with <u>chemical test evidence kit</u>.

UPON APPROVAL OF CHEMICAL TEST WARRANT APPLICATION

DESK OFFICER, TESTING LOCATION

18. Provide transportation for arresting officer and prisoner to designated hospital for administration of chemical test.
19. Make Command Log entry consisting of the following:
    a. Arresting officer name and shield
    b. Prisoner's pedigree information
    c. Department auto number of the vehicle used for transport
    d. Time of transport.

ARRESTING OFFICER

20. Upon arrival, inform and submit chemical test warrant and chemical test evidence kit to hospital personnel.
21. Notify assistant district attorney and Operations Unit, if hospital personnel do not comply with chemical test warrant.
22. Comply with instructions of assistant district attorney.
23. Comply with *P.G. 218-49, "Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME),"* upon receiving chemical test evidence kit.

DESK OFFICER, TESTING LOCATION

24. Ensure prisoner is transported to borough court section facility or designated testing location to complete arrest processing, as appropriate.

IF CHEMICAL TEST WARRANT APPLICATION IS DENIED

ARRESTING OFFICER

25. Inform desk officer of testing location of **CHEMICAL TEST WARRANT APPLICATION** denial.
26. Comply with assistant district attorney instructions regarding continuation of arrest processing.

DESK OFFICER, TESTING LOCATION

27. Make Command Log entry regarding chemical test warrant application denial.
28. Ensure prisoner is transported to borough court section facility.

ADDITIONAL DATA

If prisoner has been removed from the scene of incident to the hospital and is unconscious, the arresting officer will request the Communications Section dispatcher to dispatch Highway District personnel to respond to the hospital and deliver the chemical test evidence kit. Any chemical samples taken by hospital personnel will be witnessed, sealed, and marked by Highway District personnel and delivered to the Police Laboratory by the arresting officer to ensure chain of custody. Members are reminded that if more than two hours have elapsed since arrest, and the unconscious prisoner has not been subjected to a chemical test, a chemical test warrant must be obtained.

Members of the service are reminded that the Legal Bureau is available for assistance and guidance regarding the application for a chemical test warrant, Monday through Friday, 0700 to 2300 hours. After hours, members may contact the Operations Unit for a notification to a Department Attorney.

RELATED PROCEDURES	*Intoxicated or Impaired Driver Arrest (P.G. 208-40)* *Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)* *Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME) (P.G. 218-49)*
FORMS AND REPORTS	***CHEMICAL TEST WARRANT APPLICATION (PD374-041)*** ***Report of Refusal to Submit to Chemical Test (NYSDMV AA-134)***

NYPD

APPENDIX "A"

(SAMPLE COURT ORDERED CHEMICAL TEST WARRANT)

[CRIMINAL OR SUPREME] COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK
TO ANY POLICE OFFICER IN THE CITY OF NEW YORK

Proof by affidavit having been made this day before me by Officer [NAME], Shield # [NUMBER], of [COMMAND and DEPARTMENT] (i) that there is reasonable cause to believe that [NAME OF DEFENDANT] blood contains evidence of drug or alcohol use, in violation of Vehicle and Traffic Law 1192

YOU ARE THEREFORE COMMANDED, at any hour of the day or night, to compel the defendant to submit to a chemical test pursuant to Vehicle and Traffic Law Section 1194(3); and that it is further

ORDERED that a person authorized, pursuant to § 1194 of the V.T.L. withdraw a sufficient amount of blood from the defendant, for the purpose of conducting a chemical test of the alcohol or drug content of that blood; and it is further

ORDERED that the testing be conducted on the defendant's blood sample for the purpose of determining the presence of drugs or alcohol; and it is further

ORDERED that the defendant shall submit to the withdrawal of blood sufficient for a chemical test of the alcohol or drug content of his/her blood and that any reasonable degree of force necessary to effect this order may be used; and it is further

ORDERED that the property seized may be maintained in the care and custody of the New York City Police Department and or its agents, including the Office of the Chief Medical Examiner.

_____
Judge of the Criminal/Supreme Court

Dated: _____

PURPOSE To record bicycle only and bicycle/pedestrian collisions not involving a motor vehicle.

DEFINITIONS BICYCLE – Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

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

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

E-SCOOTER (ELECTRIC SCOOTER) – Every device weighing less than one hundred pounds that may have handlebars, has a floorboard that can be stood upon by the operator, and an electric motor; can be powered by the electric motor and/or human power; and has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor.

NOTE *For the purposes of this procedure "E-Bike" and "E-Scooter" collisions are to be treated in the same manner as bicycle collisions, in accordance with the provisions contained in this procedure.*

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

NOTE *For the purposes of this procedure, "Motorized Scooter" collisions are to be treated in the same manner as vehicle collisions, and the provisions of P.G. 217-01, "Vehicle Collisions – General Procedure," are to be complied with.*

CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

PROCEDURE When a collision involving a bicycle only or a bicycle and pedestrian occurs:

UNIFORMED MEMBER OF THE SERVICE

1. Render reasonable aid to injured person.
   a. Request an ambulance, if necessary.
2. Request patrol supervisor to respond if collision resulted in death, serious injury and likely to die, or critical injury to an individual.

NOTE *When responding to a collision between a pedestrian or bicyclist and a motor vehicle where the pedestrian or bicyclist was attempting to lawfully cross a street and the motor vehicle operator failed to exercise due care, the member of the service concerned should contemplate taking enforcement action under New York City Administrative Code Section 19-190 as described in P.G. 217-18, "Vehicle Collision – Pedestrian/Bicyclist Right of Way Law."*

PATROL SUPERVISOR

3. Ensure compliance with *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury,"* if collision resulted in death, serious injury and likely to die, or critical injury to an individual.

UNIFORMED MEMBER OF THE SERVICE

4. Prepare **Police Accident Report (MV104AN)** utilizing the Finest Online Records Management System (FORMS), or if unavailable, a handwritten copy.
   a. Write "NO VEHICLE" on the top of **Police Accident Report**, if handwritten copy is prepared.
   b. Enter information concerning operator of bicycle in section captioned "Vehicle 1."
      (1) Enter the name and address of the bicycle rental company in the applicable registration information captions, if a rental bicycle is involved.
   c. Enter "BIKE" for bicycle or "PCAB" for pedicabs, in "Vehicle Type" caption.
      (1) If handwritten **Police Accident Report** is prepared, include pedicab involvement in "Details" section of **Police Accident Report**.
   d. Ensure "E-Bike (with pedals)," "E-Bike (without pedals)," or "E-Scooter (standing)" category is checked in "Vehicles" section of **Police Accident Report**, whenever an E-Bike/E-Scooter is involved.
      (1) If handwritten **Police Accident Report** is prepared, include E-Bike/E-Scooter involvement in "Details" section of **Police Accident Report**.
   e. Enter information of additional party involved (e.g., bicyclist, pedestrian, pedicab, etc.).
      (1) Enter pedicab Department of Consumer and Worker Protection License number in "Driver License ID Number" caption on **Police Accident Report**, if applicable.

UNIFORMED MEMBER OF THE SERVICE (continued)

(2) Enter pedicab registration number in "Plate Number" caption on **Police Accident Report**, if applicable.

f. Enter injured person(s) information (e.g., bicyclist[s], pedestrian[s], pedicab[s], etc.) in the "ALL INVOLVED" section of the **Police Accident Report**, boxes "A through F."

g. Draw a straight line through every unused box in the "ALL INVOLVED" section and initial it, if handwritten copy is prepared.

h. Enter name and address of injured person(s) in Section "A" on reverse side of **Police Accident Report** under caption "Persons Killed or Injured in Accident."

5. Comply with *Patrol Guide 216-03, "Unidentified Persons,"* if person injured is unidentified.

6. Check box captioned "Other City Agency," under section entitled, "Duplicate Copy Required For" on rear of **Police Accident Report**, if necessary, and enter:

a. MISSING PERSONS SQUAD (MEDICAL EXAMINER'S LIAISON UNIT) - If person killed as a result of a bicycle collision NOT involving a motor vehicle.

b. HIGHWAY DISTRICT COLLISION INVESTIGATION SQUAD - If person killed, seriously injured and likely to die, or critically injured as a result of a bicycle collision NOT involving a motor vehicle.

c. DEPARTMENT OF CONSUMER AND WORKER PROTECTION - If pedicab licensed by Department of Consumer and Worker Protection is involved in a collision.

7. Sign completed **Police Accident Report** and deliver to desk officer, if handwritten copy is prepared.

C.O./DUTY CAPTAIN/PDS/ HIGHWAY DISTRICT MEMBERS CONCERNED

8. Comply with *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury,"* as applicable, if notified to respond by patrol supervisor pursuant to a bicycle collision resulting in death, a serious injury and likely to die, or critical injury to an individual.

COMMAND CLERK

9. Notify relatives/friends if person injured is admitted to hospital.

10. Make required entries in FORMS for **Police Accident Reports** prepared during the tour.

a. The Accident Number will include the prefix "NV" indicating no vehicle was involved.

DESK OFFICER

11. Review and sign all handwritten copies and electronically sign-off on all digital copies of **Police Accident Reports** for collisions occurring in the command, and ensure required entries are made in FORMS on each tour.

a. Ensure any deficiencies on **Police Accident Reports** are amended by the reporting officer during the tour.

12. Comply with *P.G. 216-03, "Unidentified Persons,"* if person injured is

unidentified.

TRAFFIC SAFETY OFFICER/ DESIGNEE

13. Review all **Police Accident Reports** (both handwritten and entered directly into FORMS).
    a. In absence of traffic safety officer, a uniformed member of the service authorized by the commanding officer, will review **Police Accident Reports**.
14. Inform training sergeant of any deficiencies found in either handwritten or electronically submitted **Police Accident Reports**.
15. After reviewing handwritten copies of **Police Accident Reports**:
    a. Ensure barcode coversheet is generated via FORMS, and
    b. Ensure completed handwritten forms are scanned and electronically attached to digital entry by command clerk.

TRAFFIC SAFETY SERGEANT

16. Monitor and review all **Police Accident Reports**.

TRAFFIC SAFETY OFFICER

17. Forward copies marked "Duplicate Copies For" to appropriate unit/agency.

ADDITIONAL DATA

*Uniformed members of the service will utilize an additional **Police Accident Report**, if necessary, to document further information (e.g., multiple injured persons/bicyclists, collision description/officer notes, etc.). Members will ensure that the caption "Page _ of _ Pages" located in the upper left corner of the **Police Accident Report** is properly completed.*

*Pending arrival of an ambulance, the uniformed member should allow a sick/injured person to be treated by a doctor, emergency medical technician or paramedic, if person volunteers his/her services, AND the uniformed member reasonably believes the volunteer is a professional. The medical attention should take place, if possible, under the observation of the member concerned. When the emergency situation is under control, request identification from volunteer, including name and address, and record information in digital **Activity Log** and under "Details" in **Police Accident Report**. The volunteer's role is limited to providing medical assistance ONLY. Determination regarding removal procedures via ambulance, Medevac, etc., will be determined by Emergency Medical Service personnel.*

RELATED PROCEDURES

Vehicle Collisions – General Procedure (P.G. 217-01)
Unidentified Persons (P.G. 216-03)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)

FORMS AND REPORTS

Police Accident Report (MV104AN)

PURPOSE To record and investigate vehicular collisions involving pedestrians/bicyclists to determine if a motorist violated New York City Administrative Code Section 19-190(b), by failing to yield to a pedestrian/bicyclist who has the right of way and causing physical injury to said person, or to issue a summons when a motorist fails to yield the right of way to a pedestrian/bicyclist who has the right of way but no collision occurred.

PROCEDURE Upon notification or observation of a collision between a motor vehicle and pedestrian/bicyclist, or a motorist fails to yield the right of way to a pedestrian /bicyclist who has the right of way but no collision occurred:

MOTORIST FAILED TO YIELD RIGHT OF WAY TO PEDESTRIAN /BICYCLIST NO PHYSICAL INJURY HAS OCCURRED

UNIFORMED MEMBER OF THE SERVICE

1. Issue a Traffic Violations Bureau (TVB) summons returnable to TVB for a violation of the appropriate New York City Traffic Rule or New York State Vehicle and Traffic Law, when:
   a. Probable cause is established that the motorist failed to yield the right of way to pedestrian/bicyclist; AND
   b. No physical injury occurred; AND
   c. Offense occurred in officer's presence.

NOTE *If a situation exists as described in step "1(a)" and "1(b)" BUT the responding officer did not personally observe the incident, the officer may still issue a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) if he/she has been informed of the violation by a reliable complainant or witness. The issuing officer must then be guided by "LEGAL CONSIDERATIONS" under the "ADDITIONAL DATA" statement in this procedure.*

2. See examples of New York City Traffic Rules 4-03(a)(1)(i) and 4-04(b)(1) which may apply under "LEGAL CONSIDERATIONS" opposite the "ADDITIONAL DATA" statement below.
3. Describe details of the offense in the space provided on the front page of the Traffic Violations Bureau summons in the caption entitled "Description/Narrative," for example: "A/O observed respondent drive in crosswalk forcing pedestrian to stop to avoid vehicle."

NOTE *In cases where a responding officer did not personally observe an incident wherein a motorist failed to yield the right of way but NO collision resulted, probable cause to issue a Civil Summons Returnable to OATH, for a violation of Administrative Code Section 19-190(a), may be established based on the statement of a witness. Be guided by Patrol Guide 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses."*

COLLISION BETWEEN PEDESTRIAN/BICYCLIST PHYSICAL INJURY HAS OCCURRED

UNIFORMED MEMBER OF THE SERVICE

4. Park radio motor patrol car behind vehicle involved so that traffic will not be impeded.
5. Ascertain if there are any injuries and request ambulance if needed.
   a. Place **IDENTIFICATION TAG (PD317-091)** on aided if unconscious and removed to hospital.
6. Divert traffic, if necessary.
   a. Use traffic cones and turret lights whenever available.
7. Obtain motorist driver's license, vehicle registration, and insurance identification card.
   a. Record required information and return credentials to motorist.
8. Determine if the pedestrian/bicyclist had the right of way at time of collision.
   a. Be guided by "OPERATIONAL CONSIDERATIONS" opposite the "ADDITIONAL DATA" statement below.
9. Determine if a violation of Administrative Code Section 19-190(b) has occurred through interview, inquiry, observation, and review of:
   a. Motorist
   b. Pedestrian/bicyclist
   c. Witnesses
   d. Condition of vehicle and pedestrian/bicyclist
   e. Particulars of collision scene
   f. Any other related evidence and document in the Details section of the **Police Accident Report (MV104AN)**.
10. Issue a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) to the motorist when probable cause is established that the motorist violated Administrative Code Section 19-190(b).
    a. Note: No violation has occurred if the collision/injury is not the result of the driver's failure to exercise due care. Due care is that which is exercised by reasonably prudent drivers.
    b. If the violation was not personally observed, be guided by "LEGAL CONSIDERATIONS" under "ADDITIONAL DATA" statement.
11. Follow the instructions provided in *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses"* and complete OATH Code and penalties in accordance with **COMMON OFFENSES RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) (PD160-013)**.

NOTE

When there is a collision between a vehicle and a pedestrian/bicyclist due to a serious traffic violation, as defined in P.G. 217-01, "Vehicle Collisions - General Procedure," and serious physical injury has occurred, administer a Preliminary Breath Test (PBT) (unless operator is removed from the scene for immediate medical

NOTE (continued) *attention), if qualified to do so. If not qualified, request assistance from another uniformed member of the service qualified to administer the PBT, and be guided by P.G. 217-01, "Vehicle Collisions – General Procedure."*

COLLISION BETWEEN PEDESTRIAN/BICYCLIST DEATH, SERIOUS INJURY AND LIKELY TO DIE OR CRITICAL INJURY HAS OCCURRED

UNIFORMED MEMBER OF THE SERVICE

12. Request patrol supervisor to respond to scene, if death, serious injury and likely to die, or critical injury has occurred.

PATROL SUPERVISOR

13. Respond to collision scene and be guided by *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury,"* if required.

HIGHWAY DISTRICT, COLLISION INVESTIGATION SQUAD MEMBER

14. Process vehicle collisions involving a pedestrian/bicyclist which result in death, serious injury and likely to die, or critical injury as described in *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury."*
15. Upon conferral with and authorization by Collision Investigation Squad supervisor, an arrest may be effected for Administrative Code Section 19-190(b), if investigation reveals circumstances warrant such action.
    a. A **DESK APPEARANCE TICKET** may be issued, if the motorist qualifies.

IN ALL CASES

UNIFORMED MEMBER OF THE SERVICE

16. Request patrol supervisor to respond to scene, if a member of the service, on or off duty, within the five boroughs of New York City, in a Department or personal vehicle, struck a pedestrian/bicyclist causing any physical injury and is in violation of Administrative Code Section 19-190(b).

PATROL SUPERVISOR

17. Immediately notify the Internal Affairs Bureau Command Center at [redacted], upon determining that a member of the service, on or off duty, within the five boroughs of New York City, in a Department or personal vehicle, struck a pedestrian/bicyclist causing any physical injury and is in violation of Administrative Code Section 19-190(b).
    a. Enter Internal Affairs Bureau log number in digital **Activity Log** and Command Log.

DESK OFFICER

18. Make notifications to Operations Unit, appropriate Department units and/or other agencies as described in *P.G. 208-69, "Notifications in Certain Arrest Situations,"* if applicable.

ADDITIONAL *LEGAL CONSIDERATIONS*

DATA

There may be circumstances where a uniformed member of the service does NOT personally observe a collision involving a motorist and a pedestrian/bicyclist which results in a physical injury. In such circumstances, uniformed members may develop probable cause by interviewing witnesses.

In cases where a responding officer did not personally observe an incident, probable cause to issue a Civil Summons Returnable to OATH may be established based on the statement of a witness. In the "Details of Charge(s)" section of the summons, the issuing officer should indicate, for example, that he/she was "informed by John Smith, whose contact information is known to the NYPD, that he observed..." The officer must also complete the "Statement of Witness" section on the reverse side of the white (OATH) copy of the summons by requesting that the witness sign his/her name to indicate that he/she witnessed the commission of the offense and that the details entered on the summons accurately reflect that observation. If the witness refuses to provide identifying information and/or to sign the "Statement of Witness," the issuing officer must write "REFUSED" in the caption provided for the witness signature. All information regarding the summons, including the witness's contact information, if provided, must be documented in the officer's digital ***Activity Log****.*

Uniformed members of the service are reminded that even though personal observation is not required to establish probable cause for a Civil Summons Returnable to OATH, personal observation is required to establish probable cause for a Criminal Court summons and other summonses. A Civil Summons Returnable to OATH is returnable to an administrative court that may only impose civil fines. Generally, hearsay is not precluded in administrative courts.

New York City Traffic Rule 4-03(a)(1)(i) – When a motorist at an intersection has a green light and a pedestrian crosses directly in front of the motorist, Traffic Rule 4-03(a)(1)(i) does not apply because the pedestrian was not lawfully in the cross walk. However, if the motorist were to turn left or right while the pedestrian crossing signal indicates crossing is permitted, a motorist who does not yield to a pedestrian crossing in the crosswalk will have violated Traffic Rule 4-03(a)(1)(i).

New York City Traffic Rule 4-04(b)(1) – When traffic control signals or pedestrian control signals are not in place or not in operation, any operator of a vehicle or operator of a bicycle must stop for a pedestrian crossing a roadway within a crosswalk. Such operators of vehicles and operators of bicycles in any lane of travel must stop and remain stopped for a pedestrian in crosswalk until such pedestrian crosses a roadway. However, if a pedestrian suddenly leaves the curb or other place of safety and walks or runs into the path of a vehicle which is so close that it is impossible for the motorist to yield Traffic Rule 4-04(b)(1) does not apply.

OPERATIONAL CONSIDERATIONS

Determine if the pedestrian/bicyclist had the right of way at the time of the incident. When pedestrian signals are present, pedestrians must adhere to the following guidelines, according to Administrative Code Section 19-195:

ADDITIONAL DATA (continued)

a. "Steady walking person": Pedestrians facing this signal may proceed across the roadway in the direction of the signal, and other traffic shall yield the right of way to crossing pedestrians.

b. "Flashing upraised hand or flashing upraised hand with pedestrian countdown display": Pedestrians facing either of these signals are advised that there may be insufficient time to cross the roadway. Pedestrians already in the roadway shall proceed to the nearest sidewalk or safety island in the direction of the signal. Other traffic shall yield the right of way to pedestrians proceeding across the roadway within the crosswalk toward the signal while the signal remains flashing.

c. *"Steady upraised hand": No pedestrians shall start to cross the roadway in the direction of this signal; however any pedestrians who are already crossing the roadway while this signal is displayed shall proceed to the nearest sidewalk or safety island in the direction of the signal while the steady upraised hand signal is showing.*

When there are no pedestrian traffic signals present, pedestrians and drivers must adhere to the following:

a. Operators to stop for pedestrians in crosswalk. When traffic control signals or pedestrian control signals are not in place or not in operation, the operator of a vehicle or bicycle in any lane of traffic must stop and remain stopped for a pedestrian in a crosswalk until the pedestrian crosses the roadway.

When determining if a violation of Administrative Code 19-190(b) has occurred, uniformed members of the service should take all contributing factors into consideration, including:

a. Location where the pedestrian was crossing (at the corner or midblock)

b. Whether the bicyclist was in a marked bicycle lane, if available

c. The speed of the vehicle

d. The presence of traffic control devices

e. Whether the motorist was using a cellular phone or other electronic device

f. Obstructions blocking the motorist's view (a motorist who has an obstructed view must use greater care to avoid pedestrians/bicyclists).

RELATED PROCEDURES

Vehicle Collisions - General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Department Vehicle Collisions (P.G. 217-06)
Notifications in Certain Arrest Situations (P.G. 208-69)
Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)

FORMS AND REPORTS

IDENTIFICATION TAG (PD317-091)
COMPLAIN REPORT WORKSHEET (PD313-152A)
DESK APPEARANCE TICKET
Police Accident Report (MV104AN)